

IN RE: PETITION FOR SPECIAL HEARING *

NE side of Painters Mill Road, 1,000' SW

Of Lakeside Boulevard *

(Painters Mill Road) *

2nd Election District *

4th Council District *

Howard Hospitality, Inc.

Petitioner *

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0142-SPH

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by the legal owner of the property, Howard Hospitality, Inc. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for an extension of the period for utilization of the Special Exception granted in Case No. 08-234-SPHXA to five (5) years from the date of the final Order. See B.C.Z.R. § 502.3. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing held for this case was Robert Capalongo with CNA, the consultant who prepared the site plan for the Petitioner, and Christopher Mudd, Esquire with Venable, LLP, counsel for Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

The ZAC comments were received and made a part of the file. A comment was received from the Department of Environmental Protection and Sustainability (DEPS) dated January 13, 2012 indicating that development of the property must comply with the Forest Conservation Law (Sections 33-6-101 through 33-6-122) of the Baltimore County Code (B.C.C.). Petitioner

indicated DEPS may accept a fee-in-lieu, though that issue is for another day. There were no other adverse ZAC comments received from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is 3.66 acres and is zoned OR-2. In a thorough 12-page Opinion dated February 15, 2008, Zoning Commissioner Wiseman granted special exception relief to Petitioner, for the construction and operation of a Marriott Hotel. Mr. Wiseman's opinion addressed all facets of the special exception case and the requirements under B.C.Z.R. § 502. There were at the time several neighbors that opposed the relief, and counsel indicated they noted an appeal of the Zoning Commissioner's Order to the County Board of Appeals. Case No. 08-234-SPHXA, Petitioner's Exhibit 3. However, the neighbors withdrew their appeal as concerned the special exception relief, and that aspect of the Zoning Commissioner's Order was therefore affirmed.

Petitioner explained that shortly after the appeal was dismissed, its engineer determined the hotel site was not located within the Metropolitan District, where water and sewer service is provided. See Exhibit 4. That necessitated a lengthy and tedious approval process, which culminated in a City of Baltimore Ordinance (10-387, Petitioner's Exhibit 5) extending the Metropolitan District to include the 3.66 acre subject parcel. This Ordinance took effect on November 22, 2010, and under the B.C.Z.R. the time for utilization of the special exception is extended "to a date 18 months after such (water and sewer) facilities become adequate and available." B.C.Z.R. § 502.3. That would extend the special exception utilization period to May 21, 2012, and thus the special exception granted in Case No. 08-234-SPHXA has not yet expired.

Under the B.C.Z.R., Petitioner is entitled to request an extension of the utilization period, provided it does so before the expiration of the period. Petitioner has done so here, and it would appear as if a "reasonableness" standard would apply to such a request, especially since that term is used in § 502.3. Here, much has transpired since the special exception was granted. The Petitioner spent nearly two (2) years obtaining approval for the extension of the water and sewer

facilities. At or about that time, the United States economy and credit markets were cratering, and commercial/residential construction activity ground to a halt. In these circumstances, an extension seems justified, and a five year period seems reasonable for a project of this magnitude, which will rely so heavily (according to Petitioner's experts) on the success of the adjoining corporations and business parks in the Owings Mills area.

The "final order" granting the special exception here was the Board of Appeals Order dated December 14, 2008, which counsel indicated was not appealed to the Circuit Court. The B.C.Z.R. provides that "the maximum time for utilization of the special exception" cannot be extended for a "period of more than five years from the date of the final order granting same." B.C.Z.R. § 502.3. That date is December 3, 2013, and the special exception utilization period shall be extended to that date.

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

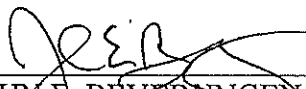
THEREFORE, IT IS ORDERED, this 19 day of January, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for an extension of the period for utilization of the special exception granted in Case No. 08-234-SPHXA to five (5) years from the date of the final Order granting same (i.e., December 3, 2013), be and is hereby GRANTED.

The relief granted herein shall be conditioned upon the following:

1. The Petitioner may apply for its building permit and may be granted same upon receipt of this Order, however the Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.

2. The Petitioner must comply with the ZAC comment received from the Department of Environmental Protection and Sustainability (DEPS) dated January 13, 2012, indicating that development of the property must comply with the Forest Conservation Law (Sections 33-6-101 through 33-6-122) of the Baltimore County Code (B.C.C.).

JEB:dlw



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

January 19, 2012

Christopher Mudd, Esquire
Venable, LLP
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No.: 2012-0142-SPH
Property: Painters Mill Road

Dear Mr. Mudd:

Enclosed please find a copy of the decision rendered in the above-captioned matter

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 Office of Administrative Hearings at 887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 4508 - 4514 Painters Mill Road

which is presently zoned OR-2

Deed References: 15039/375; 13187/634

10 Digit Tax Account # 2 3 0 0 0 0 8 5 7 9

Property Owner(s) Printed Name(s) Howard Hospitality Inc.

and 0220800270

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
Pursuant to Section 502.3, BCZR, an extension of the period for utilization of the special exception granted in Case No. 08-234-SPHXA to five years from the date of the final order

2. _____ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. _____ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Christopher Mudd

Name- Type or Print

Signature

210 W. Pennsylvania Ave

Towson

MD

Mailing Address

City

State

21204

/ 410-494-6200

/ cdmudd@venable.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

SEE ATTACHED PAGE

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Christopher Mudd

Name - Type or Print

Signature

210 W. Pennsylvania Ave

Towson

MD

Mailing Address

City

State

21204

/ 410-494-6200

/ cdmudd@venable.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2012-0142-SPH

Filing Date

12/2/11

Do Not Schedule Dates:

Reviewer

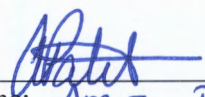
JCM

PETITION FOR SPECIAL HEARING

ATTACHED PAGE ONE

LEGAL OWNER:

HOWARD HOSPITALITY INC.

By: 
Name: AMIT PATEL
Title: PRESIDENT
Address: 7871 BELLE POINT DR.
GREENBELT, MD 20770
Phone: (301) 345-8700



Zoning Description
for Special Hearing
4508-4514 Painters Mill Road

BEGINNING at a point in the Northeast corner of Tax Map 67, Parcel 272, Deed Ref. 15039/375, located West of Painters Mill Road, thence the following courses and distances:

For a curve to the right having a radius of 4548.66', an arc length of 156.57' and being subtended by a chord of South 27° 35' 19" West 156.56 Feet, South 89° 26' 06" West 9.77 Feet, South 89° 26' 06" West 43.26 Feet, South 20° 53' 02" West 34.01 Feet, South 22° 57' 18" West 28.91 Feet, North 89° 18' 57" West 134.29 Feet, North 88° 37' 43" West 78.25 Feet, North 90° 00' 00" West 174.17 Feet, North 02° 48' 14" West 27.91 Feet, North 02° 48' 14" West 23.00 Feet, North 02° 48' 14" West 150.00 Feet, South 89° 19' 14" East 473.40 Feet, South 89° 19' 14" East 42.90 Feet, South 89° 19' 14" East 29.16 Feet to the point of beginning.

Containing 2.17 acres of land more or less.



Robert D. Capalongo, RLA
Licensed Landscape Architect #3037

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

No. **74908**

Date: **12/2/11**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
204	800	0000		6150					385.00

Total: **385.00**

Rec From: **HOWARD HOSPITALITY, INC**

For: **2012 - 0142 - SPN**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0142-SPH
Petitioner: HOWARD HOSPITALITY INC.
Address or Location: 4508-4514 PAINTER'S MERE RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: BARBARA LUKASEVICH
Address: 210 W. PENNSYLVANIA AVE.
SUITE 500
TOWSON, MD 21204
Telephone Number: 410-494-6200

Revised 2/17/11 DT

Hearing 1/18/12 JTB

RE: Case No.: _____

Howard Hospitality, Inc

January 18, 2012

Date of Hearing/Closing: _____

Attn: Kristen Lewis:

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:

4508-4514 Painters Mill Road

January 3, 2012

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

Sincerely,

January 3, 2012

(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)



NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0142-SPH

4508-4514 Painters Mill Road
NE/s of Painters Mill Road, 1,000 feet s/w of
Lakeside Boulevard
2nd Election District - 4th Councilmanic District
Legal Owner(s): Howard Hospitality, Inc.

Special Hearing: to determine whether or not the Administrative Law Judge should approve an extension of the period for utilization of the special exception granted in case 08-234-SPHXA to five years from the date of the final order.

Hearing: Wednesday, January 18, 2012 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT/1/623 Jan. 3 294127

CERTIFICATE OF PUBLICATION

1/5/2012

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 1/3/2012.

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

J. Wilkinson
LEGAL ADVERTISING

CERTIFICATE OF POSTING

2012-0142-SPH

RE: Case No.: _____

Petitioner/Developer: _____

Howard Hospitality, Inc

January 18, 2012

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

4508-4514 Painters Mill Road

January 3, 2012

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



Sincerely,

January 3, 2012

(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)



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 5, 2012

Amit Patel
7871 Belle Point Drive
Greenbelt, MD 20770

RE: Case Number 2012-0142-SPH, 4514 Painters Mill Road

Dear Mr. Patel,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 2, 2011 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Christopher Mudd, 210 W. Pennsylvania Avenue, Towson, MD 21204

M E M O R A N D U M

DATE: February 22, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0142-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on February 21, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
December 28, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0142-SPH

4508-4514 Painters Mill Road

NE/s of Painters Mill Road, 1,000 feet s/w of Lakeside Boulevard

2nd Election District – 4th Councilmanic District

Legal Owners: Howard Hospitality, Inc.

Special Hearing to determine whether or not the Administrative Law Judge should approve an extension of the period for utilization of the special exception granted in case 08-234-SPHXA to five years from the date of the final order.

Hearing: Wednesday, January 18, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Christopher Mudd, 210 W. Pennsylvania Avenue, Towson 21204
Amit Patel, 7871 Belle Point Drive, Greenbelt 20770

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 3, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING
4508-4514 Painters Mill Road; NE/S Painters
Mill Road, 1,000' SW Lakeside Blvd.
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Howard Hospitality Inc
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-142-SPH

* * * * *

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

DEC 14 2011

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 14th day of December, 2011, a copy of the foregoing Entry of Appearance was mailed to Christopher Mudd, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME Howard Hospitality, Inc
CASE NUMBER 2012-0142 SPH
DATE 1/18/12

[illegible]

IN RE: PETITIONS FOR SPECIAL HEARING, *

SPECIAL EXCEPTION AND VARIANCE *

W/S of Painters Mill Road, 900' S of *

Lakeside Boulevard *

(4508 -4514 Painters Mill Road) *

2nd Election District *

4th Council District *

Summit Capital LLC, *Legal Owner*

Baywood Hotels, *Contract Purchaser*

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-234-SPHXA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception, and Variance filed by Summit Capital LLC, legal owner, and Baywood Hotels, the contract purchaser, through their attorney Robert A. Hoffman, Esquire. Petitioners request a special exception for a hotel, pursuant to Section 206.3.B.2.c of the Baltimore County Zoning Regulations (B.C.Z.R.), and variances for a building height of 59 feet in lieu of the permitted 50 feet, pursuant to B.C.Z.R. Sections 206.4 and 1B02.2.A, and for three wall-mounted enterprise signs, a maximum of 150 square feet each, in lieu of the one permitted 150 square foot sign, pursuant to B.C.Z.R. Section 450.4.5(h). Additionally, a Petition for Special Hearing was filed to amend the special exception previously approved in Case No. 91-447-SPHXA for a child care center. This use is located adjacent to and south of the proposed hotel site. The subject property and requested relief are more particularly described on a site plan, which was submitted into evidence and marked as Petitioners' Exhibit 6. Color building elevations are shown on an exhibit submitted into evidence and marked as Petitioners' Exhibit 8, and color sign details are provided on an exhibit submitted and marked into evidence as Petitioners' Exhibit 9.

IN THE MATTER OF:
BAYWOOD HOTELS – C.P. /
PETITIONER
4508 – 4514 Painters Mill Road
2nd Election District
4th Councilmanic District

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 08-234-SPHXA

* * * * *

OPINION

This matter comes before the Board of Appeals of Baltimore County as an appeal filed by Protestants, the Painters Mill Homeowners Association, Joi Ford-McClain, Lynnee Roane, David and Jacqueline Claxton, and Thomas and Fathim Craven, from a decision of the Zoning Commissioner, dated February 15, 2008, in which Petitioner's requested zoning relief was granted. Petitioner, Baywood Hotels, is the legal owner of two adjoining parcels of land located at 4508 – 4514 Painters Mill Road, in the Owings Mills area of Baltimore County. Petitions for Special Hearing, Special Exception, and Variance were filed for a hotel on the subject property, which is zoned OR-2 (Office Building – Residential). Specifically, Petitioner requested (1) a special hearing to amend the special exception previously approved in Case No. 91-447-SPHXA for a child care center on the property; (2) a special exception, pursuant to *Baltimore County Zoning Regulations* ("BCZR") Section 206.3.B.2.c, for a hotel; (3) a variance from BCZR Sections 206.4 and 1B02.2.A to permit a building height of 59 feet in lieu of the permitted 50 feet; and (4) a variance from BCZR Section 450.4.5(h) to permit three wall-mounted enterprise signs, with a maximum sign face area of 150 square feet each, in lieu of one permitted wall-mounted enterprise sign with a sign face area of 150 square feet. The Zoning Commissioner of Baltimore County granted the requested zoning relief by way of his Order, dated February 15,

Case No. 08-234-SPHXA / Baywood Hotels

2008, which Protestants appealed to this Board. A public hearing was held before this Board on October 16, 2008, and public deliberation was held by the Board at the conclusion of the hearing.

At the outset of the hearing, Thomas Craven reported that he was appearing on behalf of all Protestants who filed the appeal in this matter. Mr. Craven then withdrew the appeal, specifically stating that the Painters Mill Homeowners Association and the other individual Protestants no longer wished to challenge the Zoning Commissioner's approval of the zoning relief requested by Petitioner. Petitioner's attorney, Robert A. Hoffman, next addressed this Board. He explained that Petitioner no longer requires a building height variance to construct the hotel, which alleviates the need for the Petition for Variance, as it pertains to building height. He further explained that Petitioner was revising its Petition for Variance before this Board, in order to modify the wall-mounted signage proposed for the hotel, as discussed below. Mr. Hoffman also referenced a written agreement between Petitioner and Protestants concerning the proposed hotel.

With Protestants having withdrawn their appeal in this matter and with Mr. Hoffman having indicated the height variance is no longer required, the revised sign variance is the only issue that remains before this Board. Because Protestants' appeal from the grant of the Petition for Special Hearing and Petition for Special Exception are no longer before this Board, the Board will dismiss the appeal of those Petitions, with prejudice. The granting of the special exception and special hearing relief by the Zoning Commissioner is, therefore, final. With regard to the Petition for Variance, this Board will dismiss the building height variance as moot. The remaining modified sign variance proceeded with a proffer by Mr. Hoffman, as Mr. Craven did not indicate any opposition to this relief.

Mr. Hoffman began by explaining that Petitioner's initial Petition for Variance requested three signs, with a maximum sign face area of 150 square feet for each sign, in lieu of the permitted one 150 square foot sign. Petitioner now only requests two signs, with a maximum sign face area of 75 square feet each. Petitioner's Exhibit 1, a site plan for the subject property, indicates that the subject property is 2.17 acres, zoned OR-2, and is presently unimproved. Petitioner proposes to construct a hotel on the subject property, on which Petitioner intends to install wall-mounted enterprise signage for purposes of identifying the use. Mr. Hoffman introduced, as Petitioner's Exhibits 2 and 3, elevations of the proposed hotel building, which indicate the locations on the hotel façades where Petitioner proposes to install the two 75 square foot wall-mounted enterprise signs. However, because BCZR Section 450.4.5(h) only permits one wall-mounted enterprise sign, with a maximum sign face area of 150 square feet, for the entire hotel building, Petitioner has requested a variance.

Mr. Hoffman indicated the need for the variance in this case is driven by the uniqueness of the property. He referred to Petitioner's Exhibit 1 to demonstrate that the subject property is unique by virtue of its irregular shape and relationship to Painters Mill Road. Painters Mill Road, the subject property's only public road frontage, runs diagonally along the property's boundary, in a northeast-southwest direction. Visibility into the site is, therefore, limited for motorists travelling both northbound and southbound along that road; a motorist traveling northbound would only be able to clearly view the front (southern) façade of the proposed hotel, while a motorist traveling southbound would only be able to clearly view the side (eastern) façade of the hotel. Thus, as Mr. Hoffman explained, in order to adequately identify the hotel use to all motorists on the roadway, a sign on each of the two façades visible from the roadway is necessary. Mr. Craven verified this unique aspect of the property, and confirmed that there is, in

his opinion, a need for two separate wall-mounted signs rather than the one sign permitted by right.

Strict compliance with the BCZR would only permit Petitioner to install one wall-mounted enterprise sign on a single façade of the hotel. This would not allow Petitioner to identify the hotel for motorists travelling in both directions on Painters Mill Road. However, two signs (one on each façade visible from Painters Mill Road) would provide adequate identification of the use, and Mr. Hoffman noted that Petitioner's proposal to install two signs would not have an adverse impact on the surrounding neighborhood. First, the two 75 square foot signs would not exceed the total sign face area permitted under the regulations. In other words, even though Petitioner is proposing two separate signs, they are still not exceeding the 150 square foot limitation of the Zoning Regulations. Additionally, as Mr. Hoffman noted, by splitting the allotted square footage between two smaller signs, the signage will be more aesthetically pleasing to the surrounding area than if Petitioner installed one large sign on the proposed hotel building. Lastly, Mr. Hoffman observed that the proposed signage would be oriented in the direction of existing commercial uses along Painters Mill Road and not the residential uses to the west (or rear) of the subject property.

Having considered the evidence presented, this Board is persuaded that the variance should be granted. The test for a variance was enunciated in *Cromwell v. Ward*, 102 Md. App. 691, 651 A.2d 424 (1995), which holds:

The Baltimore County ordinance requires "conditions...peculiar to the land...and...practical difficulty...." Both must exist....However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of *that* piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties....

Id. at 698-99 (emphasis in original). In requiring a finding of "uniqueness," the Court defined that term, stating:

"In the zoning context the 'unique' aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. 'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface conditions, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions...."

Id. at 710 (quoting *North v. St. Mary's County*, 99 Md. App. 502, 514-15, 638 A.2d 1175 (1994)).

Following the test laid out in *Cromwell*, this Board finds that Petitioner's Exhibit 1 clearly demonstrates the irregular shape of the subject property and the irregular nature of its frontage on Painters Mill Road. It is these site characteristics that render the property unique with regard to the requested sign variance. The Board also agrees that requiring Petitioner to adhere to the County's sign regulations by installing only one sign would result in a practical difficulty for Petitioner. Furthermore, the grant of the relief will not be detrimental to the surrounding area – the proposed signage will face existing commercial uses across Painters Mill Road to the east and there will be no impact on the residential community to the west of the subject property. Additionally, the total square footage of both signs (75 square feet per sign x 2 = 150 square feet) will not exceed the 150 square foot limit for the one permitted sign in the zone. Therefore, the proposed signs are of an appropriate scale on the hotel building, and their size and location will not be visibly disruptive, as each sign is small in scale in comparison to the length of the building façades on which they are located. In this Board's opinion, two smaller 75

square-foot signs installed on separate facades of the building will avoid any potential visual impact associated with one larger 150 square foot sign on a single façade of the building.

Pursuant to the Zoning Regulations of Baltimore County and public hearing held in this matter, for the reasons set forth above, the Petition for Variance shall be granted.

ORDER

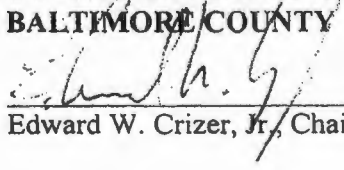
THEREFORE, IT IS ORDERED by the County Board of Appeals of Baltimore County this 4th day of ~~November~~ ^{DECEMBER}, 2008, that Protestants' appeal of the Petition for Special Hearing and Petition for Special Exception are hereby **DISMISSED**, with prejudice; and it is further

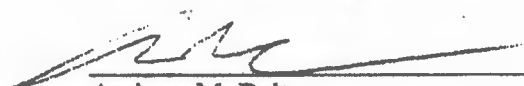
ORDERED that the Petition for Variance from BCZR Sections 206.4 and 1B02.2.A to permit a building height of 59 feet in lieu of the permitted 50 feet is hereby **DISMISSED AS MOOT**; and it is further

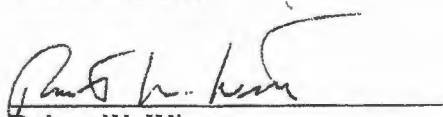
ORDERED that the revised Petition for Variance from BCZR Section 450.4.5(h) to permit two wall-mounted enterprise signs, a maximum of 75 square feet each, in lieu of one permitted 150 square foot sign is hereby **GRANTED**.

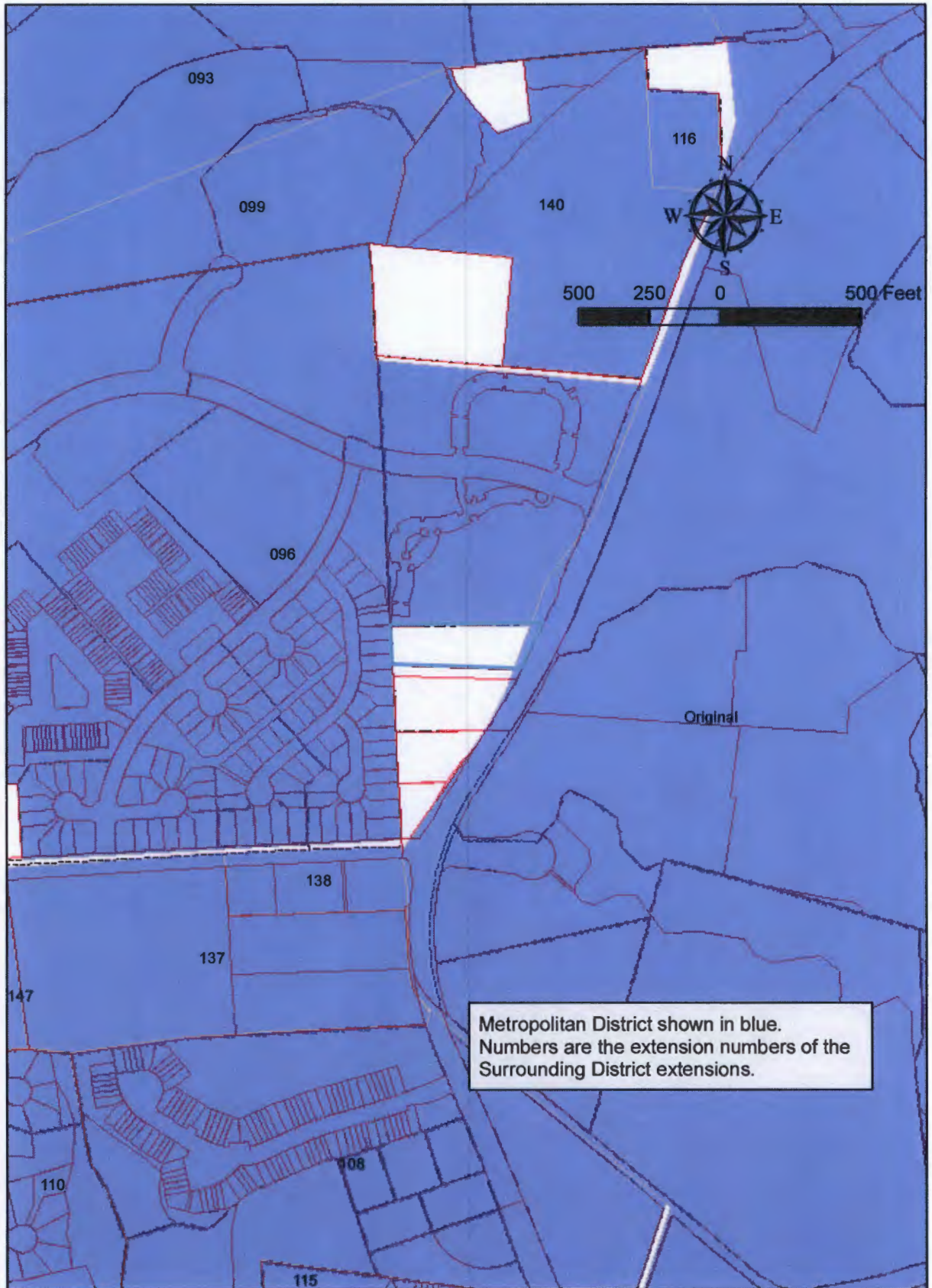
Any appeal of this decision must be taken within thirty (30) days.

**COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY**


Edward W. Crizer, Jr., Chairman


Andrew M. Belt


Robert W. Witt



4514 Painters Mill Road

CITY OF BALTIMORE
ORDINANCE **10 - 387**
Council Bill 10-0498

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: May 3, 2010
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable
Council action: Adopted
Read second time: November 8, 2010

AN ORDINANCE CONCERNING

Metropolitan District of Baltimore County –
Extension 162

FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

BY direction of

Article 3 – Baltimore County
Section(s) 498 through 528
Code of Public Local Laws of Maryland
(1955 Everstine Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore consents to and approves the petition to extend the Metropolitan District of Baltimore County to a tract of land, consisting of approximately 3.662 acres, located in the 2C4 Election District of Baltimore County in the vicinity of the west side of Painters Mill Road, north of Lyons Mill Road, as more particularly shown on the plat labeled Extension 162 and filed with the Department of Public Works of Baltimore County.

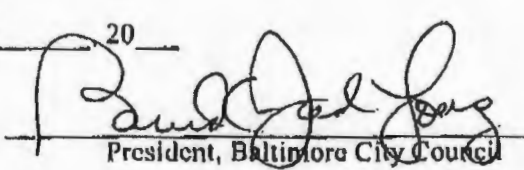
SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-through~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

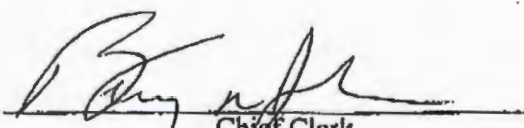
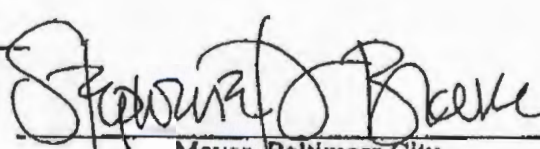
dh70-2102 - Job/23 Oct 10
metrodursh10-0498-Jrd:zhe

PETITIONER'S EXHIBIT 5

Council Bill 10-0498

Certified as duly passed this NOV 18 2010 day of 20
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this NOV 18 2010 day of 20
Chief ClerkApproved this NOV 22 2010 day of 20
Mayor, Baltimore City

Reviewed for Form and Legal Sufficiency

This 18th Day of November 2010Elena Di Pietro
Assistant Solicitor**A TRUE COPY****Edward J. Gallagher**
Director of Finance

November 18, 2011

Mr. Arnold Jablon, Deputy County
Administrative Officer
Director, Baltimore County Department of
Permits, Approvals and Inspections
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baywood Hotels
4508 – 4514 Painters Mill Road
Case No. 08-234-SPHXA

Dear Mr. Jablon:

This firm represents Baywood Hotels, owner of the above-referenced property (the "Property"), located in the Owings Mills area of Baltimore County. In Case No. 08-234-SPHXA, petitions for special exception, special hearing, and variance were granted for a hotel on the Property, which relief was appealed to the Board of Appeals. Following the hearing before the Zoning Commissioner, protestants withdrew their appeals of the special exception and special hearing relief, and the variance relief was amended by Baywood. Ultimately, the Board of Appeals issued a final order on December 4, 2008 (copy enclosed), dismissing the appeals of the special exception and special hearing, and granting the amended variance relief. That decision was not appealed. I am writing to request that you verify the duration of the time period in which Baywood is required to utilize its special exception and to confirm that Baywood may request an extension of the utilization period.

As you are aware, Section 502.3 of the Baltimore County Zoning Regulations ("BCZR") governs the utilization of special exceptions. It states, in pertinent part: (i) "A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void"; (ii) "After a final order granting a special exception, the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same"; and (iii) "[I]n any case where a special exception in effect on or after January 1, 1957, cannot be utilized within the maximum allowable time because of inadequacy or unavailability of public sewer or water facilities, the Zoning Commissioner shall extend such time for utilization to a date 18 months after such facilities become adequate and available." Furthermore, Section 3-2-1103 of the Baltimore County Code ("BCC") states: "The Department of Permits, Approvals and Inspections shall administer and enforce....(i) All laws,

VENABLE[®] LLP

Mr. Arnold Jablon, DAO & Director

November 18, 2011

Page 2

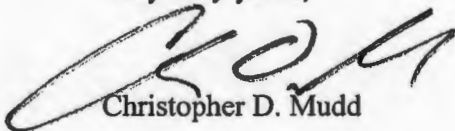
maps, and regulations related to zoning; and (ii) Except for the conduct of hearings under Article 32 of the Code, all other administrative matters assigned to the Zoning Commissioner in Article 32 of the Code, by the Baltimore County Zoning Regulations, or under any other authority."

Here, the Board of Appeals' December 4, 2008 order constituted the final decision that would have commenced the two year period in which the special exception was required to be utilized under BCZR §502.3, but for the unavailability of public water and sewer for the Property. When Baywood began to process its permits, it discovered that the Property was not located within the Metropolitan District and, consequently, public water and sewer were not available. In April, 2009, Baywood petitioned to extend the Metropolitan District to include the Property (copy enclosed). Following a 19 month review process, the Baltimore City Council passed legislation on November 22, 2010 extending the Metropolitan District (copy enclosed), which action made public water and sewer available to the Property. Because public water and sewer were not available to the Property until November 22, 2010, BCZR §502.3 requires the Zoning Commissioner to extend the utilization period for the special exception for eighteen months from that date, or until May 22, 2012. Furthermore, according to BCC §3-2-1103, as Director of Permits, Approvals and Inspections, you have the authority to grant this extension, instead of the Zoning Commissioner.

Therefore, at this time, based upon the information outlined above, I ask that you please confirm, by countersignature below, that Baywood has until May 22, 2012 to utilize the special exception that was approved by way of the Board of Appeals' final order in Case No. 08-234-SPHXA. Furthermore, because the period for utilization of the special exception has not yet expired, please also confirm, by countersignature below, that Baywood may file a petition for special hearing with the Office of Administrative Hearings to request, pursuant to BCZR §502.3, that the period of time in which the special exception must be utilized may be extended to no later than five years after the date of the final Board order, or until December 4, 2013.

With this letter, I have enclosed a check in the amount of \$500.00, made payable to Baltimore County, Maryland, for the fee associated with your review. If you have any questions or require any additional information, please contact me. Thank you for your attention to this matter.

Very truly yours,



Christopher D. Mudd

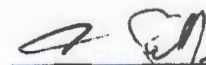
CDM

Enclosures

Mr. Paul Williams

#306413v1

Agreed and Accepted:

 11/18/11

**Arnold Jablon, DAO & Director
Permits, Approvals & Inspections**

Robert D. Capalongo, RLA

Work Experience:

August 2005 to Present: Associate of Planning and Landscape Architecture with C.N.A. Engineers, Inc. Managing and Designing Residential, Commercial, Institutional and Industrial Projects.

February 2001 to August 2005: Senior Project Manager for the Site Engineering Division and Department Head of the Landscape Architecture Department of **Whitney, Bailey, Cox and Magnani, LLC** in Baltimore, Maryland. Managed and Designed Institutional, Commercial, Residential and Industrial Projects.

January 1995 to February 2001: Project Manager and Senior Landscape Architect for the Land Planning and Development Engineering Division of **Morris and Ritchie Associates, Inc.** in Baltimore, Maryland. Managed and Designed Commercial, Residential and Industrial Projects.

May 1987 to January 1995: Project Manager and Landscape Architect for the Development Engineering Division of **Greenhorne and O'Mara, Inc.** in Greenbelt, MD. My responsibilities included site planning, grading, street grade establishment, earthwork analysis, sediment control design, public and private water and sewer design, construction cost estimation and site feasibility studies. Computer related work included CADD site planning, drafting, street grade establishment and earthwork analysis.

EDUCATION:

B.S. Landscape Architecture, College of Arts and Architecture
The Pennsylvania State University; Graduated May 1987.

PROFESSIONAL LICENSE:

Licensed Landscape Architect, Maryland License number 3037.
Also Licensed to Practice Landscape Architecture in Delaware, Pennsylvania and Virginia

LEED Accredited Professional.

REFERENCES:

Available upon request.

JB 1/18

Case No.: 2012-0142-SPH

Exhibit Sheet - Continued

Petitioner/Developer

2/22/12
JB
DW 1/19/12
Respondent

No. 18 1	Site Plan	
No. 17 2	Capalonga Resume	
No. 16 3	CBA Opinion 08-234-SPHXA	
No. 15 4	Metro District Map	
No. 14 5	Balto. City Ordinance 10-397	
No. 13 6	Jablon letter 11-18-11	
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: January 13, 2012

SUBJECT: DEPS Comment for Zoning Item # 12-0142-SPH
Address 4508 – 4514 Painters Mill Road
(Howard Hospitality, Inc. Property)

Zoning Advisory Committee Meeting of December 12, 2011.

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

X Development of this property must comply with the Forest Conservation Law (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Reviewer: *Glenn Shaffer; Environmental Impact Review*

RECEIVED

JAN 13 2012

OFFICE OF ADMINISTRATIVE HEARINGS

CASE NO. 2012-

JB 1/18 @ 11 AM
205

0142-SPH

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

12-19

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

NC

DEPS

(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING

(if not received, date e-mail sent _____)

12-13

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

1-3-12

SIGN POSTING

Date:

1-3-12

by Black

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Debra Wiley - ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/12/11

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 12/9/2011 8:55 AM
Subject: ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/12/11

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision. Thanks.

2012-0138-XA - 3219 E. Joppa Rd.
(No hearing date in data base as of 12/9)

2012-0141-SPH - 341 Worton Road - (CBCA)
(No hearing date in data base as of 12/9)

2012-0142-SPH - 4508-4514 Painters Mills Road
(No hearing date in data base as of 12/9)

2012-0143-SPHA - 2119 York Road
(No hearing date in data base as of 12/9)

2012-0144-SPHX - 10729 Park Heights Avenue
(No hearing date in data base as of 12/9)

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-13-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

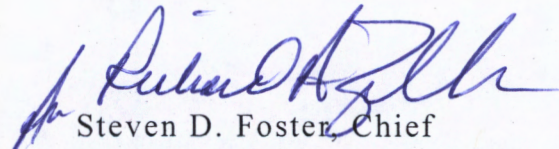
RE: Baltimore County
Item No. 2012-0142 SPH
Special Hearing
Howard Hospitality, Inc.
Amit Patel
4508-4514 Printers Mill Road

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. 2012-0142 SPH

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: December 19, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2011
Item Nos. 2012-138, 142,
And 144

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-12262011 -NO COMMENTS.doc

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 3, 2012 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich

410-494-6200

Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0142-SPH

4508-4514 Painters Mill Road

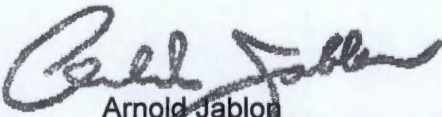
NE/s of Painters Mill Road, 1,000 feet s/w of Lakeside Boulevard

2nd Election District – 4th Councilmanic District

Legal Owners: Howard Hospitality, Inc.

Special Hearing to determine whether or not the Administrative Law Judge should approve an extension of the period for utilization of the special exception granted in case 08-234-SPHXA to five years from the date of the final order.

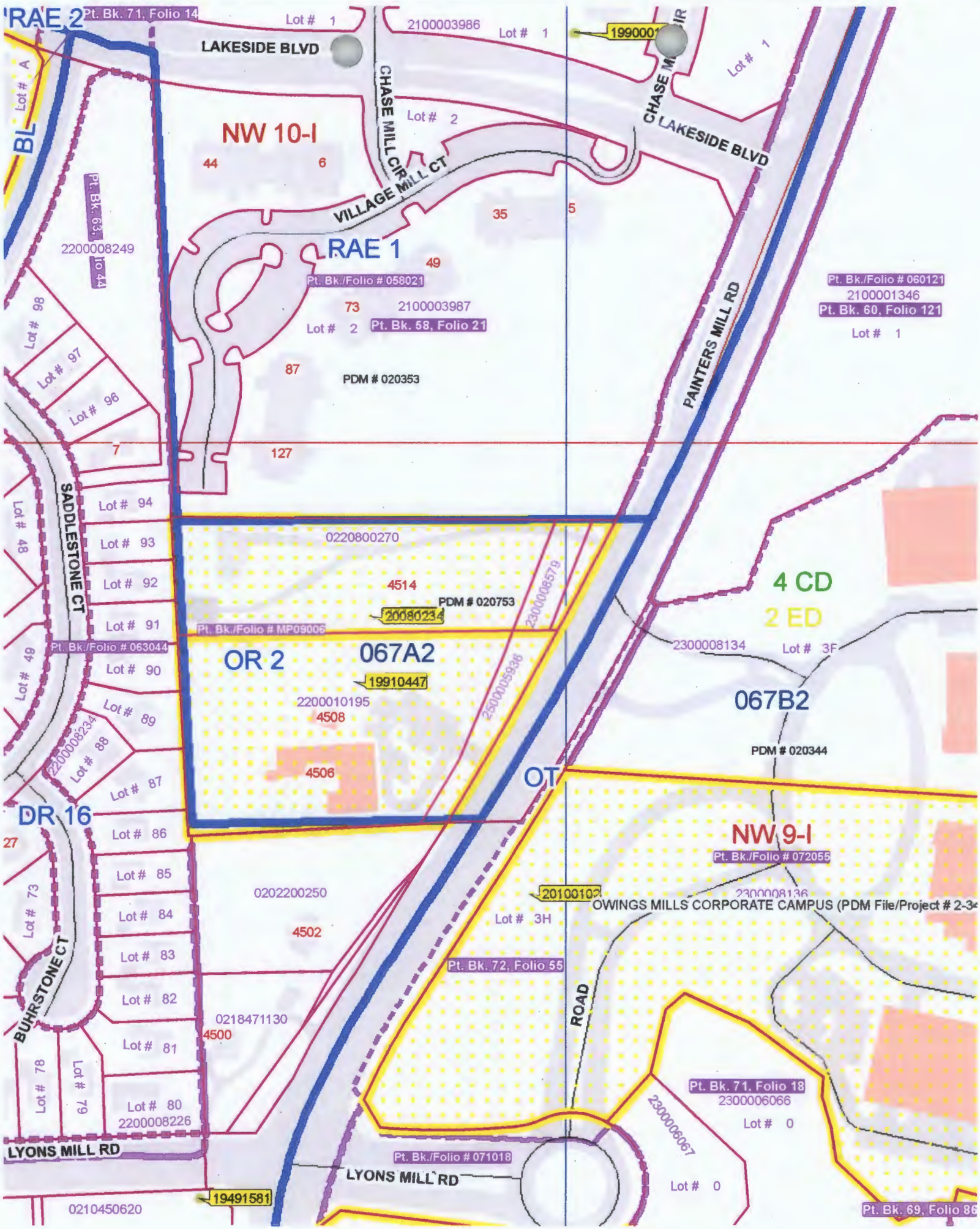
Hearing: Wednesday, January 18, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



RAE 2 Pt. Bk. 71, Folio 14

LAKESIDE BLVD

NW 10-I

RAE 1

CHASE MILL CIR
LAKESIDE BLVD

PAINTERS MILL RD

2200008249

Pt. Bk./Folio # 058021

2100003987
Pt. Bk. 58, Folio 21

Pt. Bk./Folio # 060121
2100001346
Pt. Bk. 60, Folio 121

PDM # 020353

0220800270

PDM # 020753

OR 2

067A2

067B2

PDM # 020344

DR 16

OT

NW 9-I

Pt. Bk./Folio # 072055

OWINGS MILLS CORPORATE CAMPUS (PDM File/Project # 2-3)

LYONS MILL RD

LYONS MILL RD

Pt. Bk. 71, Folio 18
2300006066

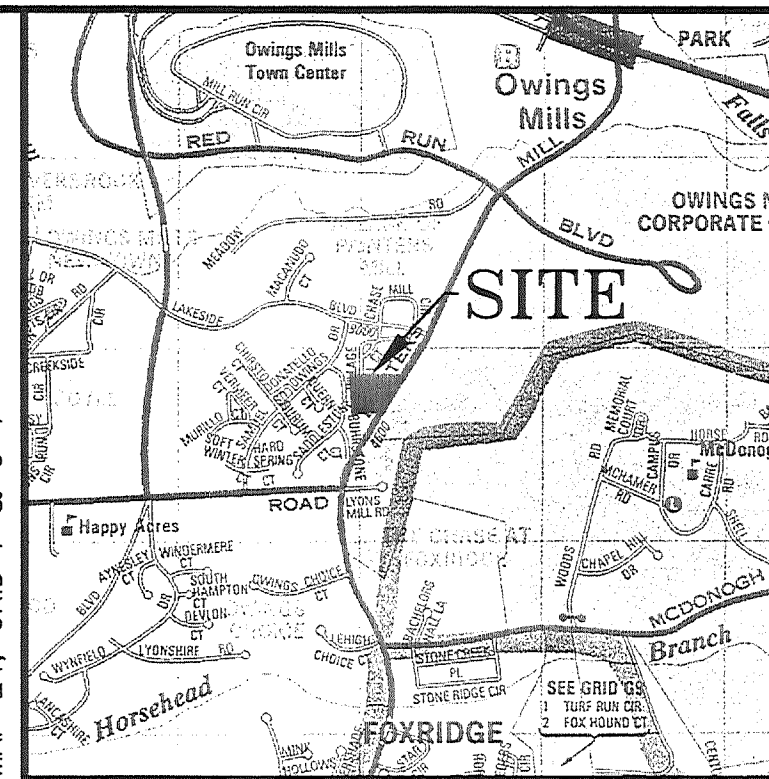
0210450620

19491581

Pt. Bk./Folio # 071018

2300006067

Pt. Bk. 69, Folio 86



LOCATION MAP

SCALE: 1" = 2000

SITE DATA AND GENERAL NOTES

1. OWNER AND DEVELOPER: HOWARD HOSPITALITY INCORPORATED
7871 BELLE POINT DRIVE
GREENBELT, MD 20770, ATTN: CHET PATEL
2. PROJECT ADDRESS: 4508-4514 PAINTERS MILL ROAD
OWINGS MILL, MD 21117
- 3.. TAX MAP INFO: TM 67 PARCEL 272 TM 67 PARCEL 468
DEED REF. 15039/375 DEED REF. 13187/634
4. ZONING: OR-2
5. EXISTING USES: RESIDENCE AND DAYCARE
6. PROPOSED USES: HOTEL AND DAYCARE
7. TOTAL SITE AREA: 159,429 SF = 3.66 AC.±
8. AREA OF SPECIAL EXCEPTION AND VARIANCES FOR
THE HOTEL USE: 2.17 ACRES.
9. PARKING REQUIRED: HOTEL/MOTEL: 1 SPACE/ROOM OR SUITE
HANDICAPPED SPACES: 101-150 = 5
TOTAL NUMBER OF SPACES: 100
10. PARKING PROPOSED:
REGULAR PARKING PROP: 100 SPACES
HANDICAP PARKING PROP: 5 SPACES
TOTAL PARKING PROP: 105 SPACES
11. BULK REGULATIONS FOR HOTEL USE (D.R. 10.5):

	<u>MINIMUM</u>	<u>PROP.</u>
a. SETBACKS:		
FRONT YARD SETBACK:	25'	30'
SIDE YARD SETBACK:	20'	20' AND 55'
REAR YARD SETBACK:	50'	143'
b. MAXIMUM HEIGHT ALLOWED:	50'	
c. MAXIMUM HEIGHT PROPOSED:	50'	
12. BLDG. SQUARE FOOTAGE SHOWN: 76,013 SF.
13. BOUNDARY IS BASED ON LITTLE & ASSOCIATES, INC. PLAT OF
SURVEY PAINTERS MILL DAY CARE INFORMATION. FIELD WORK
FOR THIS SURVEY WAS COMPLETED DECEMBER 19, 2006.
14. THERE IS NO 100 YEAR FLOODPLAIN INDICATED, PER FEMA
FLOODPLAIN MAP # 2400100220C, PANEL 220, EFFECTIVE
SEPTEMBER 3, 1992
15. THIS SITE IS NOT LOCATED WITHIN THE CRITICAL AREAS DISTRICT.
16. THERE ARE NO KNOWN HISTORIC STRUCTURES ON THIS SITE.
17. THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED
SPECIES ON THIS SITE.
18. CRG PLAN APPROVED DECEMBER 5, 1991, FOR PARCEL 468, DAYCARE
PARCEL. CRG #91301 AND PLANNING CRG #11 - 477.
19. PROPOSED BUILDING WILL BE SERVED BY PUBLIC WATER AND SEWER.
20. ELECTION DISTRICT: 2. COUNCILMANIC DISTRICT 4.

PREVIOUS ZONING CASES:

- 2.) NO PREVIOUS ZONING CASES FOUND FOR PARCEL 272, THE HOTEL PARCEL.
- 2.) DAYCARE USE, PARCEL 468:
- ZONING CASE NO. 91-447--SPHZA, DATE OF ORDER--JULY 19, 1991, THAT PURSUANT TO A PETITION FOR SPECIAL EXCEPTION/SPECIAL HEARING, THE FOLLOWING WERE GRANTED:
- a. PERMISSION FOR THE BUILDING OF A SINGLE-FAMILY DWELLING, EITHER IN AN RAC-1 ZONE AND TO PERMIT A SINGLE FAMILY DWELLING, AS A NON-CONFORMING USE, MAY REMAIN IN A RAC-1 ZONE.
- b. PETITION FOR ZONING VARIANCE: A VARIANCE FROM SECTION 203.30.3.1 OF THE ZONING CODE TO PERMIT A BUILDING OF A HOUSE WITH A LOT OF 10 FT. TO 20 FT. IN LIEU OF THE REQUIRED 45 FT. FOR NEW PROPOSED BUILDING, AND 10 FT. IN LIEU OF THE REQUIRED 45 FT. FOR EX. DWELLING TO LOT LINES.
- c. VARIANCE FROM SECTION 203.30.3.2 OF THE ZONING CODE TO PERMIT A BUILDING SEPARATION OF 10 FT. IN LIEU OF THE REQUIRED 80 FT.
- 3.) ZONING CASE NO. 08-234--SPHZA: ZONING COMMISSIONER ISSUED ORDER ON FEBRUARY 15, 2008 GRANTING (A) A SPECIAL EXCEPTION TO PERMIT A HOTEL USE; (B) A VARIANCE TO PERMIT A BUILDING HEIGHT OF 58 FEET IN LIEU OF THE PERMITTED 50 FEET; AND TO ALLOW A BUILDING OF 150 SQUARE FEET, A MAXIMUM OF 10 FT. OF 150 SQUARE FEET EACH, IN LIEU OF THE ONE PERMITTED 150 SQUARE FOOT SIGN; AND (C) A SPECIAL HEARING TO AMEND THE SPECIAL EXCEPTION GRANTED IN CASE NO. 91-447--SUBJECT TO CERTAIN RESTRICTIONS. THE ZONING RELIEF WAS APPEALED TO THE BOARD OF ZONING ON DECEMBER 15, 2008. THE BOARD OF ZONING DENIED THE PETITION OF THE PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION, WITH PREJUDICE;
- (B) DISMISSING AS MOOT THE PETITION FOR VARIANCE TO PERMIT A BUILDING HEIGHT OF 58 FEET IN LIEU OF THE PERMITTED 50 FEET; AND (C) GRANTING A REVISED VARIANCE TO MOUNTED AND REMOVED SIGNS, A MAXIMUM OF 75 SQUARE FEET EACH, IN LIEU OF ONE PERMITTED 150 SQUARE FOOT SIGN.

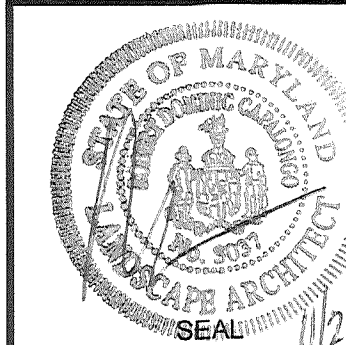
PRIMARY LINE TABLE						
CURVE	DELTA	RADIUS	ARC LENGTH	CHORD	LENGTH	TANGENT
C-1	01°58'20"	4548.66'	156.57'	S 27°33'19" W	156.56'	78.29'

LEGEND

	EXISTING 10' CONTOURS		WELL CAP
	EXISTING 2' CONTOURS		WATER METER
	PROPERTY LINES		WATER VALVE
	PROPOSED CURB		UTILITY POLE
	ADJOINERS		CLEAN OUT
	BUILDING RESTRICTION LINE		ELECTRIC MANHOLE
	SOILS		STORM DRAIN MANHOLE
	EXISTING ROAD		GAS VALVE
	EXISTING ROAD CENTERLINE		SANITARY MANHOLE
	EXISTING CURB		GUY WIRE
	EXISTING BUILDING		EXISTING FIRE HYDRANT
	EXISTING DRIVEWAY		
	EXISTING WALKWAY		
	EXISTING SWM POND		
	OVERHEAD WIRE		
	ZONING LINE		
	EXISTING TREE LINE		
	UTILITY EASEMENT		

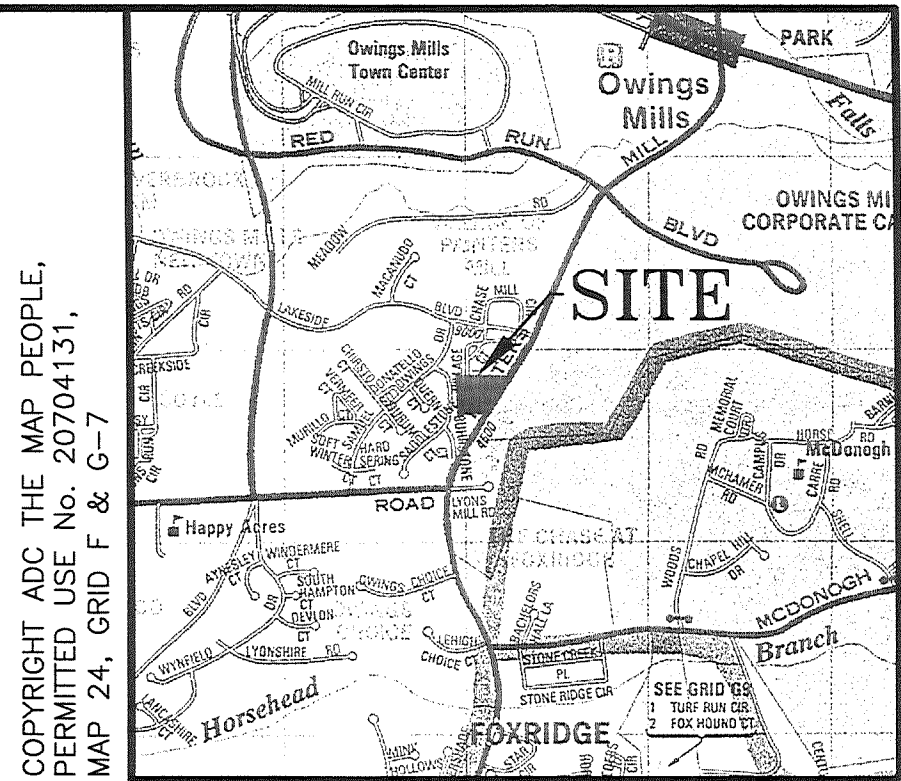
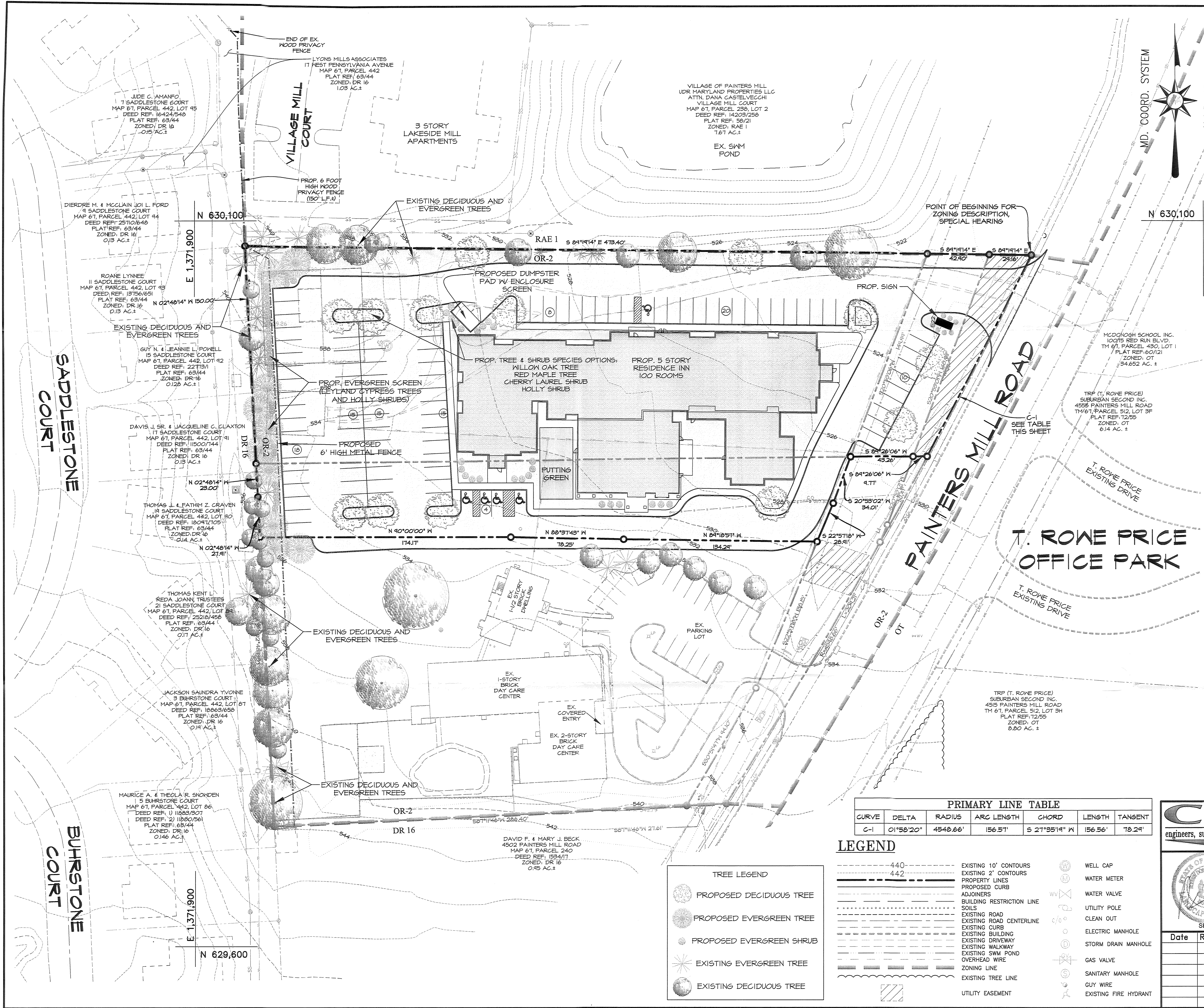
TREE LEGEND

	PROPOSED DECIDUOUS TREE
	PROPOSED EVERGREEN TREE
	PROPOSED EVERGREEN SHRUB
	EXISTING EVERGREEN TREE
	EXISTING DECIDUOUS TREE



PLAN TO ACCOMPANY A PETITION FOR
SPECIAL HEARING FOR A NEW HOTEL
AT 4508-4514 PAINTERS MILL ROAD

Date		Revisions	Date:	Scale:
			11/23/11	1"=30'
			Drawn By:	Job No:
			JPT	07119
		PETITIONER'S EXHIBIT	Design By:	Sheet:
			BC	1 OF 1
			Review By:	
			RC	



LOCATION MAP
SCALE: 1" = 2000'
SITE DATA AND GENERAL NOTES

- OWNER AND DEVELOPER: HOWARD HOSPITALITY INCORPORATED
7871 BELLE POINT DRIVE
GREENBELT, MD 20770, ATTN: CHET PATEL
- PROJECT ADDRESS: 4508-4514 PAINTERS MILL ROAD
OWINGS MILL, MD 21117
- TAX MAP INFO: TM 67 PARCEL 272 TM 67 PARCEL 468
DEED REF. 15039/375 DEED REF. 13187/634
- ZONING: OR-2
- EXISTING USES: RESIDENCE AND DAYCARE
- PROPOSED USES: HOTEL AND DAYCARE
- TOTAL SITE AREA: 159,429 SF = 3.66 AC.±
- AREA OF SPECIAL EXCEPTION AND VARIANCES FOR THE HOTEL USE: 2.17 ACRES.
- PARKING REQUIRED: HOTEL/MOTEL: 1 SPACE/ROOM OR SUITE
HANDICAPPED SPACES: 101-150 = 5
TOTAL NUMBER OF SPACES: 100
- PARKING PROPOSED:
REGULAR PARKING PROP: 100 SPACES
HANDICAP PARKING PROP: 5 SPACES
TOTAL PARKING PROP: 105 SPACES
- BULK REGULATIONS FOR HOTEL USE (D.R. 10.5):

	MINIMUM	PROP.
a. SETBACKS:		
FRONT YARD SETBACK:	25'	30'
SIDE YARD SETBACK:	20'	20' AND 55'
REAR YARD SETBACK:	50'	143'
b. MAXIMUM HEIGHT ALLOWED:	50'	
c. MAXIMUM HEIGHT PROPOSED:	50'	
d. BLDG. SQUARE FOOTAGE SHOWN:	76,013 SF.	
- BOUNDARY IS BASED ON LITTLE & ASSOCIATES, INC. PLAT OF SURVEY PAINTERS MILL DAY CARE INFORMATION. FIELD WORK FOR THIS SURVEY WAS COMPLETED DECEMBER 19, 2006.
- THERE IS NO 100 YEAR FLOODPLAIN INDICATED, PER FEMA FLOODPLAIN MAP # 2400100220C, PANEL 220, EFFECTIVE SEPTEMBER 3, 1992
- THIS SITE IS NOT LOCATED WITHIN THE CRITICAL AREAS DISTRICT.
- THERE ARE NO KNOWN HISTORIC STRUCTURES ON THIS SITE.
- THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES ON THIS SITE.
- CRG PLAN APPROVED DECEMBER 5, 1991, FOR PARCEL 468, DAYCARE PARCEL. CRG #91301 AND PLANNING CRG #11 - 477.
- PROPOSED BUILDING WILL BE SERVED BY PUBLIC WATER AND SEWER.
- ELECTION DISTRICT: 2. COUNCILMANIC DISTRICT 4.

PREVIOUS ZONING CASES:

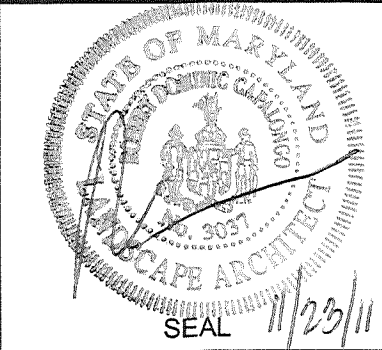
- NO PREVIOUS ZONING CASES FOUND FOR PARCEL 272, THE HOTEL PARCEL.
- DAYCARE USE, PARCEL 468:
ZONING CASE NO. 91-447-SPHXA, DATE OF ORDER-JULY 19, 1991, THAT PURSUANT TO A PETITION FOR SPECIAL EXCEPTION/SPECIAL HEARING, THE FOLLOWING WERE GRANTED:
a. PERMISSION FOR A PRESTANDING CLASS B GROUP CHILD CARE CENTER IN AN RAE-1 ZONE AND TO PERMIT A SINGLE FAMILY DWELLING, AS A NON-CONFORMING USE, MAY REMAIN IN A RAE-1 ZONE.
b. PETITION FOR ZONING VARIANCE: A VARIANCE FROM SECTION 200.3.C.1 OF THE B.C.Z.R. TO PERMIT A BUILDING SETBACK AND A PROPERTY LINE OF 0 FT. AND 20 FT. IN LIEU OF THE REQUIRED 45 FT. FOR NEW PROPOSED BUILDING, AND 10 FT. IN LIEU OF THE REQUIRED 45 FT. FOR EX. DWELLING TO LOT LINES.
c. VARIANCE FROM SECTION 102.2 OF THE B.C.Z.R. TO PERMIT A BUILDING SEPARATION OF 10 FT. IN LIEU OF THE REQUIRED 90 FT.
- ZONING CASE NO. 08-234-SPHXA: ZONING COMMISSIONER ISSUED ORDER ON FEBRUARY 15, 2008 GRANTING (A) A SPECIAL EXCEPTION TO PERMIT A HOTEL USE; (B) A VARIANCE TO PERMIT A BUILDING HEIGHT OF 50 FEET IN LIEU OF THE PERMITTED 50 FEET AND TO ALLOW THREE WALL-MOUNTED ENTERPRISE SIGNS, A MAXIMUM OF 150 SQUARE FEET EACH, IN LIEU OF THE ONE PERMITTED 150 SQUARE FOOT SIGN; AND (C) A SPECIAL HEARING TO AMEND THE SPECIAL EXCEPTION GRANTED IN CASE NO. 91-447-SPHXA, SUBJECT TO CERTAIN RESTRICTIONS. THE ZONING RELIEF WAS APPEALED TO THE BOARD OF APPEALS. ON DECEMBER 4, 2008, THE BOARD ISSUED AN ORDER (A) DISMISSING THE APPEALS OF THE PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION, WITH PREJUDICE; (B) DISMISSING AS MOOT THE PETITION FOR VARIANCE TO PERMIT A BUILDING HEIGHT OF 50 FEET IN LIEU OF THE PERMITTED 50 FEET; AND (C) GRANTING A REVISED VARIANCE TO PERMIT TWO WALL-MOUNTED ENTERPRISE SIGNS, A MAXIMUM OF 75 SQUARE FEET EACH, IN LIEU OF THE ONE PERMITTED 150 SQUARE FOOT SIGN.

PRIMARY LINE TABLE						
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 - PROPOSED EVERGREEN TREE
 - PROPOSED EVERGREEN SHRUB
 - EXISTING EVERGREEN TREE
 - EXISTING DECIDUOUS TREE

- EXISTING 10' CONTOURS
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- PROPERTY LINES
- PROPOSED CURB
- ADJOINERS
- BUILDING RESTRICTION LINE
- SOILS
- EXISTING ROAD
- EXISTING ROAD CENTERLINE
- EXISTING CURB
- EXISTING BUILDING
- EXISTING DRIVEWAY
- EXISTING WALKWAY
- EXISTING SWM POND
- OVERHEAD WIRE
- ZONING LINE
- EXISTING TREE LINE
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- WELL CAP
- WATER METER
- WATER VALVE
- UTILITY POLE
- CLEAN OUT
- ELECTRIC MANHOLE
- STORM DRAIN MANHOLE
- GAS VALVE
- SANITARY MANHOLE
- GUY WIRE
- EXISTING FIRE HYDRANT



PLAN TO ACCOMPANY A PETITION FOR SPECIAL HEARING FOR A NEW HOTEL AT 4508-4514 PAINTERS MILL ROAD

Date	Revisions	Date:	Scale:
		11/23/11	1"=30'
		Drawn By: JPT	Job No: 07119
		Design By: BC	Sheet: 1 OF 1
		Review By: BC	