

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
SW side of King Avenue; 337 feet NW of	*	DEPUTY ZONING
Franklin Square Drive		
14 th Election District	*	COMMISSIONER
6 th Councilmanic District		
(King Avenue)	*	FOR BALTIMORE COUNTY
 Signal Corp.		
<i>Petitioner</i>	*	Case No. 2010-0053-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Joe Maranto, Authorized Representative, on behalf of the legal property owner, Cignal Corp. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- To confirm that the building height of the proposed Class B Office Building is in accordance with Sections 207.4 and 206.4.C.6 of the B.C.Z.R.; and
- To confirm that the Hearing Officer finds the Development Plan is approved and the buildings and the site proposed herein conform to that Development Plan in accordance with Section 208.1 of the B.C.Z.R.; and
- For a waiver to permit construction of a parking facility in a riverine floodplain pursuant to Section 500.6 of the B.C.Z.R. and Sections 3112.00 and 3112.2 of the Baltimore County Building Code, and Sections 32-4-107, 32-4-404, 32-4-414, and 32-8-301 of the Baltimore County Code (B.C.C.) which (a) will result in no adverse off-site impact to adjoining properties and (b) will not result in flow depth increase of greater than half of a foot.

Petitioner is also requesting Variance relief from Section 206.4.C.1, as referenced by Section 207.4 of the B.C.Z.R., to permit Class B Office Building setbacks of 91 feet for proposed Building A and 106 feet for proposed Building B in lieu of the required setbacks of 108 feet and 108 feet, respectively, (two times the height of the buildings – 54 feet). The subject property and

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requested relief are more fully described on the revised site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of Petitioner Cignal Corp. were Lawrence E. Schmidt, Esquire and Jason T. Vettori, Esquire, attorneys for Petitioner. Also appearing in support of the requested relief were Matthew Sichel and Nicole Formoso with KCI Technologies, Inc., the engineers who prepared the original site plan that was filed with the Petitions and the revised site plan that was accepted into evidence at the hearing. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence proceeded by way of a proffer from Mr. Schmidt and Mr. Vettori, and testimony from Petitioner's Engineer, Mr. Sichel, and revealed that the subject property is irregular-shaped and contains approximately 8.87 acres zoned O-3, which is an office park designation that permits high intensity office uses. While it can best be characterized as a corner lot with frontage on King Avenue and Franklin Square Drive, there is a notched cut-out at the corner, as Petitioner does not own the properties abutting the confluence of those two public roads. Presently, the property is unimproved. As illustrated on the revised site plan, Petitioner is proposing to construct two four-story medical office buildings. Building A is to be located at the southwestern corner of the property. Building B is to be located at the eastern/southeastern corner of the property.

Mr. Sichel testified and was offered and accepted as an expert in engineering, site design, and interpretation of the Zoning Regulations. He indicated that the location and orientation of Buildings A and B and the parking facility are a result of, among other factors, the unique shape of the property. He further testified that the property is unique as a result of its topography and the existence of environmental features, including the 100 year floodplain and a forest buffer

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generated from same. He also noted that the amount of frontage on the public roads is limited. These unique features squeeze the buildable area of the site. In addition, he testified that the property was an issue during the recent 2008 Comprehensive Zoning Map Process (CZMP) where the property was rezoned from D.R.5.5 to the present O-3, which evidences the intent of the County Council to have office/high intensity use at the subject site.

The O-3 Zone, as set forth in Section 207.2 of the B.C.Z.R., was established to provide for office park development, with the intent that no residential uses be permitted, particularly in areas where residential and office uses are incompatible with one another. The subject property appears to have been zoned to O-3 in 2008 for the express purpose of permitting an office park type of development. After filing the Development Plan, the Petitions for Special Hearing and Variance were filed. The use regulations and performance standards in O-3 Zones are the same as those which are applied in the OR-2 Zone, as set forth in Sections 207.3 and 207.4 of the B.C.Z.R., respectively.

Following proper public notice, this matter was originally scheduled for hearing on October 13, 2009. At the conclusion of this hearing, it was continued at the request of Petitioner's attorney until such time as the Department of Public Works ("DPW") had the opportunity to review and provide a recommendation on the waiver request as to the floodplain. The continued hearing was scheduled for November 13, 2009 and was also posted with proper public notice.

As previously indicated, the subject property was rezoned from D.R.5.5 to O-3 in the 2008 CZMP (Issue No. 6-029). Following the rezoning, a Development Plan was filed. The Development Review Committee ("DRC") met on September 29, 2008 and determined that the proposed development met the requirements of a limited exemption under Section 32-4-

106(b)(8) of the B.C.C. A copy of the DRC's October 20, 2008 letter indicating same was marked and accepted into evidence as Petitioner's Exhibit 5. The proposed Floor Area Ratio (FAR) of 0.35 is less than the maximum allowable FAR of 0.50. The cumulative total of amenity open space, provided in four separate areas, is approximately 3.11 acres, which exceeds the requirement of 1.94 acres. Similarly, the parking provided exceeds the parking required (despite the elimination of 17 spaces, at the request of the adjacent property owner, RTP, LLC, in order to add additional landscaping where the variance from Building B to the adjoining property line is being sought). All of these factors support a finding that the proposed development is not overly intensive and consistent with requirements of this office park Zone.

Petitioner's request for special hearing essentially encompasses three items of relief. First, Petitioner requests confirmation that the maximum height of the proposed Class B office buildings is in accordance with Sections 207.4 and 206.4.C.6 of the B.C.Z.R. (Section 207.4 subjects the proposed development to the performance standards of Section 206.4). Testimony and evidence was presented, through its 2008 rezoning, that suggests the County Council contemplated the site being used for an office park development where the building height would be limited by the maximum FAR of 0.50. As previously noted, the proposed office buildings are in compliance with the applicable FAR limitation and are located in the lowest developable portion of the property.

Second, Petitioner requests confirmation of the fact that the buildings and the site as set forth in the revised site plan and the Development Plan must be built in accordance with these plans by the Hearing Officer. Section 208.1 provides that no office building may be constructed or altered unless the building and its site conform to a plan approved by the Hearing Officer as provided in Article 32, Title 4 of the B.C.C. Section 32-4-101(v) of the B.C.C. defines Hearing

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Officer as "the Zoning Commissioner or Deputy Zoning Commissioner." Petitioner has asked that I grant relief under the Petition for Special Hearing to ensure the buildings to be constructed will conform to this plan and the Development Plan. Petitioner has appropriately requested zoning relief prior to the filing of its Development Plan for approval by the County. Petitioner has also requested that I ensure the buildings and the site will be developed in accordance with the plans.

Third, Petitioner is seeking permission to construct a parking facility, a portion of which lies in a riverine floodplain. Before this Hearing Officer/Deputy Zoning Commissioner can approve a waiver in a riverine floodplain under Section 32-8-301 of the B.C.C., certain findings must be made pursuant to Section 32-8-303 of the B.C.C., including a showing of good and sufficient cause, exceptional hardship, and a determination that the granting of a waiver will not increase flood heights, impact public safety, encourage extraordinary public expense, create nuisances, cause fraud or victimization of the public, conflict with existing local and state laws and ordinances, and will be the minimum necessary, considering the flood hazard, to afford relief. Furthermore, in considering a waiver action, comments from the State coordinating office and the County Department of Public Works shall be considered and maintained with the permit file.

Mr. Sichel offered further testimony regarding KCI's delineation of the 100 year floodplain, showing existing conditions. The existing conditions delineation was approved by the County. KCI also submitted a waiver request, based upon the proposed improvements, to the County for consideration by David Thomas of DPW, and Dennis Kennedy with the Bureau of Development Plans Review. Mr. Sichel further explained that waivers are not granted unless they: (a) will result in no adverse off-site impact to adjoining properties and (b) will not result in

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a flow depth increase of greater than half a foot. As previously indicated, the hearing was continued from October 13, 2009 because the Director of DPW had not yet made a recommendation concerning the waiver request. At the continued hearing on November 13, 2009, Petitioner presented a memorandum from Edward C. Adams, Jr., Director of DPW, to Timothy Kotroco, Director of Permits and Development Management (PDM), recommending approval of the waiver for the proposed grading in the 100 year floodplain for a driveway and parking area to serve the subject development. This DPW memorandum recommending approval of the waiver was marked and accepted into evidence as Petitioner's Exhibit 6.

Petitioner is also requesting variance relief for the setbacks from the buildings to the lot lines. Section 207.4 of the B.C.Z.R. subjects the proposed development to the performance standards of Section 206.4 of the B.C.Z.R. In particular, Section 206.4.C.1 reads as follows:

Minimum setback from any lot line other than a street line: 20 feet or equal to the height of the building, whichever is greater, except that, *from a residential or R-O Zone, the setback shall be two times the height of the building.* (emphasis added).

All of the property surrounding the subject site is zoned D.R.5.5. As such, the setbacks from the buildings to the lot lines is two times the height of the buildings. Both buildings are 54 feet. Therefore, the minimum setback is 108 feet for both buildings to the lot lines. As proposed, Building A lies 91 feet from the western lot line. Building B lies 106 feet from the eastern property line, but also lies 85 feet from the northeastern lot line as further indicated on the revised site plan. Since the original Petition requested variance relief for building B only as to the 106 foot setback, Mr. Schmidt requested at the October 13, 2009 hearing to amend the variance request to reflect the shorter setback distance of 85 feet. Since the case would be continued and rescheduled in order to resolve the waiver issue, Mr. Schmidt also offered to

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repost the property with the 85 foot setback request. In light of the above, the undersigned granted the requested amendment without objection.

Testimony also indicated that the environmental constraints delineated by the 100-year floodplain and corresponding forest buffer in the southern portion of the property significantly limit the developable area on the site. Furthermore, the plan indicates that the topography falls as much as 30 feet from the northern to the southern end of the site, with the most drastic elevation disparity occurring in the southern portion of the site. These factors drive the need for the variance requests.

Finally, Mr. Schmidt referenced a letter dated July 29, 2009 from Joyce M. Willis, Managing Partner of RTP Partnership, now known as RTP, LLC ("RTP"), the owner of the property immediately adjacent to the subject property (5245 King Avenue), expressing support for the proposal, provided a row of parking spaces closest to their common lot line are removed and replaced with additional landscape buffering. The letter was marked and accepted into evidence as Petitioner's Exhibit 3. Mr. Schmidt indicated this request has been agreed to by Petitioner and is depicted on the revised site plan, which shows a much larger landscape buffer area with the removal of the parking row, as compared with the original site plan. The landscape plan that was marked and accepted into evidence as Petitioner's Exhibit 2 also shows significant tree plantings, shrubs, and ornamental grasses in this area.

The Zoning Advisory Committee comments were received and are contained within the case file. The comment dated September 8, 2009 and received from the Office of Planning indicates the office has reviewed the special hearing and variance requests and finds them acceptable, provided certain conditions are met, which will be expounded upon further in this Order.

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After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested. As to the variance, I find that Petitioner has met the requisite burden imposed by Section 307.1 of the B.C.Z.R. for relief to be granted and that strict compliance with the regulations would cause undue hardship upon Petitioner. Office buildings are a permitted use and the failure to grant the variance would not provide the owners a reasonable use of their property. *See, Belvoire Farms v. North*, 355 Md. 259 (1999). I find that the property is unique in size, shape and topography. Moreover, in my view, the variance relief requested will not result in a detriment to the health, safety and general welfare of the surrounding locale. In fact, it is noteworthy according to Mr. Schmidt's proffer that Petitioner requested OR-2 zoning in the 2008 CZMP, but the County Council granted the change to O-3, showing a desire to support high intensity office use at the subject site, while also expressly precluding residential development by virtue of that zoning classification. It is also worth noting that the adjoining property owner most impacted by the setback variance request for Building B, the aforementioned RTP, LLC, has provided a letter of support for the proposed development.

I also find, as Deputy Zoning Commissioner/Hearing Officer in this matter, that the maximum height of the building is in accordance with Sections 207.4 and 206.4.C.6 of the B.C.Z.R. This finding is conditioned upon the Director of Planning making a compatibility recommendation under Section 32-4-402 of the B.C.C. The property was rezoned last year to the O-3 Zone -- a Zone which legislative policy dictates was established to provide for office park development. This height limitation is in addition to the FAR requirement, which further restricts the height of structures. The buildings are well below the FAR requirement and are located in the southern end of the property, which is approximately 20 feet lower than the northern end. Insofar as the second item for relief, I find that any buildings constructed must

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conform with the proposed buildings and site locations shown on the revised site plan and Development Plan.

Finally, I find that the floodplain waiver should be granted. As the Director of DPW found, a showing of good and sufficient cause, in addition to an exceptional hardship, has been made and no detrimental impacts will be created.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of December, 2009 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- To confirm that the building height of the proposed Class B Office Building is in accordance with Sections 207.4 and 206.4.C.6 of the B.C.Z.R.; and
- To confirm that the Hearing Officer finds the Development Plan is approved and the buildings and the site proposed herein conform to that Development Plan in accordance with Section 208.1 of the B.C.Z.R.; and
- For a waiver to permit construction of a parking facility in a riverine floodplain pursuant to Section 500.6 of the B.C.Z.R. and Sections 3112.00 and 3112.2 of the Baltimore County Building Code, and Sections 32-4-107, 32-4-404, 32-4-414, and 32-8-301 of the Baltimore County Code (B.C.C.) which (a) will result in no adverse off-site impact to adjoining properties and (b) will not result in flow depth increase of greater than half of a foot,

be and are hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner's Variance request from Section 206.4.C.1, as referenced by Section 207.4 of the B.C.Z.R., to permit Class B Office Building setbacks of 91 feet for proposed Building A and 85 feet for proposed Building B, in lieu of the required

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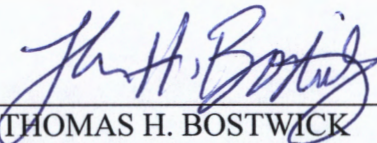
setbacks of 108 feet and 108 feet, respectively, (two times the height of the buildings – 54 feet),
be and are hereby **GRANTED**.

The relief granted herein is subject to the following conditions:

1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of 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. Prior to final approval of the Limited Exemption request, the Order of the Baltimore County Zoning case shall be placed on the development plan.
3. This project is subject to the compatibility requirements as stated in Section 32-4-402 of the Baltimore County Code.
4. Provide architectural building plans and elevations for all four sides of both of the proposed buildings including building materials and color schemes to the Office of Planning for review and approval. Show all entrances into the buildings.
5. Submit a lighting plan that is in accordance with IESNA standards in conjunction with the final landscape plan to Avery Harden, Baltimore Landscape Architect, for review and approval. Copies of both are also requested by the Office of Planning for review and approval.
6. The proposed landscape plan shall comply with the requirements of the Baltimore County Landscape Manual.
7. Provide details of any proposed signage and any entrance treatments. Specifically, provide the proposed dimensions and display them in the form of an elevation drawing and provide to the Office of Planning for review and approval.
8. Show the location and provide a detail drawing of any dumpster enclosures on the property and include on the plan. The dumpster surrounds should be constructed out of masonry not wood.
9. Pedestrian connections must be provided from the public right-of-way of both King Avenue and Franklin Square Drive into the site and the proposed buildings. Show the pedestrian connection on the development plan.
10. Provide pedestrian sidewalks along the length of the property along Franklin Square Drive as per the County's requirements.

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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

12-10-09

pd



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 10, 2009

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

Re: Petition for Special Hearing and Variance
Case No. 2010-0053-SPHA
Property: King Avenue

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,

A handwritten signature in dark ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Matthew Sichel and Nicole Formoso, KCI Technologies, Inc., 936 Ridgebrook Road, Sparks
MD 21152



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5233 and 5235 King Avenue
which is presently zoned O-3

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:

Jason T. Vettori

Name - Type or Print

City

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):

Joe Maranto, Authorized Representative, Cignal Corp.

Name - Type or Print

Signature

Name - Type or Print

Signature

909 Ridgebrook Road, Suite 220

Address

Telephone No.

Sparks

MD

21152

State

Zip Code

Representative to be Contacted:

Jason T. Vettori

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 _____

Case No. 2010-0053-SPHA

Reviewed By JNP Date 8/17/09

REV 9/15/98

12-10-09

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ATTACHMENT TO PETITION FOR SPECIAL HEARING

5233 and 5235 King Avenue

1. To confirm that the building height of the proposed Class B Office Buildings are in accordance with BCZR §§ 207.4 and 206.4.C.6.
2. To confirm that the Hearing Officer finds the Development Plan is approved and the buildings and the site proposed herein conform to that Development Plan, in accordance with BCZR § 208.1.
3. To permit construction of a parking facility in a riverine floodplain, pursuant to Section 500.6 of the BCZR and Sections 3112.00 and 3112.2 of the Baltimore County Building Code; and Sections 32-4-107, 32-4-404, 32-4-414 and 32-8-301 of the Baltimore County Code (BCC) which (a) will result in no adverse off-site impact to adjoining properties and (b) will not result in a flow depth increase of greater than half of a foot; and
4. For such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

2010-0053-SPHA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 5233 and 5235 King Avenue

which is presently zoned: O-3

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:

Jason T. Vettori

Name - Type or Print

City

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):

Joe Maranto, Authorized Representative, Cignal Corp.

Name - Type or Print

Signature

Name - Type or Print

Signature

909 Ridgebrook Road, Suite 220

Address

Telephone No.

Sparks

MD

21152

State

Zip Code

Representative to be Contacted:

Jason T. Vettori

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

Case No.

2010-0053-SPHA

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

JNP

Date

8/17/09

REV 9/15/98

12-10-09

pm

ATTACHMENT TO PETITION FOR VARIANCE

5233 and 5235 King Avenue

1. 206.4.C.1, as referenced by 207.4, of the BCZR, to permit Class B office building setbacks of 91 feet for proposed Building A, and 106 feet for proposed Building B, in lieu of the required setbacks of 108 feet and 108 feet, respectively (two times the height of the building(s) (54 feet));
2. For such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

2010-0053-SPHA



ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

936 Ridgebrook Road • Sparks, MD 21152 • 410-316-7800 • (FAX) 410-316-7853

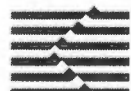
**Legal Description
5235 King Avenue
14th Election District
Baltimore County, Maryland**

Beginning for the same at a pipe found on the first or South 56 ½ degrees East 28.12 perch line of a deed between the Estate of Thomas Paszkiewicz and Rita M. Zgorski et. al., dated November 30, 1988 and recorded among the Land Records of Baltimore County, Maryland in Liber 8071 at Folio 491, said point being distant South 32 degrees 58 minutes 21 seconds West 203.18 feet from the beginning of said line, said point also being at the end of the South 55 degrees East 200.00 foot line of a deed between Joseph Paszkiewicz and RTP Partnership, recorded among said Land Records in Liber 21496 at Folio 310, said point also being distant North 32 degrees 58 minutes 21 seconds East 381.08 feet from point number 3501 as shown on a plat entitled "Amended Plat I, Section III, Phase II Kings Court", recorded among the Plat Records of Baltimore County Maryland in Plat Book 42 at Folio 46; thence binding reversely on said plat line and on said first line, with meridian reference to the Maryland State Grid Meridian

1. South 32 degrees 58 minutes 21 seconds West 381.08 feet to a pipe in concrete found at the northwesterly right of way line of Franklin Square Drive, 70 feet wide, as shown on Baltimore County right of way plats BC RW 76-311-10 and BC RW 76-311-11; thence binding on said right of way line
2. By a nontangent curve, to the left, with a radius of 1035.00 feet and an arc length of 243.20 feet, said curve having a chord bearing South 41 degrees 11 minutes 13 seconds West 242.64 feet to a point numbered 115, as shown on a Plat entitled "Plat of Franklin Woods", recorded among said Land Records in Plat Book 64 at Folio 123; thence leaving said right of way line of Franklin Square Drive and binding the Northeasterly or South 62 degrees 39 minutes 19 seconds East 603.11 foot line of said plat
3. North 62 degrees 54 minutes 22 seconds West passing over a pipe in concrete found at 112.13 feet for a total distance of 458.61 feet to a point at the beginning of the second or North 33 degrees East 48.3 perch line of a deed from Antoinette B. Ruzyllo and Bernard A. Ruzyllo to Kenny D. Minh and Trang Nguyen, dated April 14, 2004, recorded among the said Land Records in Liber 20069 at Folio 688; thence leaving said plat line and binding on said second line
4. North 28 degrees 23 minutes 38 seconds East 826.61 feet to the center of King Avenue passing over a concrete monument found 15.02 feet from the end of said line, said point being at the end of the third or North 55 degrees West 33.86 perch of the aforementioned deed to Rita M. Zgorski et. al.; thence leaving said second line and binding reversely on said third line
5. South 61 degrees 53 minutes 33 seconds East 358.87 feet to the beginning of the fifth or what is incorrectly labeled North 40 degrees East 15 foot line of the aforementioned deed to RTP Partnership; thence binding on the fifth, first and second lines of said deed
6. South 32 degrees 58 minutes 21 seconds West 203.18 feet; thence
7. South 61 degrees 53 minutes 33 seconds East 200.00 feet to the point of beginning.

Containing 386698 square feet or 8.8773 acres of land.

Being all of the same tract of land as in a deed between the Estate of Thomas Paszkiewicz and Rita M. Zgorski et. al., dated November 30, 1988 and recorded among the Land Records of Baltimore County, Maryland in Liber 8071 at Folio 491, saving and excepting deeds to RTP Partnership recorded among said Land Records in Liber 21496 at Folio 310 and to Baltimore County, Maryland, recorded among said Land Records in Liber 5864 at Folio 735.



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

No. **43316**

Date: **8/17/09**

PAID RECEIPT

BUSINESS ACTION TIME INH
8/16/2009 8/17/2009 15:10:22 1

DET 4501 WALKIN JRY W0

RECEIPT # 420777 8/17/2009 GFLH

5 528 ZONING VERIFICATION

043316

Recpt Tot \$650.00

\$650.00 CF \$4.00 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				650.00

Total: **650.00**

Rec From: **Gildea & Schmidt, LLC**

For: **Special Hearing & Variance (2010-0053-SPHA)**
5233 and 5235 King Avenue (Signal Corp.)

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: # 2010-0053-SPHA

5233 & 5235 King Avenue

S/west side of King Avenue, 337 feet n/west of Franklin Square Drive

14th Election District — 6th Councilmanic District

Legal Owner(s): Signal Corp. Joe Maranto

Special Hearing: to confirm that the building height of the proposed class B office building are in accordance with BCZR 207.4 and 206.4.C.6. To confirm that the Hearing Officer finds the Development Plan is approved and the buildings and the site proposed herein conform to that Development Plan in accordance with BCZR 208.1; for a waiver to permit construction of a parking facility in a riverine floodplain; for such other and further relief as may be deemed necessary by the Zoning Commissioner. **Variance:** to permit Class B office building setback of 91 ft. for proposed Building A, and 106 ft for proposed Building B, in lieu of the required setbacks of 108 ft and 108 ft respectively (2 times the height of the building(s) (54 ft)); for such other and further relief as may be deemed necessary by the Zoning Commissioner.

Hearing: Tuesday, October 13, 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.

JT 9/951 Sept. 29

215696

CERTIFICATE OF PUBLICATION

10/1/2009

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 9/29/2009.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2010-0053-SPHA

Petitioner/Developer: __

Signal Corp, Joe Maranto.

Date of Hearing/closing:October 13, 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, 5233 & 5235 King Avenue

The sign(s) were posted on September 28, 2009
(Month, Day, Year)

Sincerely,

Robert Black Oct. 7, 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 # 2010-0053-SPHA

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

Room 104, JEFFERSON BUILDING
PLACE: 105 WEST CHESAPEAKE AVENUE, TOWSON, MD 21204

DATE AND TIME TUESDAY OCTOBER 13, 2009 AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO CONFIRM THAT THE BUILDING HEIGHT OF THE PROPOSED CLASS B OFFICE BUILDING ARE IN ACCORDANCE WITH BCZR 207.4 AND 206.4 C.6. TO CONFIRM THAT THE HEARING OFFICER FINDS THE DEVELOPMENT PLAN IS APPROVED AND THE BUILDINGS AND THE SITE PROPOSED HEREIN CONFORM TO THAT DEVELOPMENT PLAN IN ACCORDANCE WITH BCZR 208.1 FOR A WAIVER TO PERMIT CONSTRUCTION OF A PARKING FACILITY IN A RIVERINE FLOODPLAIN. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER. VARIANCE TO PERMIT CLASS B OFFICE BUILDING SETBACK OF 91 FT FOR PROPOSED BUILDING A, AND 106 FT FOR PROPOSED BUILDING B IN LIEU OF THE REQUIRED SETBACKS OF 108 FT AND 108 FT RESPECTIVELY (2 TIMES THE HEIGHT OF THE BUILDINGS (54 FT) FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-1191

THE ZONING COMMISSIONER

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

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE: 2010-0053-SPHA

Petitioner/Developer:

Signal Corp, Joe Maranto.

Date of Hearing/closing: November 13, 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, 5233 & 5235 King Avenue Date change and time change from Oct. 13, 2009 to November 13, 2009 at 11:00 a.m. and footage for building B from 106 ft. to 85 ft.

The sign(s) were posted on October 28, 2009
(Month, Day, Year)

Sincerely,

Robert Black

Oct 29 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 # 2010-0053-SPHA

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

PLACE:

Room 104, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE, TOWSON
21204

DATE AND TIME: FRIDAY, NOVEMBER 13, 2009 AT 11:00 A.M.

REQUEST

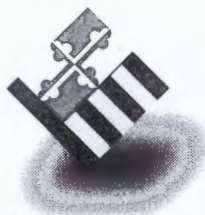
SPECIAL HEARING TO CONFIRM THAT THE BUILDING HEIGHT OF THE PROPOSED CLASS B OFFICE BUILDING ARE IN ACCORDANCE WITH BCZR 207.4 AND 206.4.C.6. TO CONFIRM THAT THE HEARING OFFICER FINDS THE DEVELOPMENT PLAN IS APPROVED AND THE BUILDINGS AND THE SITE PROPOSED HEREIN CONFORM TO THAT DEVELOPMENT PLAN IN ACCORDANCE WITH BCZR 208.1 FOR A WAIVER TO PERMIT CONSTRUCTION OF A PARKING FACILITY IN A RIVERINE FLOODPLAIN. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER. VARIANCE TO PERMIT CLASS B OFFICE BUILDING SETBACK OF 91 FT FOR PROPOSED BUILDING A, AND 85 FT FOR PROPOSED BUILDING B IN LIEU OF THE REQUIRED SETBACKS OF 108 FT AND 108 FT RESTRICTED (2 TIMES THE HEIGHT (●) OF THE BUILDINGS (54 FT) FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

THE ZONING COMMISSIONER

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

HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
September 21, 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: 2010-0053-SPHA

5233 & 5235 King Avenue

S/west side of King Avenue, 337 feet n/west of Franklin Square Drive

14th Election District – 6th Councilmanic District

Legal Owners: Cignal Corp, Joe Maranto

Special Hearing to confirm that the building height of the proposed class B office building are in accordance with BCZR 207.4 and 206.4.C.6. To confirm that the Hearing Officer finds the Development Plan is approved and the buildings and the site proposed herein conform to that Development Plan in accordance with BCZR 208.1; for a waiver to permit construction of a parking facility in a riverine floodplain; for such other and further relief as may be deemed necessary by the Zoning Commissioner. Variance to permit Class B office building setback of 91 ft. for proposed Building A, and 106 ft for proposed Building B, in lieu of the required setbacks of 108 ft and 108 ft respectively (2 times the height of the building(s)(54 ft); for such other and further relief as may be deemed necessary by the Zoning Commissioner.

Hearing: Tuesday, October 13, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Jason Vettori, 600 Washington Ave., Ste. 200, Towson 21204
Joe Maranto, Cignal Corp., 909 Ridgebrook Road, Ste. 220, Sparks 21152

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 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, September 29, 2009 Issue - Jeffersonian

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

410-821-0070

NOTICE OF ZONING HEARING

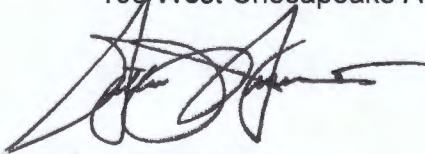
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CASE NUMBER: 2010-0053-SPHA

5233 & 5235 King Avenue
S/west side of King Avenue, 337 feet n/west of Franklin Square Drive
14th Election District – 6th Councilmanic District
Legal Owners: Signal Corp, Joe Maranto

Special Hearing to confirm that the building height of the proposed class B office building are in accordance with BCZR 207.4 and 206.4.C.6. To confirm that the Hearing Officer finds the Development Plan is approved and the buildings and the site proposed herein conform to that Development Plan in accordance with BCZR 208.1; for a waiver to permit construction of a parking facility in a riverine floodplain; for such other and further relief as may be deemed necessary by the Zoning Commissioner. Variance to permit Class B office building setback of 91 ft. for proposed Building A, and 106 ft for proposed Building B, in lieu of the required setbacks of 108 ft and 108 ft respectively (2 times the height of the building(s)(54 ft); for such other and further relief as may be deemed necessary by the Zoning Commissioner.

Hearing: Tuesday, October 13, 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.

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: 2010-0053-SPHA

Petitioner: SIGNAL CORPORATION

Address or Location: 5233 & 5235 KING AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: GILDEA & SCHMIDT, LLC

Address: 600 WASHINGTON AVENUE, STE. 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

October 8, 2009

Jason T. Vettori
Gildea & Schmidt, LLC
600 Washington Ave. Ste. 200
Towson, MD 21204

Dear: Jason T. Vettori

RE: Case Number 2010-0053-SPHA, 5233 & 5235 King Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 17, 2009. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Joe Maranto: Cignal Corp.; 900 Ridgebrook Rd. Ste. 220; Sparks, MD 21152

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 31, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For September 7, 2009
Item No. 2010-0053-SPHA

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

We have not received a flood plain study showing the affects of the proposed construction; therefore, the Director of Public Works cannot comment. Accordingly, please do not rule on this request.

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-item no 2010-0053-SPHA-09072009.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: AUGUST 27, 2009

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

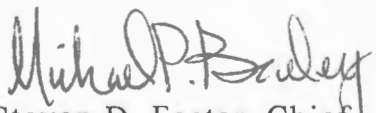
RE: Baltimore County
Item No. 2010-0053-SPHA
5233 & 5235 KING AVENUE
JOE MARANTO PROPERTY
SPECIAL HEARING -
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0053-SPHA.

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

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 8, 2009

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

SUBJECT: 5233 and 5235 King Avenue

INFORMATION:

Item Number: 10-053

Petitioner: Joe Maranto, Authorized Rep., Cignal Corp.

Zoning: O-3

Requested Action: **Special Hearing and Variance**

Requested Action: Special hearing to confirm that the building height of the proposed buildings are in accordance with BCZR Sections 207.4 and Section 206.4.C.6, and that the buildings proposed conform to the Development Plan, in accordance with BCZR Section 208.1 and to permit construction of a parking facility in a riverine floodplain which will result in no adverse off site impact to adjoining properties and will not result in a flow depth increase of greater than half a foot; and for any other relief deemed necessary by the Zoning Commissioner for Baltimore County.

Variance from Section 206.4.c.1 as reference by 207.4 of the BCZR to permit a Class B office building setback of 91 feet for proposed building A and 106 feet for Proposed Building B, in lieu of the required setbacks of 108 feet and 108 feet respectively and for such other relief as may be deemed necessary by the Zoning Commissioner.

SUMMARY OF RECOMMENDATIONS:

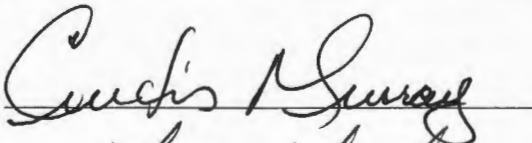
The Office of Planning has reviewed the subject requests and finds them acceptable providing the following conditions are met:

1. Prior to final approval of the Limited Exemption request, the Order of the Baltimore County Zoning Case shall be placed on the development plan.
2. This project is subject to the compatibility requirements as stated in Section 32-4-402 of the Baltimore County Code.
3. Provide architectural building plans and elevations for all four sides of both of the proposed buildings including building materials and color schemes to this office for review and approval. Show all entrances into the buildings
4. Submit a lighting plan that's in accordance with IESNA standards in conjunction with the final landscape plan to Avery Harden, Baltimore Landscape Architect, for review and approval. Copies of both are also requested by the Office of Planning for review and comment.
5. The proposed landscaping shall comply with the requirements of the Baltimore County Landscape Manual.

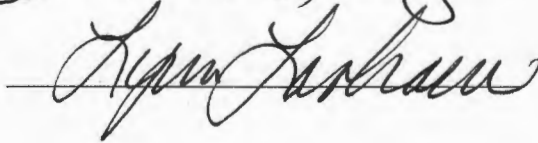
6. Provide details of any proposed signage and any entrance treatments. Specifically, provide the proposed dimensions and display them in the form of an elevation drawing and provide to this office for review and approval.
7. Show the location and provide a detail drawing of any dumpster enclosure on the property and include on the plan. The dumpster surrounds should be constructed out of masonry, not wood.
8. Pedestrian connections must be provided from the public right of way of both King Ave and Franklin Square Drive into the site and the proposed buildings. Show the pedestrian connection on the development plan.
9. Provide pedestrian sidewalks along the length of the property along Franklin Square Drive as per the county's requirements.

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

Prepared by:



Division Chief:
AFK/LL: CM



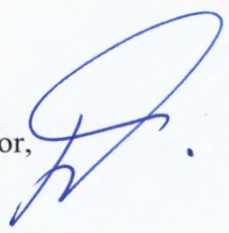
BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director,
Permits & Development Management

ATTN: Kristen Matthews
MS 1105

FROM: Edward Adams, Director,
Public Works



DATE: November 3, 2009

SUBJECT: Case No. 2010-0053-SPHA
Petition for Special Hearing for waiver to permit parking facility in 100-
year riverine floodplain.
5235 King Avenue (Franklin Square Professional Center)

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

The waiver involves grading in the 100-year riverine floodplain for a driveway and parking area to serve the subject development. The developer's engineer has demonstrated that there is no offsite impact resulting from the proposed work in the floodplain.

This department recommends approval of the waiver.

ECA/DLT/s

CC: Ray Hopkins, KCI Technologies (Attn. Matt Sichel); Dennis Kennedy

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
5233 & 5235 King Avenue; SW/S of King * ZONING COMMISSIONER
Avenue, 337' NW Franklin Square Drive *
14th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Cignal Corporation *
Petitioner(s) * BALTIMORE COUNTY
* 10-053-SPHA

* * * * *

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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

AUG 27 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of August, 2009, a copy of the foregoing Entry of Appearance was mailed to Jason T. Vettori 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

CASE NAME Cignal King re
CASE NUMBER 10-53-SPTA
DATE 10/13/09

[illegible]

Case No.:

2010-0053-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Revised Site Plan	
No. 2	Landscape Plan	
No. 3	letter from adj. prop. owner in support	
No. 4	floodplain acceptance letter (initially)	
No. 5	DRC letter granting limited exemption	
No. 6	Memo 11-3-09 recommending waiver re: riverine floodplain	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

July 29, 2009

To Whom It May Concern:

Re: Franklin Square Professional Center

Dear Sir or Madam:

We are the owners and/or tenants of the property known as 5245 King Avenue. Our property is adjacent to the property known as 5235 King Avenue. We understand that 5235 King Avenue has been proposed for commercial redevelopment by King Avenue LLC, which has requested permission to construct two four-story commercial office buildings and surface parking facilities to be known as the Franklin Square Professional Center (the "Project"), in accordance with a Development Plan submitted to Baltimore County which we have received and reviewed. We are writing to express our support for the Project subject to the incorporation of the attached Landscape Plan, and to request that the County give it favorable consideration.

Very truly yours,

RTP PARTNERSHIP,
now known as RTP LLC

By: [Signature]

Name: Joyce M. Willis

Title: Managing Partner

PETITIONER' S

EXHIBIT NO. 3

Accepted for Filing

Dennis A. Kennedy 8/6/09

100-Year Flood Plain Study
for

Franklin Square Professional Center

Jurisdiction: Baltimore County, Maryland

June 2, 2009
REV. 6/30/09
KCI Technologies, Inc.
Project No. 01-083798

Prepared by:

KCI Technologies, Inc.
10 North Park Drive
Hunt Valley, MD 21030



PETITIONER'S

EXHIBIT NO. 4

100-Year Floodplain Certification

I certify that the 100-year floodplain outline shown on this plan is correct and done in accordance with the Department of Permits and Development Management, Bureau of Development Plans Review's Policy Manual, Appendix B, Recommendations and Procedures for Watershed Studies-Floodplain Studies and Waterway Crossing Studies.

Matthew S. Sichel 6/30/09
Matthew S. Sichel, PE

Professional Certification



I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 28935, Expiration 1/15/2011.

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

October 20, 2008

KCI Technologies
10 North Park Drive
Hunt Valley, MD 21030

RE: King Avenue
5232 King Avenue
DRC Number: 092908H; Dist. 14C6

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 Sections 32-1-101, 32-3-401, and 32-3-517 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 32-4-106 and Section 32-4-262 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 September 29, 2008, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 32-4-106(b)(8).

PETITIONER' S

EXHIBIT NO.

5

KCI Technologies
King Avenue
October 20, 2008
Page 2

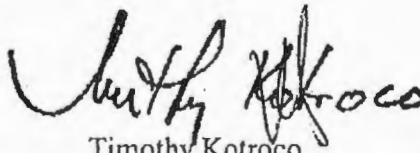
In order to further process your development plan, submit two check prints, of the plan, prepared in accordance with Sections 32-4-221 through 32-4-224 of the Baltimore County Code, one completed, signed and sealed copy of the **Development Plan Checklist**, and a copy of this letter to this office.

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 20th day of October 2008, ordered and decided that the recommendations of the DRC are hereby adopted.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy Kotroco', is written over a faint, larger signature.

Timothy Kotroco
Director

TK: WTS:dak

c: Linda Blackmon
File

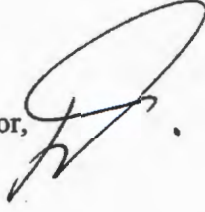
BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director,
Permits & Development Management

ATTN: Kristen Matthews
MS 1105

FROM: Edward Adams, Director,
Public Works



DATE: November 3, 2009

SUBJECT: Case No. 2010-0053-SPHA
Petition for Special Hearing for waiver to permit parking facility in 100-
year riverine floodplain.
5235 King Avenue (Franklin Square Professional Center)

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

The waiver involves grading in the 100-year riverine floodplain for a driveway and parking area to serve the subject development. The developer's engineer has demonstrated that there is no offsite impact resulting from the proposed work in the floodplain.

This department recommends approval of the waiver.

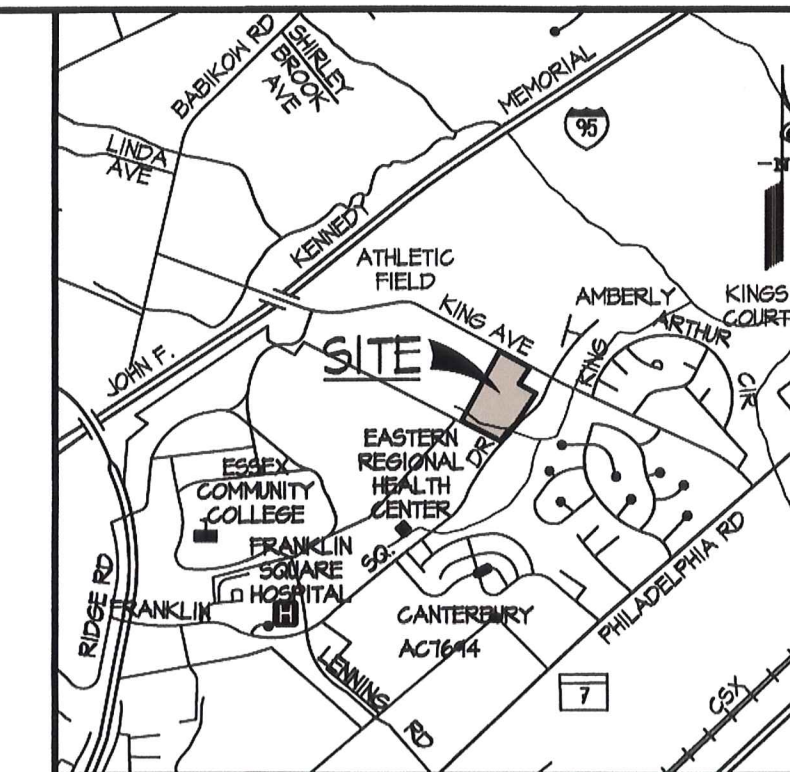
ECA/DLT/s

CC: Ray Hopkins, KCI Technologies (Attn. Matt Sichel); Dennis Kennedy

PETITIONER'S

EXHIBIT NO. 6

BENCHMARK DATA



SCALE: 1"=2000'

KING AVENUE

LEGEND

- EX. CONTOURS
- RIGHT-OF-WAY
- PROPERTY LINE
- EX. CURB & GUTTER
- EX. STORM DRAIN
- EX. SANITARY SEWER
- EX. WATER LINE
- EX. LIGHT POLE
- EX. SIGN
- EX. WOODS LINE
- EX. TREES
- SETBACK LINE
- PROP. BUILDING
- PROP. CURB & GUTTER
- PROP. SIDEWALK
- PROP. CONTOURS
- PROP. STORM DRAIN
- PROP. INLET
- PROP. SANITARY SEWER
- PROP. WATER LINE
- PROP. MANHOLE
- PROP. HYDRANT
- PROP. WOODS LINE
- PROP. SHADE TREE
- PROP. ORNAMENTAL TREE
- PROP. EVERGREEN TREE
- PROP. SHRUBS / ORNAMENTAL GRASSES
- PROP. GROUNDCOVER / PERENNIALS
- PROP. LANDSCAPE BOLLARDS
- PROP. MULCH / PLANTING BED LINE

PETITIONER'S

EXHIBIT NO. 2

LANDSCAPE PLAN

SCALE: 1"=30'

SEE LANDSCAPE NOTES AND DETAILS SHEET FOR PLANTING REQUIREMENTS AND SCHEDULE

DESIGN AND DRAWING BASED ON MARYLAND
COORDINATE SYSTEM NAD 83/H HORIZONTAL
AND NAVD 1986 VERTICAL DATUM.

REVISIONS		DATE
NO.	DATE	DESCRIPTION

DATE
10/12/04
SCALE
1"= 30'
DESIGNED BY
AEL
DRAWN BY
AEL

LANDSCAPE PLAN
for
**FRANKLIN SQUARE
PROFESSIONAL CENTER**
BALTIMORE COUNTY, MARYLAND

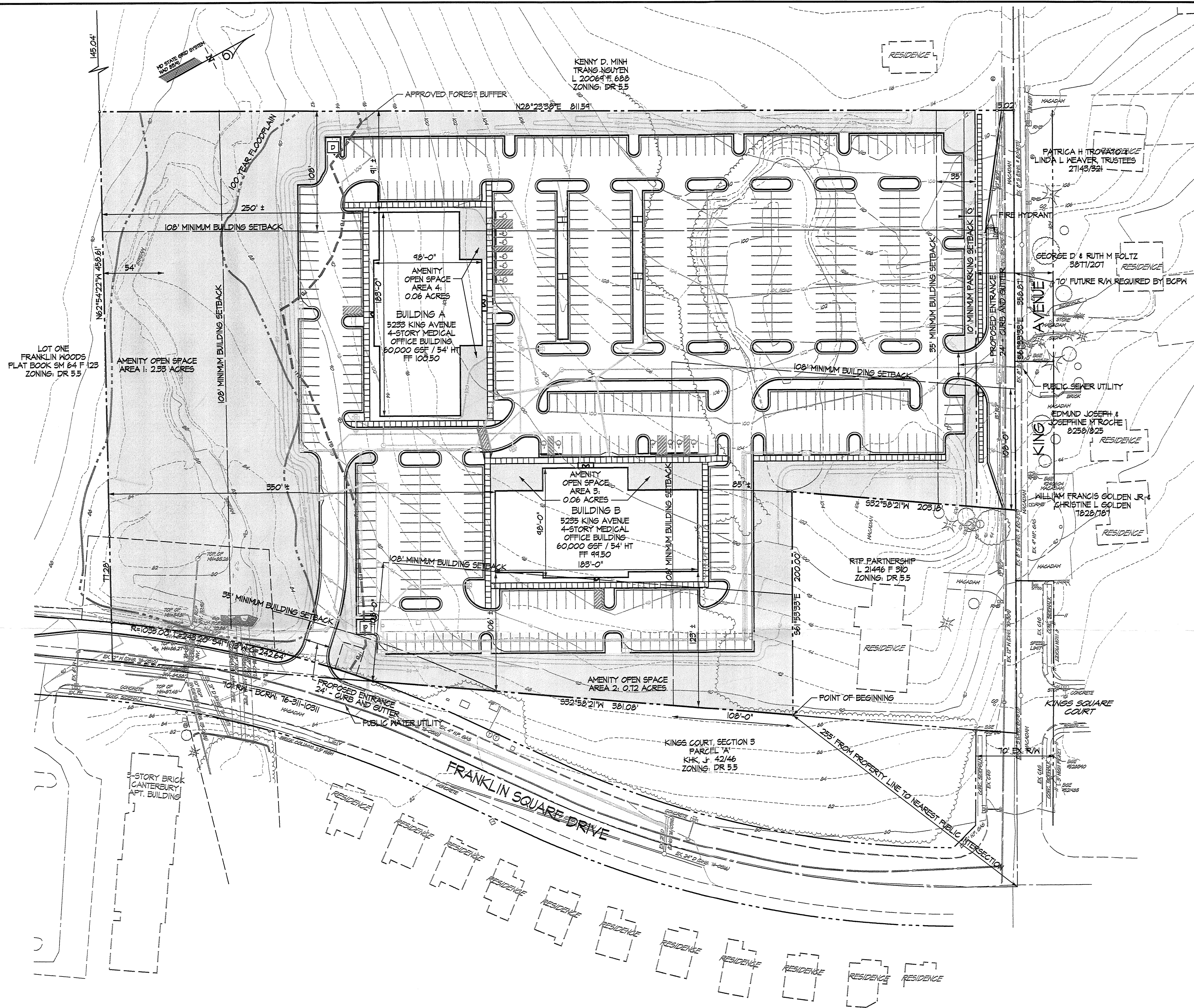
14th ELECTION DISTRICT

6TH COUNCILMANIC DISTRICT

DRAWING NO.

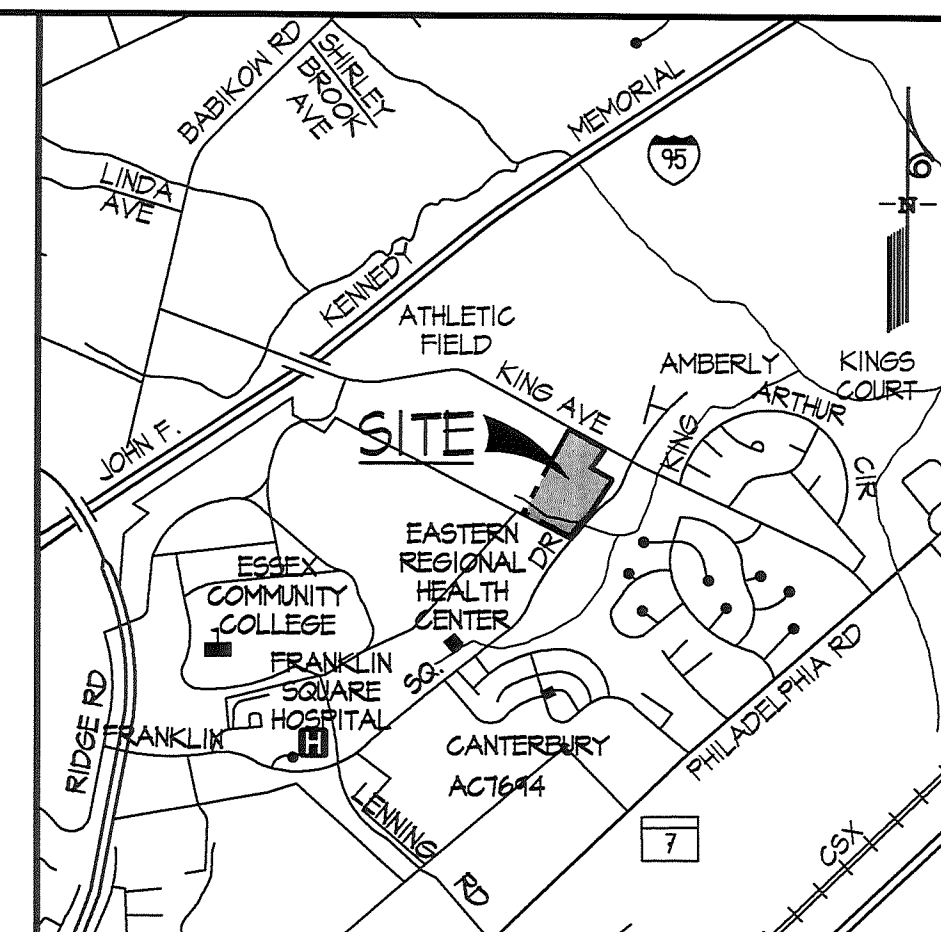
SHEET 1 OF 2
KCI JOB NUMBER
01082375

PLOTTED: 10:07 PM, on Monday, October 12, 2009
Development
FILE: M:\2008\01042375\Franklin Square U-VAR-VARIANCE PLAT.dgn



BENCHMARK DATA

THE HORIZONTAL AND VERTICAL DATINGS ARE BASED ON GLOBAL POSITIONING SATELLITE OBSERVATIONS FROM THE FOLLOWING NATIONAL GEODETIC SURVEY CONTROL POINTS:
NAD83 88
H M MALL N 620581.333 E 1464674.542 EL. 95.87
ACT644 615-11 N 612726.370 E 1460532.310 EL. 143.94
HORIZ NAD 83/91
VERT NAVD 88



VICINITY MAP
SCALE: 1"=1000'

LEGEND

EX. CONTOURS	PROP. CONTOUR
RIGHT-OF-WAY LINE	PROP. CONCRETE WALK
PROPERTY LINE	PROP. CURB & GUTTER
EX. EDGE OF PAVING	PROP. STORMDRAIN
EX. STORM DRAIN	PROP. WATER LINE
EX. SANITARY SEWER	PROP. SANITARY SEWER
EX. WATER LINE	PROP. PARKING SPACES
EX. WOODS LINE	PROP. DUMPSTER LOCATION
EX. TREES	
BUILDING RESTRICTION LINE	

SITE DATA

- SITE ADDRESS: 5235 & 5235 KING AVENUE
- ELECTION DISTRICT: 14
- COUNCILMANIC DISTRICT: 6th
- CENSUS TRACT: 4407
- DEED REF: 8071/491
- PROPERTY TAX ACCOUNT NO. 2200004522
- PROPERTY OWNER AND DEVELOPER: CIGNAL CORP.
104 RIDGEBROOK RD
SUITE 220
SPARKS, MD 21152
- TOTAL SITE AREA: 0.81 ACRES (386,371.2 SF)
- SITE IS LOCATED WITHIN THE BIRD RIVER WATERSHED DRAINAGE AREA.
- THERE ARE NO WETLANDS LOCATED WITHIN THE SITE BOUNDARY.
- THE SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN PER FEMA MAP # 240010-0430-F.
- SITE DOES NOT CONTAIN ANY HISTORIC STRUCTURES.
- THE SITE IS NOT SITUATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- ZONING: O-3 OFFICE PARK
ZONING MAP NUMBER: 082AS
- NO PREVIOUS COMMERCIAL PERMITS
2008 CZMP, ISSUE NO. 6-024 - SEPTEMBER 8, 2008 - DR 5.5 TO O-3
DRG APPROVAL: OCTOBER 20, 2008
MAXIMUM ALLOWABLE FAR: 0.50
PROPOSED FAR: 0.31
(120,000 SF / 386,371.2 SF)
- AMENITY OPEN SPACE REQUIRED (25% OF NET LOT AREA)
2.22 ACRES (96,544.3 SF)
AMENITY OPEN SPACE PROVIDED
AREA 1: 2.33 ACRES (101,541 SF)
AREA 2: 0.12 ACRES (5,136 SF)
AREA 3: 0.06 ACRES (2,728 SF)
AREA 4: 0.06 ACRES (2,728 SF)
TOTAL AMENITY OPEN SPACE: 3.19 ACRES (138,156 SF)
- PARKING:
TOTAL PARKING REQUIRED: 4.5 PS / 1000 GSF = 540 SPACES
TOTAL PARKING PROVIDED: 542 SPACES INCLUDING 12 HC
- ALL SIGNAGE SHALL BE COMPLIANT WITH BCZR 450.
- EXISTING USE: VACANT
PROPOSED USE: MEDICAL OFFICE

PETITIONER'S
EXHIBIT NO. No 1

PETITION FOR VARIANCE

- TO PERMIT CLASS B OFFICE BUILDING SETBACKS OF 41 FEET FOR PROPOSED BUILDING A AND 106 FEET FOR PROPOSED BUILDING B, IN LIEU OF THE MINIMUM REQUIRED SETBACK FROM ANY LOT LINE OF 108 FEET AND 108 FEET, RESPECTIVELY (TWO TIMES THE HEIGHT OF THE BUILDING(S) (54 FEET)) PURSUANT TO BCZR 207.4 AND 206.4.C.1.
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

PETITION FOR SPECIAL HEARING

- TO CONFIRM THAT THE BUILDING HEIGHT OF THE PROPOSED CLASS B OFFICE BUILDINGS ARE IN ACCORDANCE WITH BCZR 207.4 AND 206.4.C.6.
- TO CONFIRM THAT THE HEARING OFFICER FINDS THE DEVELOPMENT PLAN IS APPROVED AND THE BUILDINGS AND THE SITE PROPOSED HEREIN CONFORM TO THAT DEVELOPMENT PLAN, IN ACCORDANCE WITH BCZR 208.1.
- TO PERMIT CONSTRUCTION OF A PARKING FACILITY IN A RIVERINE FLOODPLAIN, PURSUANT TO SECTION 500.6 OF THE BCZR AND SECTIONS 912.00 AND 912.2 OF THE BALTIMORE COUNTY BUILDING CODE; AND SECTIONS 32-4-107, 32-4-414 AND 32-8-301 OF THE BALTIMORE COUNTY CODE (BCC) WHICH WILL (A) RESULT IN NO ADVERSE OFF-SITE IMPACT TO ADJOINING PROPERTIES AND (B) WILL NOT RESULT IN A FLOW DEPTH INCREASE OF GREATER THAN HALF OF A FOOT; AND
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

0' 50' 100'
SCALE: 1"= 50'



REVISIONS				DATE
NO.	DATE	DESCRIPTION	BY	
				10/12/09
				SCALE
				1"=50'
				DESIGNED BY
				R.H.
				DRAWN BY
				NVF

PLAN TO ACCOMPANY SPECIAL HEARINGS AND VARIANCE PETITIONS

FRANKLIN SQUARE PROFESSIONAL CENTER

14th ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

DRAWING NO.

SHEET 1 OF 1
KCI JOB NUMBER
01-082375