



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 21, 2014

Edward J. Gilliss, Esquire
102 W. Pennsylvania Avenue
Suite 600
Towson, Maryland 21204

RE: Petition for Variance
Property: 305 E. Joppa Road
Case No. 2015-0040-A

Dear Mr. Gilliss:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Susan L. McNicholas, 305 E. Joppa Road #308, Towson, Maryland 21286

IN RE: PETITION FOR VARIANCE
(305 E. Joppa Road)
9th Election District
5th Council District
TABCO Towers Associates, LLLP
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2015-0040-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §409.6 to allow for 72 on-site parking spaces in lieu of the 100 parking spaces allowed per April 11, 1975 Circuit Court Order. 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 in support of the request was Steven Collins and Aaron Kensinger, Professional Engineer, whose firm prepared the plan. Susan McNicholas, who resides in the property, attended the hearing to obtain additional information regarding the request. Edward J. Gilliss, Esquire, represented the Petitioner. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated October 16, 2014. That agency indicated it had no objection to the request.

The subject property is approximately 0.960 acres and is zoned BM-CT. The property is improved with a multi-story residential building known as Tabco Towers, which is located just

ORDER RECEIVED FOR FILING

Date

10/21/14

By

sen

off of the traffic circle in downtown Towson. The tower was constructed in 1975, and provides housing for retired teachers and the elderly. The Petitioner obtained in 1975 variance relief from the Zoning Commissioner, allowing 100 parking spaces in lieu of the required 200 spaces. This was upheld by Circuit Court Order dated April 11, 1975, and the building has for nearly 40 years operated with this number of parking spaces. As noted by the DOP, there have been no complaints or concerns raised about the parking at Tabco Towers, and the Town-Center district zoning overlay encourages high density residential uses.

To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. As an initial matter, the earlier zoning Order (No. 75-17-A) granting variance relief--upon a finding that Petitioner satisfied the legal requirements--would be entitled to preclusive effect under *res judicata*. But even if that were not the case, Mr. Kensinger testified (via proffer) as to the unique aspects of the site (including the irregular shape of the lot), and it is apparent Petitioner would experience a practical difficulty if the regulations were strictly interpreted, since there is absolutely no additional space on the lot or on neighboring properties that would allow for additional parking. I also believe the relief will not negatively impact the health, safety and welfare of the community.

THEREFORE, IT IS ORDERED, this 21st day of October, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow for 72 on-site parking spaces in lieu of the 100 parking spaces allowed per April 11, 1975 Circuit Court Order, be and is hereby

GRANTED.

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

JEB:sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 10/21/14

By sln



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 305 E. Joppa Road, Towson, MD 21204

which is presently zoned BM CT

Deed References: 5503/13; 5500/949; 7430/526

10 Digit Tax Account # 1700000949 and 0923158210

Property Owner(s) Printed Name(s) TABCO Towers Associates, LLLP

(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. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

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

Requested Relief

Variance from BCZR Section 409.6 to allow for 72 on site parking spaces in lieu of the 100 parking spaces allowed per April 11, 1975 Circuit Court Order.

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:

Edward J. Gilliss, Esq.

Name- Type or Print

Signature

102 W. Pennsylvania Ave., Suite 600 Towson, MD

Mailing Address

City

State

21204

Zip Code

/ 410-823-1800

Telephone #

/ egilliss@rmmr.com

Email Address

Legal Owners (Petitioners):

TABCO Towers Associates, LLLP c/o Wilke Management, Inc.

By Steven J. Collins

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

305 E. Joppa Road

Mailing Address

Towson

City

MD

State

21204

Zip Code

/ 443-604-8945

Telephone #

steve.collins@nhyates.com

Email Address

Representative to be contacted:

Steven J. Collins

Name - Type or Print

Signature

305 E. Joppa Road

Mailing Address

Towson

City

MD

State

21204

Zip Code

/ 443-604-8945

Telephone #

steve.collins@nhyates.com

Email Address

CASE NUMBER 2015-0040-A

Filing Date 8/20/2014

Do Not Schedule Dates:

ORDER RECEIVED FOR FILING

Date

10/21/14

Reviewer tu

REV. 10/4/11

By den

B. Anderson

INTA

ZONING FILE #75-17-A

1 PETITION FOR VARIANCE from * IN THE
2 Sections 409.2a, 409.2b5, *
3 409.2b6 and 235.6 of the * CIRCUIT COURT
4 Baltimore County Zoning Regu- *
5 lations S/S of Joppa Road * FOR BALTIMORE COUNTY
6 475.5' E of Virginia Avenue, *
7 9th District * At Law
8 Teachers' Assn. of Baltimore *
9 County, Maryland, Inc. * Misc. 10/2/5501

10 Petitioners * April 11, 1975

11 TABCO TOWERS ASSOCIATES, *
12 Contract Purchasers *

13 Teachers' Association of *
14 Baltimore County, Md., Inc. *
15 and Tabco Assistance, Inc. and *
16 Scrivener-Wilke Development *
17 Corp., a Md. Corporation and *
18 J. Thomas Scrivener and *
19 William F. Wilke as general *
20 and/or limited partners of a *
21 Maryland limited partnership *
trading as TABCO TOWERS *
ASSOCIATES *

Appellants

vs

BALTIMORE COUNTY, a body
corporate and politic

Appellee

BEFORE: HONORABLE JOHN E. BAINE, JR., Judge

ALLAN J. MALESTER, Esq.
On behalf of Petitioners

Rec'd 5-9-75
9:30 am

0040-A

(ORAL OPINION)

THE COURT: On August 22, 1974 a corporation, hereafter referred to as TABCO, was granted a variance from the off-street parking requirements by the Zoning Commissioner. The existing regulations require 200 spaces for an apartment project that the plans and application for building permits clearly show contain 200 apartments. The bulk of the apartments are "efficiencies," for the project only contains eighty bedrooms. The Commissioner granted the variance on the basis that this is a project financed by governmental agencies and will be used as housing for the elderly in addition to a limited amount of office use by TABCO. The Commissioner was persuaded by the testimony that this particular type of project did not need one space per living unit because of the limitations on the nature of the tenants. The petitioners produced evidence that other apartment projects of this nature have demonstrated that the need for parking spaces for persons in the elderly category are not as great as otherwise. For example, one space for every four units is permitted in Baltimore City. In other areas it is shown that substantially fewer spaces than twenty-five percent are

1 needed, whereas, the variance granted by the Zoning Commis-
2 sioner still maintains a Fifty percent ratio. The testimony
3 is clear that the petitioner could acquire and in fact does
4 have sufficient land to provide the necessary off-street
5 parking spaces, but, the cost thereof would be an economic
6 burden that would eventually be passed on to the elderly
7 people of low income for whom this project is designed and
8 the Zoning Commissioner believed that to be an economic
9 factor justifying the variance.

10 After that order a letter from an attorney was
11 written to the Zoning Commissioner with the following state-
12 ments: "This is to advise you that I represent One Invest-
13 ment Plaza Associates....Kindly note on appeal...." Despite
14 vigorous objection by the petitioner an appeal was entertained
15 by the Board of Appeals, who reversed the Zoning Commissioner
16 and denied the variance, whereupon, the petitioner has
17 appealed to this Court.

18 The Board of Appeals has authority to adopt rules
19 of practice and procedure and those rules have the effect of
20 law when approved by the County Council. The County Council
21 has approved the rules and they are now set forth in Appendix

1 F in the current zoning regulations. Rule 3A provides that
2 no appeal shall be entertained by the Board of Appeals unless
3 the notice of appeal shall state the names and addresses of
4 the persons taking such appeal. The Rule is couched in manda-
5 tory terms and it is obvious that the purported notice of
6 appeal was fatally defective and that the County Board of
7 Appeals had no right to entertain the appeal.

8 Accordingly, the order of the County Board of
9 Appeals passed on January 6, 1975 must be reversed. The case
10 is presented here today by counsel for the petitioner ex
11 parte although the Board of Appeals and Baltimore County were
12 aware of the pendency of these proceedings. It is further
13 noted that those originally opposed to the issuance of a
14 variance permit have also abandoned the case.

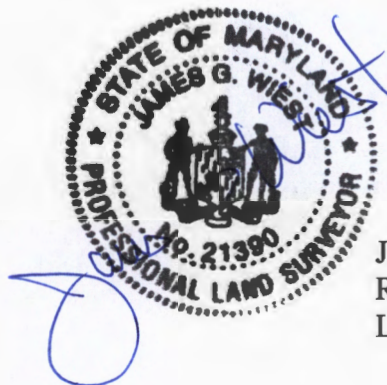
15 REVERSED.

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20
21
Judge

0040-A

ZONING DESCRIPTION FOR
#305 EAST JOPPA ROAD

Beginning at a point on the south side of East Joppa Road, which is 86 feet wide, at the distance of 426 feet west of the centerline of Fairmount Avenue, which is 114 feet wide. Thence the following courses and distances: (1) South 14 degrees 06 minutes 02 seconds West 124.27 feet; thence (2) South 75 degrees 53 minutes 58 seconds East 83.29 feet; thence (3) South 14 degrees 06 minutes 02 seconds West 164.75 feet; thence (4) North 75 degrees 53 minutes 58 seconds West 170.67 feet; thence (5) North 81 degrees 29 minutes 02 seconds East 25.66 feet; thence (6) North 01 degrees 56 minutes 00 seconds West 263.75 feet; and thence (7) by a curve to the right having a radius of 944.94 feet an arc length of 139.06' and a chord bearing South 86 degrees 32 minutes 36 seconds East 138.94 feet to the place of beginning. Containing 0.932 acres, more or less, as recorded in Deed Liber E.H.K., Jr. 5500 folio 949 and Deed Liber E.H.K., Jr. 5503 folio 13 (see also Deed Liber S.M. 7430 folio 526). Also known as #305 East Joppa Road and located in the 9th Election District, 5th Councilmanic District.



James G. Wiest
Registered No.: 21390
License Expiration Date: 2-5-16

2015-0040-A

Case No.: 2015-0040-A

Exhibit Sheet

10/24/14

slw
10/21/14

Petitioner/Developer

Protestant

No. 1	Plan	
No. 2	Zoning File for Case # 75-17	
No. 3	Color photos (3)	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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entA

ZONING FILE #75-17-A

1 PETITION FOR VARIANCE from * IN THE
2 Sections 409.2a, 409.2b5, *
3 409.2b6 and 235.6 of the * CIRCUIT COURT
4 Baltimore County Zoning Regu-
5 lations S/S of Joppa Road * FOR BALTIMORE COUNTY
6 475.5' E of Virginia Avenue,
7 9th District * At Law
8 Teachers' Assn. of Baltimore
9 County, Maryland, Inc. * Misc. 10/2/5501

10 Petitioners * April 11, 1975

11 TABCO TOWERS ASSOCIATES,
12 Contract Purchasers

13 Teachers' Association of
14 Baltimore County, Md., Inc. *
15 and Tabco Assistance, Inc. and
16 Scrivener-Wilke Development *
17 Corp., a Md. Corporation and
18 J. Thomas Scrivener and
19 William F. Wilke as general
20 and/or limited partners of a *
21 Maryland limited partnership
trading as TABCO TOWERS
ASSOCIATES

Appellants

vs

BALTIMORE COUNTY, a body
corporate and politic

Appellee

BEFORE: HONORABLE JOHN E. BAINE, JR., Judge

ALLAN J. MALESTER, Esq.
On behalf of Petitioners

Rec'd 5-9-75
9:30 am

PETITIONER'S

EXHIBIT NO. 2

(ORAL OPINION)

1
2 THE COURT: On August 22, 1974 a corporation,
3 hereafter referred to as TABCO, was granted a variance from
4 the off-street parking requirements by the Zoning Commissioner.
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6 project that the plats and application for building permits
7 clearly show contain 200 apartments. The bulk of the apart-
8 ments are "efficiencies," for the project only contains
9 eighty bedrooms. The Commissioner granted the variance on
10 the basis that this is a project financed by governmental
11 agencies and will be used as housing for the elderly in
12 addition to a limited amount of office use by TABCO.
13 The Commissioner was persuaded by the testimony that this
14 particular type of project did not need one space per living
15 unit because of the limitations on the nature of the tenants.
16 The petitioners produced evidence that other apartment projects
17 of this nature have demonstrated that the need for parking
18 spaces for persons in the elderly category are not as great
19 as otherwise. For example, one space for every four units is
20 permitted in Baltimore City. In other areas it is shown that
21 substantially fewer spaces than twenty-five percent are

1 needed, whereas, the variance granted by the Zoning Commis-
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7 people of low income for whom this project is designed and
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16 and denied the variance, whereupon, the petitioner has
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19 of practice and procedure and those rules have the effect of
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7 Appeals had no right to entertain the appeal.

8 Accordingly, the order of the County Board of
9 Appeals passed on January 6, 1975 must be reversed. The case
10 is presented here today by counsel for the petitioner ex
11 parte although the Board of Appeals and Baltimore County were
12 aware of the pendency of these proceedings. It is further
13 noted that those originally opposed to the issuance of a
14 variances permit have also abandoned the case.

15 REVERSED.

16
17 _____
18 Judge
19
20
21

Bl

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

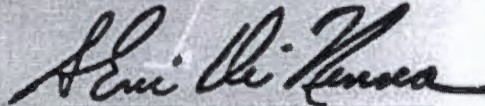
EVALUATION COMMENTS

Allen J. Malster, Esq.
Gordon, Feinblatt, Rothman, Hoffberger & Hollander
1300 Garrett Bldg.
Baltimore, Md. 21202

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted
for filing this 12th day of July 1974.



S. ERIC DINENNA,
Zoning Commissioner

Petitioner Teachers' Asso. of Balto. Co. Md., Inc.

Petitioner's Attorney Allen J. Malster
L. Edward Wolf architect, consultant
Hodkins Associates, Inc. 200 E. Joppa Rd.

Reviewed by James B. Byrnes Jr.
Chairman,
Zoning Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 17, 1974

COUNTY OFFICE BUILDING
111 N. Chesapeake Avenue
Baltimore, Maryland 21204

James A. Byrnes, III
Chairman

ZONING ADMINISTRATION
HEALTH DEPARTMENT
BUREAU OF
FIRE PREVENTION
DEPARTMENT OF
TRAFFIC ENGINEERING
SVA - HIGHWAY
ADMINISTRATION
BUREAU OF
ENGINEERING
PROJECT AND
DEVELOPMENT PLANNING
INDUSTRIAL
DEVELOPMENT
COMMISSION
BOARD OF EDUCATION
OFFICE OF THE
BUILDINGS INSPECTOR

Allan J. Malester, Esq.
of Gordon, Feinblatt, Rothman,
Hoffberger & Hollander
1200 Garrett Bldg.
Baltimore, Maryland 21202

RE: Variance Petition
Item 9
Teachers' Association of
of Baltimore County, Md., Inc. -
Petitioners

Dear Mr. Malester:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the south side of Joppa Road, approximately 475 feet east of Virginia Avenue, in the 9th Election District of Baltimore County. A portion of the property is presently improved by the existing offices and parking area of Tabco, Inc.

The properties to the west are improved with existing residences which have been converted to office use. The Hampton House apartment complex exists opposite the site on Joppa Road.

The petitioner is requesting a Variance to permit 80 off street parking spaces instead of the

Allan J. Malestor, Esq.
Re: Item 9
July 17, 1974

Page 2

required 200, and proposes to erect a twenty-two story highrise complex to be used as housing for the elderly.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

James B. Byrnes, III
JAMES B. BYRNES, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: L. Edward Wolf Architect
Bomont road lutherville, Maryland 21093

Hudkins Associates, Inc.
200 East Joppa Road
Room 101, Shell Building
Towson, Maryland 21204

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204

823-7310

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Teacher's Association of Baltimore County, Md., Inc.

Location: S/S of Joppa Road, 475.5' E of Virginia Avenue

Item No. 9

Zoning Agenda July 16, 1974

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: Lt. James H. H. H.

Planning Group
Special Inspection Division

Noted and

Approved: Paul H. Reincke

Deputy Chief
Fire Prevention Bureau

mls
4/16/73

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

July 17, 1974

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 9, Zoning Advisory Committee Meeting,
July 16, 1974, are as follows:

Property Owner: Teacher's Association of Baltimore
County, Md., Inc.

Location: S/S of Jopps Road, 475.5' E of Virginia
Avenue

Existing Zoning: B.M.-C.T.

Proposed Zoning: Variance from Section 409.2a and 409.2b.5
and 235.6 to permit 80 offstreet parking
spaces instead of the required 200 offstreet
parking spaces.

No. of Acres: 0.6436

District: 9th

Metropolitan water and sewer are available.

Jones Falls Moratorium: A moratorium was placed on new
sewer connections in the Jones Falls Drainage Basin by Dr. Neil
Solomon, Secretary of Health and Mental Hygiene, on November 13, 1973;
therefore approval may be withheld for this connection.

Very truly yours,

Thomas R. Davlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB/ncg

WILLIAM D. FROMM
DIRECTOR

ERIC DINENNA
ZONING COMMISSIONER



July 25, 1974

Mr. S. Eric DINENNA, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DINENNA:

Comments on Item #9, Zoning Advisory Committee Meeting, July 16, 1974, are as follows:

Property Owner: Teacher's Association of Baltimore County, Md., Inc.
Location: S/S of Joppa Road, 475.5' E of Virginia Avenue
Existing Zoning: B.M.-C.T.
Proposed Zoning: Variance from Section 409.2a and 409.2b.5 215.6 to permit
80 offstreet parking spaces instead of the required 200 offstreet parking spaces
No. of Acres: 0.6456
District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

It is suggested that the petitioner and his architect contact this office to set up a meeting with the Department of Traffic Engineering concerning the requested variance and traffic circulation on the property.

Very truly yours,

John L. Wimbley
John L. Wimbley

Planning Specialist II
Project & Development Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 494-3211 ZONING 494-3261

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: July 19, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Z.A.C. Meeting # July 16, 1974

Re: Item 9

Property Owner: Teacher's Association of Baltimore County, Md., Inc.
Location: S/S of Jeppa Road, 475.5' E. of Virginia Avenue
Present Zoning: B.M.-C.T.
Proposed Zoning: Variance from Section 409.2a and 409.2b and 235.6 to permit 80 offstreet parking spaces instead of the required 200 offstreet parking spaces.

District: 9th
No. Acres: 0.6456

Dear Mr. DiNenna:

No bearing on student population.

WHP/ml

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Field Representative

DR. EMILIE PARKS, President
ELIZABETH E. HESS, Vice-President
MRS. ROBERT L. BENNY

MARCUS M. BOYSARIS
JOSEPH B. MCGOWAN
ALVIN LOREN
JOSHUA R. WHEELER, Superintendent

T. CATARD WILLIAMS, Jr.
RICHARD W. YEACEY, S.M.D.
MRS. RICHARD K. BUCKEL

Baltimore County, Maryland
Department Of Public Works

COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Division of Engineering

ELLSWORTH H. DYER, P. E., CHIEF

August 8, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #9 (1974-1975)
Property Owner: Teacher's Association of Baltimore
County, Md., Inc.
S/S of Joppa Rd., 475.5' E. of Virginia Ave.
Existing Zoning: B.M.-C.T.
Proposed Zoning: Variance from Section 409.2b.5 and
235.6 to permit 80 offstreet parking spaces instead of
the required 200 offstreet parking spaces
No. of Acres: 0.6456 District: 9th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Access to this site is from Joppa Road, a County road, which is fully improved along the frontage of this property on a right-of-way of variable width.

Construction or reconstruction of sidewalks, curb and gutter, entrances, aprons, etc. will be the full responsibility of the Petitioner.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

The status of Payne Avenue, an unimproved 40-foot "paper" street, shown on the plat of "Belle View" (Recorded W.P.C. 4, Folio 159) is unknown. It is the responsibility of the Petitioner to ascertain and clarify rights therein. At such time as Payne Avenue might be improved as a public street, it would be as a 30-foot closed-type roadway cross-section on a 50-foot right-of-way. However, no highway improvements or highway right-of-way widening will be required in connection with this site (Tabco Towers).

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Item #9 (1974-1975)

Property Owner: Teacher's Association of Baltimore County, Md., Inc.

Page 2

August 8, 1974

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

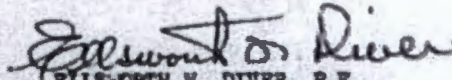
Water:

Public water supply (12-inch main) exists in Joppa Road. Additional fire hydrant protection and onsite pumping appear to be required for the proposed structure.

Sanitary Sewer:

Public sanitary sewerage exists in Joppa Road. This property is tributary to the Towson - Roland Run - Jones Falls Sewage System subject to State Health Department imposed moratorium restrictions.

Very truly yours,


ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Trenner
G. Reier

N-W Key Sheet
38 & 39 NE 1/4 Pos. Sheet
NE 10 A Topo
70 & 70A Tax Maps

**PETITION FOR A
VARIANCE
9th DISTRICT**
ZONING: Petition for
Variance for Off-Street Park-
ing.
LOCATION: South side of
Joppa Road 475.5 feet, more or
less, East of Virginia Avenue.
DATE & TIME: MONDAY,
AUGUST 12, 1974 at 10:30 A.M.
PUBLIC HEARING: Room
100, County Office Building, 111
W. Chesapeake Avenue,
Towson, Maryland.

The Zoning Commissioner of
Baltimore County, by authority
of the Zoning Act and Regula-
tions of Baltimore County, will
hold a public hearing:

Petition for Variance from the
Zoning Regulations of
Baltimore County to permit 30
Off-Street Parking Spaces in-
stead of the required 100
spaces.

The Zoning Regulation is to be
excepted as follows:

Section 409.2a - Off-Street
Parking - 1 space for each
dwelling unit.

Section 409.2b.3 - Off-Street
Parking - 1 for each 300 square
feet of total ground floor area
and 1 for each 300 square feet of
total area of upper floors.

Section 409.2b.5 - Off-Street
Parking - 1 for each 300 square
feet of total floor area.

Section 235B.9 - Off-Street
Parking - For all buildings con-
taining apartments, there shall
be provided at least one park-
ing space for each dwelling
unit. Up to 50 per cent of such
spaces on any lot shall be
counted in determining the
number of spaces provided for
commercial and office uses on
the same lot.

All that parcel of land in the
Ninth District of Baltimore
County

Beginning for the same at a
point distant measured
easterly along the south side of
Joppa Road 475.5 feet from
the centerline of Virginia
Avenue thence binding along
the said south side of Joppa
Road by a curve to the right
having a radius of 164.94 feet
for an arc length of 139.39 feet
thence leaving the said south
side of Joppa Road South 14°
00' 00" West 305.92 feet thence
North 75° 53' 30" West 68.17 feet
thence North 18° 39' 00" East
75.63 feet thence North 61°
16' 00" West 302.75 feet to the
place of beginning.

Containing 0.6456 Acres of
land more or less.

Being the property of
Teachers' Ass'n. of Balto.
County, Maryland, Inc., as
shown on plat plan filed with
the Zoning Department.

Hearing Date: Monday,
August 12, 1974 at 10:30 A.M.
Public Hearing - Room 100,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Md.

By Order Of
S. ERIC DINENNA
Zoning Commissioner Of
Baltimore County

July 26

ORIGINAL

OFFICE OF

THE TOWSON TIMES

TOWSON, MD. 21204

July 29 - 1974

THIS IS TO CERTIFY, that the annexed advertisement of

S. Eric Dinenna
Zoning Commissioner of Baltimore County

was inserted in THE TOWSON TIMES, a weekly newspaper published
in Baltimore County, Maryland, once a week for one ~~XXXXXXX~~
week before the 29 day of July 1974 that is to say, the same
was inserted in the issue of July 26 - 1974.

STROMBERG PUBLICATIONS, Inc.

By *Ruth Morgan*

PETITION FOR A VARIANCE
JEN 888 N.C.T.

ZONING: Petition for Variance for
Off-Street Parking.

LOCATION: South side of Joppa
Road 173.3 feet, more or less,
East of Virginia Avenue.

DATE & TIME: Monday, August 12,
1974 at 10:30 A.M.

PUBLIC HEARING: Room 104, County
Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland.
The zoning Commission of Baltimore
County, by authority of the
Zoning Act and Regulations of Baltimore
County, will hold a public
hearing.

Petition for Variance from the Zoning
Regulations of Baltimore County
to permit 1/4 Off-Street Parking
Spaces instead of the required 200
spaces.

The Zoning Regulation to be con-
sidered is as follows:

Section 103.1a - Off-Street Park-
ing - 1 space for each dwelling
unit.

Section 103.1b.1 - Off-Street Park-
ing - 1 for each 100 square feet
of total ground floor area and 1 for
each 100 square feet of total area
of upper floors.

Section 103.1b.2 - Off-Street Park-
ing - 1 for each 200 square feet
of total floor area.

Section 111b.4 - Off-Street Park-
ing - For all buildings containing
apartments, there shall be provided
at least one parking space for each
dwelling unit. Up to 25 per cent of
such spaces on any lot shall be ex-
cluded in determining the number of
spaces provided for commercial and
office uses on the same lot.

All that parcel of land in the
Ninth District of Baltimore County.

Beginning for the same at a point
distant measured easterly along the
south side of Joppa Road 173.3 feet
from the cornerline of Virginia
Avenue thence bearing along the
said south side of Joppa Road by a
curve to the right having a radius of
344.36 feet for an arc length of
128.18 feet thence bearing the said
south side of Joppa Road South 16°
46' 00" West 344.32 feet thence
North 15° 22' 30" West 88.17 feet
thence North 15° 22' 30" East 88.17
feet thence North 81° 14' 00" West
161.75 feet to the place of begin-
ning.

Containing 0.6646 Acres of land
more or less.

Being the property of Yeochers
Auto, of Baltimore County, Maryland,
Inc., as shown on plot plan filed with
the Zoning Department.

Hearing Date: Monday, August 12,
1974 at 10:30 A.M.

Public Hearing: Room 104, County
Office Building, 111 W. Chesapeake
Avenue, Towson, Md.

By order of
E. C. DUNNEN

Zoning Commissioner of
Baltimore County
July 21.

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 25 1974

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., on ~~one time~~
on ~~one time~~ ~~successive weeks~~ before the 12th
day of August 1974, the first publication
appearing on the 25th day of July
1974.

THE JEFFERSONIAN,

L. Leach Struthers
Manager.

Cost of Advertisement, \$

#75-17-A

PETITION MAPPING PROGRESS SHEET										
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										

Reviewed by: KTH

Revised Plans:
Change in outline or description _____ Yes
_____ No

Previous case: _____ Map # _____

Appeal

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#75 '7-A

District 9H. Date of Posting 1-3-74
Posted for: _____
Petitioner: Tenthon Assoc. of Balto Co.
Location of property: 5/2 of Joyce Rd. 475.5' East of the ave.
Location of Sign: 1 Sign Posted in front of Estate Agency of the
Tenthon Assoc.
Remarks: _____
Posted by Muel H. Nease Date of return: 10-10-74
Signature

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 3rd day of
July 1974. Item # _____.

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petition: Truckin' Ass'n Balto Co. Submitted by Malesta
Petitioner's Attorney Malesta Reviewed by T. J. Hagan

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15186

DATE September 19, 1974 ACCOUNT 01-662

AMOUNT \$35.00

WHITE - CASHIER
William J. Blondell, Jr., Esquire
DISTRIBUTION
PINK - AGENCY
Cost of Filing of an Appeal on Case No. 75-17-A
S/S of Joppa Road, 475.5' E of Virginia Avenue - 9th
Election District
Teachers' Association of Baltimore County, Maryland,
Incorporated - Petitioner
YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15317

DATE 2/18/75 ACCOUNT 01.712

Allan J. Malster, Esq.
1200 Garrett Bldg.
AMOUNT \$3.00

Redwood & South St.
Balto., Md. 21202
DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

Cost of certified documents in Case No. 75-17-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 16902

DATE September 27, 1974 ACCOUNT 01-662

AMOUNT \$5.00

WHITE - CASHIER
William J. Blondell, Jr., Esquire
DISTRIBUTION
PINK - AGENCY
Cost of Posting Property of the Teachers' Association of
Baltimore County, Maryland, Incorporated, for an Ap-
peal Hearing
S/S of Joppa Road, 475.5' E of Virginia Avenue - 9th
Election District
Case No. 75-17-A (Item No. 9)
YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15101

DATE July 18, 1974 ACCOUNT 01-662

AMOUNT \$25.00

WHITE - CASHIER
Scrivener-Wilke Dev. Corp.
P.O. Box 567
Ellicott City, Md. 21043
DISTRIBUTION
PINK - AGENCY
Petition for Variance for Teachers' Assoc. of Balto. Co.
75-17-A
YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 10310

DATE 11/8/74 ACCOUNT 01.712

AMOUNT \$9.50

WHITE - CASHIER DISTRIBUTION
PINK - AGENCY YELLOW - CUSTOMER

William J. Blondell, Jr., Esq.

Cash of copies of documents from File #75-17-A

ACB 87212 8 Tabco 9.50.00

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15123

DATE August 8, 1974 ACCOUNT 01-662

AMOUNT \$62.25

WHITE - CASHIER DISTRIBUTION
PINK - AGENCY YELLOW - CUSTOMER

Saxivener-Wilke Dev. Corp.

P.O. Box 567

Ellicott City, Md. 21043

Advertising and posting of property for TABCO

#75-17-A ACB 009123 8 62.25.00



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 21, 2014

Edward J. Gilliss, Esquire
102 W. Pennsylvania Avenue
Suite 600
Towson, Maryland 21204

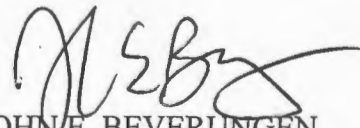
RE: Petition for Variance
Property: 305 E. Joppa Road
Case No. 2015-0040-A

Dear Mr. Gilliss:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Susan L. McNicholas, 305 E. Joppa Road #308, Towson, Maryland 21286

IN RE: PETITION FOR VARIANCE

(305 E. Joppa Road)

9th Election District

5th Council District

TABCO Towers Associates, LLLP

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0040-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §409.6 to allow for 72 on-site parking spaces in lieu of the 100 parking spaces allowed per April 11, 1975 Circuit Court Order. 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 in support of the request was Steven Collins and Aaron Kensinger, Professional Engineer, whose firm prepared the plan. Susan McNicholas, who resides in the property, attended the hearing to obtain additional information regarding the request. Edward J. Gilliss, Esquire, represented the Petitioner. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated October 16, 2014. That agency indicated it had no objection to the request.

The subject property is approximately 0.960 acres and is zoned BM-CT. The property is improved with a multi-story residential building known as Tabco Towers, which is located just

ORDER RECEIVED FOR FILING

Date

10/21/14

By

sen

off of the traffic circle in downtown Towson. The tower was constructed in 1975, and provides housing for retired teachers and the elderly. The Petitioner obtained in 1975 variance relief from the Zoning Commissioner, allowing 100 parking spaces in lieu of the required 200 spaces. This was upheld by Circuit Court Order dated April 11, 1975, and the building has for nearly 40 years operated with this number of parking spaces. As noted by the DOP, there have been no complaints or concerns raised about the parking at Tabco Towers, and the Town-Center district zoning overlay encourages high density residential uses.

To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. As an initial matter, the earlier zoning Order (No. 75-17-A) granting variance relief--upon a finding that Petitioner satisfied the legal requirements--would be entitled to preclusive effect under *res judicata*. But even if that were not the case, Mr. Kensinger testified (via proffer) as to the unique aspects of the site (including the irregular shape of the lot), and it is apparent Petitioner would experience a practical difficulty if the regulations were strictly interpreted, since there is absolutely no additional space on the lot or on neighboring properties that would allow for additional parking. I also believe the relief will not negatively impact the health, safety and welfare of the community.

THEREFORE, IT IS ORDERED, this 21st day of October, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow for 72 on-site parking spaces in lieu of the 100 parking spaces allowed per April 11, 1975 Circuit Court Order, be and is hereby

ORDER RECEIVED FOR FILING

Date 10/21/14

By den

GRANTED.

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

JEB:sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 10/21/14

By sln



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 305 E. Joppa Road, Towson, MD 21204

which is presently zoned BM CT

Deed References: 5503/13; 5500/949; 7430/526

10 Digit Tax Account # 1700000949 and 0923158210

Property Owner(s) Printed Name(s) TABCO Towers Associates, LLLP

(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. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

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

Requested Relief

Variance from BCZR Section 409.6 to allow for 72 on site parking spaces in lieu of the 100 parking spaces allowed per April 11, 1975 Circuit Court Order.

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:

Edward J. Gilliss, Esq.

Name- Type or Print

Signature

102 W. Pennsylvania Ave., Suite 600 Towson, MD

Mailing Address

City

State

21204

/ 410-823-1800

/ egilliss@rmmr.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

TABCO Towers Associates, LLLP c/o Wilke Management, Inc.

By Steven J. Collins

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

305 E. Joppa Road

Towson

MD

Mailing Address

City

State

21204

/ 443-604-8945

steve.collins@nhayates.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Steven J. Collins

Name - Type or Print

Signature

305 E. Joppa Road

Towson

MD

Mailing Address

City

State

21204

/ 443-604-8945

steve.collins@nhayates.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2015-0040-A

Filing Date 8/20/2014

Do Not Schedule Dates:

ORDER RECEIVED FOR FILING

Date 10/21/14

Reviewer lu

REV. 10/4/11

By den

B. Anderson

ent A

ZONING FILE #75-17-A

1 PETITION FOR VARIANCE from * IN THE
2 Sections 409.2a, 409.2b5, *
3 409.2b6 and 235.6 of the * CIRCUIT COURT
4 Baltimore County Zoning Regu- *
5 lations S/S of Joppa Road * FOR BALTIMORE COUNTY
6 475.5' E of Virginia Avenue, *
7 9th District * At Law
8 Teachers' Assn. of Baltimore *
9 County, Maryland, Inc. * Misc. 10/2/5501

10 Petitioners * April 11, 1975

11 TABCO TOWERS ASSOCIATES, *
12 Contract Purchasers *

13 Teachers' Association of *
14 Baltimore County, Md., Inc. *
15 and Tabco Assistance, Inc. and *
16 Scrivener-Wilke Development *
17 Corp., a Md. Corporation and *
18 J. Thomas Scrivener and *
19 William F. Wilke as general *
20 and/or limited partners of a *
21 Maryland limited partnership *
trading as TABCO TOWERS *
ASSOCIATES *

Appellants

vs

BALTIMORE COUNTY, a body
corporate and politic

Appellee

BEFORE: HONORABLE JOHN E. BAINE, JR., Judge

ALLAN J. PALESTER, Esq.
On behalf of Petitioners

Rec'd 5-9-75
9:30 am

0040-A

(ORAL OPINION)

1
2 THE COURT: On August 22, 1974 a corporation,
3 hereafter referred to as TABCO, was granted a variance from
4 the off-street parking requirements by the Zoning Commissioner.
5 The existing regulations require 200 spaces for an apartment
6 project that the plats and application for building permits
7 clearly show contain 200 apartments. The bulk of the apart-
8 ments are "efficiencies," for the project only contains
9 eighty bedrooms. The Commissioner granted the variance on
10 the basis that this is a project financed by governmental
11 agencies and will be used as housing for the elderly in
12 addition to a limited amount of office use by TABCO.
13 The Commissioner was persuaded by the testimony that this
14 particular type of project did not need one space per living
15 unit because of the limitations on the nature of the tenants.
16 The petitioners produced evidence that other apartment projects
17 of this nature have demonstrated that the need for parking
18 spaces for persons in the elderly category are not as great
19 as otherwise. For example, one space for every four units is
20 permitted in Baltimore City. In other areas it is shown that
21 substantially fewer spaces than twenty-five percent are

1 needed, whereas, the variance granted by the Zoning Commis-
2 sioner still maintains a fifty percent ratio. The testimony
3 is clear that the petitioner could acquire and in fact does
4 have sufficient land to provide the necessary off-street
5 parking spaces, but, the cost thereof would be an economic
6 burden that would eventually be passed on to the elderly
7 people of low income for whom this project is designed and
8 the Zoning Commissioner believed that to be an economic
9 factor justifying the variance.

10 After that order a letter from an attorney was
11 written to the Zoning Commissioner with the following state-
12 ments: "This is to advise you that I represent One Invest-
13 ment Plaza Associates....Kindly note an appeal...." Despite
14 vigorous objection by the petitioner an appeal was entertained
15 by the Board of Appeals, who reversed the Zoning Commissioner
16 and denied the variance, whereupon, the petitioner has
17 appealed to this Court.

18 The Board of Appeals has authority to adopt rules
19 of practice and procedure and those rules have the effect of
20 law when approved by the County Council. The County Council
21 has approved the rules and they are now set forth in Appendix

1 F in the current zoning regulations. Rule 3A provides that
2 no appeal shall be entertained by the Board of Appeals unless
3 the notice of appeal shall state the names and addresses of
4 the persons taking such appeal. The Rule is couched in manda-
5 tory terms and it is obvious that the purported notice of
6 appeal was fatally defective and that the County Board of
7 Appeals had no right to entertain the appeal.

8 Accordingly, the order of the County Board of
9 Appeals passed on January 6, 1975 must be reversed. The case
10 is presented here today by counsel for the petitioner ex
11 parte although the Board of Appeals and Baltimore County were
12 aware of the pendency of these proceedings. It is further
13 noted that those originally opposed to the issuance of a
14 variance permit have also abandoned the case.

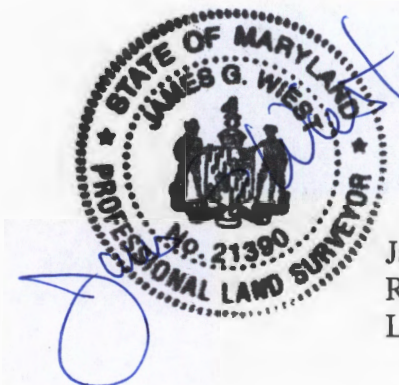
15 REVERSED.

16
17 Judge
18
19
20
21

0040-A

ZONING DESCRIPTION FOR
#305 EAST JOPPA ROAD

Beginning at a point on the south side of East Joppa Road, which is 86 feet wide, at the distance of 426 feet west of the centerline of Fairmount Avenue, which is 114 feet wide. Thence the following courses and distances: (1) South 14 degrees 06 minutes 02 seconds West 124.27 feet; thence (2) South 75 degrees 53 minutes 58 seconds East 83.29 feet; thence (3) South 14 degrees 06 minutes 02 seconds West 164.75 feet; thence (4) North 75 degrees 53 minutes 58 seconds West 170.67 feet; thence (5) North 81 degrees 29 minutes 02 seconds East 25.66 feet; thence (6) North 01 degrees 56 minutes 00 seconds West 263.75 feet; and thence (7) by a curve to the right having a radius of 944.94 feet an arc length of 139.06' and a chord bearing South 86 degrees 32 minutes 36 seconds East 138.94 feet to the place of beginning. Containing 0.932 acres, more or less, as recorded in Deed Liber E.H.K., Jr. 5500 folio 949 and Deed Liber E.H.K., Jr. 5503 folio 13 (see also Deed Liber S.M. 7430 folio 526). Also known as #305 East Joppa Road and located in the 9th Election District, 5th Councilmanic District.



James G. Wiest
Registered No.: 21390
License Expiration Date: 2-5-16

2015-0040-A

Case No.:

2015-0040-A

Exhibit Sheet

10/24/14
11-24-14

slw
10/21/14

Petitioner/Developer

Protestant

No. 1	Plan	
No. 2	Zoning File for Case # 75-17	
No. 3	Color photos (3)	
No. 4		
No. 5		
No. 6		
No. 7	RECEIVED BY THE CLERK OF THE COURT	RECEIVED BY THE CLERK OF THE COURT
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

B. Anderson

entA

ZONING FILE #75-17-A

1 PETITION FOR VARIANCE from * IN THE
2 Sections 409.2a, 409.2b5, *
3 409.2b6 and 235.6 of the * CIRCUIT COURT
4 Baltimore County Zoning Regu- *
5 lations S/S of Joppa Road * FOR BALTIMORE COUNTY
6 475.5' E of Virginia Avenue, *
7 9th District * At Law
8 Teachers' Assn. of Baltimore *
9 County, Maryland, Inc. * Misc. 10/2/5501

10 Petitioners * April 11, 1975

11 TABCO TOWERS ASSOCIATES, *
12 Contract Purchasers *

13 Teachers' Association of *
14 Baltimore County, Md., Inc. *
15 and Tabco Assistance, Inc. and *
16 Scrivener-Wilke Development *
17 Corp., a Md. Corporation and *
18 J. Thomas Scrivener and *
19 William F. Wilke as general *
20 and/or limited partners of a *
21 Maryland limited partnership *
trading as TABCO TOWERS *
ASSOCIATES *

Appellants

vs

BALTIMORE COUNTY, a body
corporate and politic

Appellee

BEFORE: HONORABLE JOHN E. BAIRE, JR., Judge

ALLAN J. MALESTER, Esq.
On behalf of Petitioners

Filed 5-9-75
9:30 am

PETITIONER'S

EXHIBIT NO. 2

(ORAL OPINION)

THE COURT: On August 22, 1974 a corporation, hereafter referred to as TABCO, was granted a variance from the off-street parking requirements by the Zoning Commissioner. The existing regulations require 200 spaces for an apartment project that the plats and application for building permits clearly show contain 200 apartments. The bulk of the apartments are "efficiencies," for the project only contains eighty bedrooms. The Commissioner granted the variance on the basis that this is a project financed by governmental agencies and will be used as housing for the elderly in addition to a limited amount of office use by TABCO. The Commissioner was persuaded by the testimony that this particular type of project did not need one space per living unit because of the limitations on the nature of the tenants. The petitioners produced evidence that other apartment projects of this nature have demonstrated that the need for parking spaces for persons in the elderly category are not as great as otherwise. For example, one space for every four units is permitted in Baltimore City. In other areas it is shown that substantially fewer spaces than twenty-five percent are

1 needed, whereas, the variance granted by the Zoning Commis-
2 sioner still maintains a fifty percent ratio. The testimony
3 is clear that the petitioner could acquire and in fact does
4 have sufficient land to provide the necessary off-street
5 parking spaces, but, the cost thereof would be an economic
6 burden that would eventually be passed on to the elderly
7 people of low income for whom this project is designed and
8 the Zoning Commissioner believed that to be an economic
9 factor justifying the variance.

10 After that order a letter from an attorney was
11 written to the Zoning Commissioner with the following state-
12 ments: "This is to advise you that I represent One Invest-
13 ment Plaza Associates....Kindly note an appeal...." Despite
14 vigorous objection by the petitioner an appeal was entertained
15 by the Board of Appeals, who reversed the Zoning Commissioner
16 and denied the variance, whereupon, the petitioner has
17 appealed to this Court.

18 The Board of Appeals has authority to adopt rules
19 of practice and procedure and those rules have the effect of
20 law when approved by the County Council. The County Council
21 has approved the rules and they are now set forth in Appendix

1 F in the current zoning regulations. Rule 3A provides that
2 no appeal shall be entertained by the Board of Appeals unless
3 the notice of appeal shall state the names and addresses of
4 the persons taking such appeal. The Rule is couched in manda-
5 tory terms and it is obvious that the purported notice of
6 appeal was fatally defective and that the County Board of
7 Appeals had no right to entertain the appeal.

8 Accordingly, the order of the County Board of
9 Appeals passed on January 6, 1975 must be reversed. The case
10 is presented here today by counsel for the petitioner ex
11 parte although the Board of Appeals and Baltimore County were
12 aware of the pendency of these proceedings. It is further
13 noted that those originally opposed to the issuance of a
14 variance permit have also abandoned the case.

15 REVERSED.

16
17 _____
18 Judge
19
20
21

Ben

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Allan J. Malster, Esq.

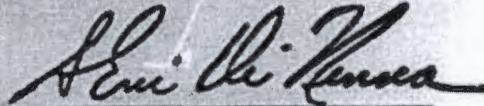
Gordon, Feinblatt, Rothman, Hoffberger & Hollander
1200 Garrett Bldg.
Baltimore, Md. 21202

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted

for filing this 12th day of July 1974.



S. ERIC DINENNA,
Zoning Commissioner

Petitioner Teachers' Assn. of Balto. Co. Md., Inc.

Petitioner's Attorney Allan J. Malster Reviewed by James B. Byrnes, Jr.

L. Edward Wolf architect, Homestead, Letherville
Hudkins Associates, Inc. 200 E. Joppa Rd.

Chairman,
Zoning Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 17, 1974

Allan J. Malester, Esq.
of Gordon, Feinblatt, Rothman,
Hoffberger & Hollander
1200 Garrett Bldg.
Baltimore, Maryland 21202

RE: Variance Petition
Item 9
Teachers' Association of
of Baltimore County, Md., Inc. -
Petitioners

Dear Mr. Malester:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the south side of Joppa Road, approximately 475 feet east of Virginia Avenue, in the 9th Election District of Baltimore County. A portion of the property is presently improved by the existing offices and parking area of Tabco, Inc.

The properties to the west are improved with existing residences which have been converted to office use. The Hampton House apartment complex exists opposite the site on Joppa Road.

The petitioner is requesting a Variance to permit 80 off street parking spaces instead of the

COUNTY OFFICE BUILDING
111 N. Chesapeake Avenue
Baltimore, Maryland 21204

JAMES A. BYRNE, III
Chairman

MEMBERS

ZONING ADMINISTRATION

HEALTH DEPARTMENT

BUREAU OF
FIRE PREVENTION

DEPARTMENT OF
TRAFFIC ENGINEERING

RSA - HIGHWAY
ADMINISTRATION

BUREAU OF
ENGINEERING

PROJECT AND
DEVELOPMENT PLANNING

INDUSTRIAL
DEVELOPMENT
COMMISSION

BOARD OF EDUCATION

OFFICE OF THE
SCHOOLBOARDS

Allan J. Malestor, Esq.
Re: Item 9
July 17, 1974

Page 2

required 200, and proposes to erect a twenty-two story highrise complex to be used as housing for the elderly.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

James B. Byrnes, III
JAMES B. BYRNES, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: L. Edward Wolf Architect
Homont road lutherville, Maryland 21093

Hudkins Associates, Inc.
200 East Joppa Road
Room 101, Shell Building
Towson, Maryland 21204

Baltimore County Fire Department

J. Austin Deltz
Chief



Towson, Maryland 21204

823-7318

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Teacher's Association of Baltimore County, Md., Inc.

Location: S/S of Joppa Road, 475.5' E of Virginia Avenue

Item No. 9

Zoning Agenda July 16, 1974

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at _____
~~EXCEEDS~~ the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: *L. J. Rosen, Jr.*

Planning Group
Special Inspection Division

Noted and
Approved:

Paul H. Reincke
Deputy Chief
Fire Prevention Bureau

mls
4/16/73

BALTIMORE COUNTY, MARYLAND



DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

July 17, 1974

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 9, Zoning Advisory Committee Meeting,
July 16, 1974, are as follows:

Property Owner: Teacher's Association of Baltimore
County, Md., Inc.

Location: S/S of Joppa Road, 475.5' E of Virginia
Avenue

Existing Zoning: B.M.-C.T.

Proposed Zoning: Variance from Section 409.2a and 409.2b.5
and 235.6 to permit 80 offstreet parking
spaces instead of the required 200 offstreet
parking spaces.

No. of Acres: 0.6436

District: 9th

Metropolitan water and sewer are available.

Jones Falls Moratorium: A moratorium was placed on new
sewer connections in the Jones Falls Drainage Basin by Dr. Neil
Solomon, Secretary of Health and Mental Hygiene, on November 13, 1973;
therefore approval may be withheld for this connection.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB/ncg

WILLIAM D. FROMM
DIRECTOR

ERIC DINENNA
ZONING COMMISSIONER



July 25, 1974

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #9, Zoning Advisory Committee Meeting, July 16, 1974, are as follows:

Property Owner: Teacher's Association of Baltimore County, Md., Inc.
Location: S/S of Joppa Road, 475.5' E of Virginia Avenue
Existing Zoning: B.M.-C.T.
Proposed Zoning: Variance from Section 409.2a and 409.2b.5 235.6 to permit
80 offstreet parking spaces instead of the required 200 offstreet parking spaces
No. of Acres: 0.6456
District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

It is suggested that the petitioner and his architect contact this office to set up a meeting with the Department of Traffic Engineering concerning the requested variance and traffic circulation on the property.

Very truly yours,

John L. Wimbley
John L. Wimbley

Planning Specialist II
Project & Development Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 496-3211 ZONING 496-3201

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: July 19, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of July 16, 1974

Re: Item 9

Property Owner: Teacher's Association of Baltimore County, Md., Inc.
Location: S/S of Joppa Road, 475.5' E. of Virginia Avenue
Present Zoning: B.M.-C.T.
Proposed Zoning: Variance from Section 409.2a and 409.2b and 235.6 to permit
80 offstreet parking spaces instead of the required 200
offstreet parking spaces.

District: 9th
No. Acres: 0.6456

Dear Mr. DiNenna:

No bearing on student population.

WNP/ml

Very truly yours,
W. Nick Petrovich
W. Nick Petrovich
Field Representative

H. EMBLE MARKS, President
EUGENE C. HESS, Vice-President
MRS. ROBERT L. DENNEY

MARCUS H. BOSTANIS
JOSEPH W. MICHAN
ALVIN LOREN
JOSHUA B. WHEELER, Superintendent

T. HATARI WILLIAMS, Jr.
RICHARD W. TRACEY, S.M.D.
MRS. RICHARD W. WICKELL

Baltimore County, Maryland
Department Of Public Works

COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Branch of Engineering
ELLSWORTH H. DYER, P. E. CHIEF

August 8, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #9 (1974-1975)
Property Owner: Teacher's Association of Baltimore
County, Md., Inc.
S/S of Joppa Rd., 475.5' E. of Virginia Ave.
Existing Zoning: B.M.-C.T.
Proposed Zoning: Variance from Section 409.2b.5 and
235.6 to permit 80 offstreet parking spaces instead of
the required 200 offstreet parking spaces
No. of Acres: 0.6456 District: 9th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Access to this site is from Joppa Road, a County road, which is fully improved along the frontage of this property on a right-of-way of variable width.

Construction or reconstruction of sidewalks, curb and gutter, entrances, aprons, etc. will be the full responsibility of the Petitioner.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

The status of Payne Avenue, an unimproved 40-foot "paper" street, shown on the plat of "Belle View" (Recorded W.P.C. 4, Folio 159) is unknown. It is the responsibility of the Petitioner to ascertain and clarify rights therein. At such time as Payne Avenue might be improved as a public street, it would be as a 30-foot closed-type roadway cross-section on a 50-foot right-of-way. However, no highway improvements or highway right-of-way widening will be required in connection with this site (Tabco Towers).

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Item #9 (1974-1975)

Property Owner: Teacher's Association of Baltimore County, Md., Inc.

Page 2

August 8, 1974

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

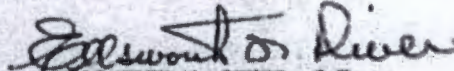
Water:

Public water supply (12-inch main) exists in Joppa Road. Additional fire hydrant protection and onsite pumping appear to be required for the proposed structure.

Sanitary Sewer:

Public sanitary sewerage exists in Joppa Road. This property is tributary to the Townon - Roland Run - Jones Falls Sewage System subject to State Health Department imposed moratorium restrictions.

Very truly yours,


ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Trenner
G. Reier

W-MW Key Sheet
38 & 39 NE 4 Pos. Sheet
NE 10 A Topo
70 & 70A Tax Maps

PETITION FOR A VARIANCE
Ninth District
ZONING: Petition for Variance for Off-Street Parking.
LOCATION: South side of Joppa Road 475.5 feet, more or less, East of Virginia Avenue.
DATE & TIME: MONDAY, AUGUST 12, 1974 at 10:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
 Petition for Variance from the Zoning Regulations of Baltimore County to permit 99 Off-Street Parking Spaces instead of the required 100 spaces.
 The Zoning Regulation to be excepted as follows:
 Section 449.2a - Off-Street Parking - 1 space for each dwelling unit.
 Section 449.2b.1 - Off-Street Parking - 1 for each 300 square feet of total ground floor area and 1 for each 300 square feet of total area of upper floors.
 Section 449.2b.2 - Off-Street Parking - 1 for each 300 square feet of total floor area.
 Section 449.2b.3 - Off-Street Parking - For all buildings containing apartments, there shall be provided at least one parking space for each dwelling unit. Up to 50 per cent of such spaces on any lot shall be counted in determining the number of spaces provided for commercial and office uses on the same lot.
 All that parcel of land in the Ninth District of Baltimore County, Beginning for the same at a point distant measured easterly along the south side of Joppa Road 475.5 feet from the centerline of Virginia Avenue thence binding along the said south side of Joppa Road by a curve to the right having a radius of 144.94 feet for an arc length of 130.30 feet thence leaving the said south side of Joppa Road South 14° 00' 00" West 300.00 feet thence North 75° 33' 30" West 80.17 feet thence North 10° 29' 00" East 75.63 feet thence North 01° 30' 00" West 300.75 feet to the place of beginning.
 Containing 0.6456 Acres of land more or less.
 Being the property of Teachers' Ass'n. of Balto. County, Maryland, Inc., as shown on plat plan filed with the Zoning Department.
Hearing Date: Monday, August 12, 1974 at 10:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.
 By Order Of
S. ERIC DINENNA
 Zoning Commissioner Of Baltimore County
 July 26

ORIGINAL

OFFICE OF



THE TOWSON TIMES

TOWSON, MD. 21204

July 29 - 1974

THIS IS TO CERTIFY, that the annexed advertisement of
S. Eric Dinenna
 Zoning Commissioner of Baltimore County
 was inserted in THE TOWSON TIMES, a weekly newspaper published
 in Baltimore County, Maryland, once a week for one ~~successive~~
 week before the 29 day of July 1974 that is to say, the same
 was inserted in the issue of July 26 - 1974.

STROMBERG PUBLICATIONS, Inc.

By *Ruth Morgan*

**PETITION FOR A VARIANCE
VEN. CH. C. T.**

ZONING: Petition for Variance for
Off-Street Parking.

LOCATION: South side of Joppa
Road 171.5 feet, more or less,
East of Virginia Avenue.

DATE & TIME: Monday, August 12,
1974 at 10:30 A.M.

PUBLIC HEARING: Room 104, County
Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore
County, by authority of the
Zoning Act and Regulations of Baltimore
County, will hold a public
hearing.

Petition for Variance from the Zoning
Regulations of Baltimore County
to permit 10 Off-Street Parking
Spaces instead of the required 200
spaces.

The Zoning Regulation to be
accepted as follows:

Section 100.2a — Off-Street Parking
— 1 space for each dwelling
unit.

Section 101.2a.1 — Off-Street Parking
— 1 for each 100 square feet
of total ground floor area and 1 for
each 100 square feet of total area
of upper floors.

Section 102.2a.1 — Off-Street Parking
— 1 for each 100 square feet
of total floor area.

Section 111a.1 — Off-Street Parking
— For all buildings containing
apartments, there shall be provided
at least one parking space for each
dwelling unit. Up to 25 per cent
of such spaces on any lot shall be
excused in determining the number of
spaces provided for commercial and
office uses on the same lot.

All that parcel of land in the
Ninth District of Baltimore County,
beginning for the same at a point
distant measured easterly along the
south side of Joppa Road 171.5 feet
from the corner of Virginia
Avenue thence bearing along the
said south side of Joppa Road by a
curve to the right having a radius of
344.94 feet for an arc length of
129.10 feet thence leaving the said
south side of Joppa Road South 14°
44' 00" West 241.92 feet thence
North 75° 12' 10" West 88.17 feet
thence North 18° 29' 02" East 114.63
feet thence North 81° 14' 00" West
143.74 feet to the place of beginning.

Containing 0.6666 Acres of land
more or less.

Being the property of Teachers
Ass'n. of Balto. County, Maryland,
Inc., as shown on plat filed with
the Zoning Department.

Hearing Date: Monday, August 12,
1974 at 10:30 A.M.

Public Hearing: Room 104, County
Office Building, 111 W. Chesapeake
Avenue, Towson, Md.

By order of
S. ED. C. DUNNEN
Zoning Commissioner of
Baltimore County
July 23.

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 25, 1974

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., ~~once~~
~~for one time~~ ~~successive weeks~~ before the 12th
day of August, 1974, the first publication
appearing on the 25th day of July
1974.

THE JEFFERSONIAN,

L. Frank Struth
Manager.

Cost of Advertisement, \$-----

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

#75-17-A

District: 9th Date of Posting: 7-25-74
 Posted for: Heavily Monday Aug 12, 1974 @ 10:30 - A.M.
 Petitioner: Helders Assoc. of Baltimore, Inc.
 Location of property: S/S of Joppa Rd #75 & East of Virginia Ave.
 Location of Sign: 1 Sign South @ 305 East Joppa Rd.
 Remarks: _____
 Posted by: Mark H. Hines Date of return: 8-1-74
 Signature

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		ZON Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										

Reviewed by: PTH Revised Plans:
 Change in outline or description Yes
 _____ No
 Previous case: _____ Map # _____

Appeal

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#75 '7-A

District 9H. Date of Posting 1-3-74
Posted for: _____
Petitioner: Tenthred Ass'n of Balto Co.
Location of property: 5/2 of Joyce Rd. 475.5' East of the Ave.
Location of Sign: 1 Sign. Posted in front of Establg Office of the Tenthred Ass'n
Remarks: _____
Posted by Muel H. New Date of return: 10-10-74
Signature

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 3rd day of July 1974. Item # _____.

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner: Tenthred Ass'n Balto Co. Submitted by Malesta
Petitioner's Attorney Malesta Reviewed by T. J. Haines

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15186

35.00 net

DATE September 19, 1974 ACCOUNT 01-662

AMOUNT \$35.00

WHITE - CASHIER
William J. Blondell, Jr., Esquire
Cost of Filing of an Appeal on Case No. 75-17-A
S/S of Joppa Road, 475.5' E of Virginia Avenue - 9th
Election District
Teachers' Association of Baltimore County, Maryland,
Incorporated - Petitioner

DISTRIBUTION
PINK - AGENCY

YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15317

DATE 2/18/75 ACCOUNT 01.712

AMOUNT \$3.00

Allan J. Malester, Esq.
1200 Garrett Bldg.
Redwood & South Sts.
Balto., Md. 21202

DISTRIBUTION
PINK - AGENCY

YELLOW - CUSTOMER

Cost of certified documents in Case No. 75-17-A

18.00 net

18.00 net

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 16902

50.00 net

DATE September 27, 1974 ACCOUNT 01-662

AMOUNT \$5.00

WHITE - CASHIER
William J. Blondell, Jr., Esquire
Cost of Posting Property of the Teachers' Association of
Baltimore County, Maryland, Incorporated, for an Ap-
peal Hearing
S/S of Joppa Road, 475.5' E of Virginia Avenue - 9th
Election District
Case No. 75-17-A (Item No. 9)

DISTRIBUTION
PINK - AGENCY

YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15101

DATE July 18, 1974 ACCOUNT 01-662

AMOUNT \$25.00

WHITE - CASHIER

DISTRIBUTION
PINK - AGENCY

YELLOW - CUSTOMER

Scribner-Wilke Dev. Corp.
P.O. Box 567
Ellicott City, Md. 21043
Petition for Variance for Teachers' Assoc. of Balto. Co.
75-17-A

25.00 net

25.00 net

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 10310

DATE 11/8/74 ACCOUNT 01.712

AMOUNT \$9.50

WHITE - CASHIER DISTRIBUTION
PINK - AGENCY YELLOW - CUSTOMER

William J. Blondell, Jr., Esq.

Cost of copies of documents from File #75-17-A

ACB 11/8/74 8 Tabco 9.50

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 15123

DATE August 8, 1974 ACCOUNT 01-662

AMOUNT \$62.25

WHITE - CASHIER DISTRIBUTION
PINK - AGENCY YELLOW - CUSTOMER

Scrivener-Wilke Rev. Corp.

P.O. Box 567

Ellicott City, Md. 21043

Advertising and posting of property for TABCO

#75-17-A ACB 8/8/74 8 62.25

PETITION FOR ZONING VARIANCE FROM ^{PARKING} ~~AREA~~ HEIGHT REGULATIONS

75-17-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

TEACHERS' ASSOCIATION OF BALTO. COUNTY, MD., INC.

~~As the~~ legal owner 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 ~~Sections~~ 409.2a and 409.2b.5 and 235 ~~and~~ 8.6

to permit **90** offstreet parking spaces instead of the required 200

offstreet parking spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The building to be constructed is designed for and will house elderly persons who will utilize, for the most part, public transportation with minimal dependence upon privately owned vehicles. It would create an unnecessary hardship and practical difficulty in developing a building for the elderly if the non-profit sponsor is required to utilize any part of the property for a purpose incompatible with such tenancy.

RECEIVED
BALTO. CO. OF MD.
JUL 12 1975
11:22 AM
CLERK
JUL 12 1975
11:22 AM
CLERK

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

TABCO TOWERS ASSOCIATES, a Maryland limited partnership

TEACHERS' ASS'N. of BALTO. COUNTY, MARYLAND, INC.

By: William F. Mink
General Partner Contract purchaser
305 E. Joppa Rd.
Address: Towson, Md. 21204

By: Donald P. Kopp
Legal Owner
305 E. Joppa Rd.
Address: Towson, Md. 21204

Allan J. Malester
Gordon E. Einblatt, Rothman, Hoffberger & Hollander
Petitioner's Attorney
1200 Garrett Bldg.
Address: Baltimore, Md. 21202
Teler: 752-4567

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day

of July, 1975, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore

County, on the 12th day of August, 1975 at 10:30 clock

JUL 12 7A AM

[Signature]
Zoning Commissioner of Baltimore County.

(over)

TEACHERS' ASS'N. OF BALTO. CO. OF MD. 75-17-A BALTO. CO. OF MD. S/S of Joppa Rd. 475.5' E of Virginia Ave. 9th

75-17-A 498

ORIGINAL RECEIVED FOR FILING



Appealed 1/31/75

RE: PETITION FOR VARIANCE
from Sections 409.2a, 409.2b.5,
409.2b.6 and 235b.6 of the
Baltimore County
Zoning Regulations
S/S of Joppa Road 475.5'
E. of Virginia Avenue
9th District

Teachers Association of
Baltimore County, Maryland, Inc.
Petitioners-Appellants
Tabco Towers Associates,
Contract Purchasers

Zoning File No. 75-17-A

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 10

Folio No. 2

File No. 5501

CERTIFICATE OF NOTICE

Mr. Clerk

Pursuant to the provisions of Rule 1101-8(4) of the Maryland Rules of Procedure, Robert L. Gifford, Walter C. Horn, Jr. and W. Giles Parker, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Allan J. Malester, Esq., 1200 Garrett Building, Redwood and South Streets, Baltimore, Maryland, 21202, attorney for the Petitioners, and William J. Blondell, Jr., Esq., 620 Eastern Avenue, Baltimore, Maryland, 21221, and Joseph A. Lynett, Jr., 1010 Rockville Pike, Suite 506, Rockville, Maryland, 20852, attorneys for Protestants, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
Telephone - 494-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Allan J. Malester, Esq., 1200 Garrett Building, Redwood and South Streets, Baltimore, Maryland, 21202, attorney for the Petitioners, and William J. Blondell, Jr., Esq.,

628 Eastern Avenue, Baltimore, Maryland, 21221, and Joseph A. Lynott, Jr., Esq.,
1010 Rockville Pike, Suite 506, Rockville, Md. 20852, attorneys for the Protestants,
on this 6th day of February, 1975.

Muriel E. Buddemeier
County Board of Appeals of Baltimore County

cc: Zoning
Mrs. Werneth, Plg.
J. Hession, III, Esq.
Mr. Mario P. Doccio
Mr. William G. Wood

September 26, 1974

Case No. 75-17-A (Item No. 11) - Teachers' Association of Baltimore
County, Maryland, Incorporated

S/S of Joppa Road, 475.5' E of
Virginia Avenue - 9th Election
District

Petition for Variance

Description of Property

Site Plan, dated May 20, 1974

Zoning Plans Advisory Committee Comments, dated July 17, 1974

Revised Parking Layout, dated August 6, 1974

Comments from William D. Fromm, Director of Planning, dated
August 7, 1974

Certificates of Publication

Certificate of Posting (One (1) Sign)

Three (3) Letters of Correspondence from William G. Wood, President,
Towson-Loch Raven Community Council, Inc., and William F. Wilke,
Tabco Towers Associates

Copy of Page 128, Chapter 9 - Off-street Parking Regulations of the
Baltimore City Zoning Regulations

Order of the Zoning Commissioner, dated August 22, 1974 - GRANTED

Letter of Appeal from William J. Blondell, Jr., on Behalf of the
Protestants, received September 16, 1974

Allan J. Malester, Esquire
1200 Garrett Building
Redwood and South Streets
Baltimore, Maryland 21202

Counsel for Petitioner

William J. Blondell, Jr., Esquire
628 Eastern Avenue
Baltimore, Maryland 21221

Counsel for Protestants

Mr. Mario P. Doccio
Doccio Management Company
300 East Joppa Road
Towson, Maryland 21204

Request Notification

Mr. William G. Wood
930 Park Avenue
Baltimore, Maryland 21201

Requests Notification

LAW OFFICES OF

Lynott and Craven, P.A.

1010 ROCKVILLE PIKE
ROCKVILLE, MARYLAND 20852

JOSEPH A. LYNOTT - JR.
THOMAS E. CRAVEN

TELEPHONE
GARDEN 4-5100

November 11, 1974

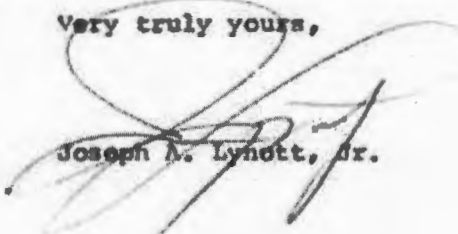
County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 75-17-A
Teachers' Assn. of Baltimore County, Md., Inc.

Dear Mr. Chairman:

Please enter my appearance as attorney for Towson Associates Limited Partnership, a protestant in the above captioned case. Towson Associates Limited Partnership is the owner of a substantial parcel of land situate at 205 East Joppa Road, in the immediate vicinity of the subject application.

Very truly yours,


Joseph A. Lynott, Jr.

JAL/whr

LAW OFFICES
WILLIAM J. BLONDELL, JR., CHARTERED
828 EASTERN AVENUE
BALTIMORE, MARYLAND 21221

WILLIAM J. BLONDELL, JR.
RAYMOND J. CANNOLES

Phone MU 7-7878

September 13, 1974

S. Eric DiNenna
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

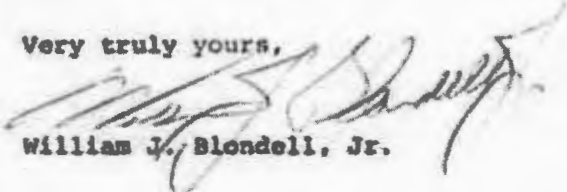
Re: Teachers Association of
Baltimore County, Maryland, Inc.
Case No. 75-17-A

Dear Mr. DiNenna:

This is to advise you that I represent One
Investment Plaza Associates.

Enclosed please find check in the amount of
Thirty Five (\$35.00) Dollars. Kindly note an appeal
on behalf of my clients to the Board of Appeals from
your Order in the above captioned case dated August 22,
1974.

Very truly yours,


William J. Blondell, Jr.

WJB:gp

Enclosure



August 22, 1974

Allan J. Malester, Esquire
1200 Garrett Boulevard
Baltimore, Maryland 21203

RE: Petition for Variance
S/S of Joppa Road, 475.5' E of
Virginia Avenue - 9th Election
District
Teachers' Association of Baltimore
County, Maryland, Incorporated -
Petitioner
NO. 75-17-A (Item No. 9)

Dear Mr. Malester:

I have this date passed my Order in the above referenced matter.
Copy of said Order is attached.

Very truly yours,

/s/

S. ERIC DI NENNA
Zoning Commissioner

SED/sw

Attachments

cc: Mr. Mario P. Doccio
Doccio Management Company
300 East Joppa Road
Towson, Maryland 21204

Mr. William G. Wood
930 Park Avenue
Baltimore, Maryland 21201

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO S. Eric DiNenna, Zoning Commissioner Date August 7, 1974
FROM William D. Fromm, Director of Planning
SUBJECT Petition #73-17-A. South side of Joppa Road 473.5 feet, more or less,
East of Virginia Avenue.
Petition for Variance for Off-Street Parking
Petitioner - Teachers' Ass'n. of Balto. County, Maryland, Inc.

9th District

HEARING: Monday, August 12, 1974 (10:30 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comments to offer.

This property is located within the boundaries of the designated Town Center of Towson. Intensive development here, such as the subject proposal, would be consistent with the Baltimore County 1980 Guideplan, the County's official master plan. The property is currently served directly by the #55 and #8 lines of the Mass Transit Administration, and a wide variety of commercial services are within a reasonable walking-distance; hence, this would be a highly desirable location for housing for the elderly. It should also be noted that recent housing studies conducted by the Regional Planning Council indicate a definite need for housing for the elderly in Baltimore County.

There are no parking structures or lots proposed for construction by any public agencies which could serve possible overflow parking needs from this proposal; there are spaces being constructed on nearby properties by private developers which might be available to accommodate such needs. It is apparent that there is little available capacity to accommodate possible overflow on nearby streets; however, we would agree that, generally speaking, housing units for the elderly do not generate as much need for parking as other types of housing.

The petitioner proposes to build a 22-story office and apartment building. He does not indicate how many housing units nor, more importantly, how much space he intends to devote to offices; therefore, until we have more specific information about the project, we cannot adequately assess the impact of the granting of the requested parking variance on the surrounding area.

If the variance is granted, the residential units should be limited to use by the elderly and the amount of floor space devoted to office use should be minimal.

William D. Fromm
William D. Fromm, Director of Planning

WDF:NEG:rv

RE: PETITION FOR VARIANCE
from Sections 409.2a, 409.2b.5,
409.2b.6 and 235B.6 of the
Baltimore County
Zoning Regulations
S/S of Joppa Road 475.5'
E. of Virginia Avenue
9th District

Teachers Association of
Baltimore County, Maryland, Inc.
Petitioners - Appellants
Tobac Towers Associates
Contract Purchasers

Zoning File No. 85-17-A

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 10
Folio No. 2
File No. 5501

I I I I I

ANSWER TO ORDER OF APPEAL TO CIRCUIT
COURT FOR BALTIMORE COUNTY AND
CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND BOARD
OF APPEALS OF BALTIMORE COUNTY

Mr. Clerk:

Please file, &c.

Muriel E. Buddemeier
County Board of Appeals
of Baltimore County

cc: Malester, Esq.
Blondell, Esq.
Lynott, Esq.

RE: PETITION FOR VARIANCE
from Sections 409.2 409.2b.5,
409.2b.6 and 235B.6 of the
Baltimore County
Zoning Regulations
S/S of Joppa Road 475.5'
E. of Virginia Avenue
9th District

Teachers Association of
Baltimore County, Maryland, Inc.
Petitioners - Appellants
Tabco Towers Associates
Contract Purchasers

Zoning File No. 75-17-A

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 10
Folio No. 2
File No. 5501

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Robert L. Gilland, Walter C. Horn, Jr. and W. Giles
Parlier, constituting the County Board of Appeals of Baltimore County, and in answer to the
Order for Appeal directed against them in this case, herewith return the record of proceed-
ings had in the above entitled matter, consisting of the following certified copies or original
papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER
OF BALTIMORE COUNTY

No. 75-17-A

July	12, 1974	Petition of Teachers' Association of Baltimore County, Maryland, Inc. (Tabco Towers Associates, contr. purchaser) for variance from Sections 409.2a, 409.2b.5, 409.2b.6 and 235B.6 of the Baltimore County Zoning Regulations on property located on the south side of Joppa Road 475.5' east of Virginia Avenue, 9th District - filed
"	12	Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for August 12, 1974 at 10:30 a.m.
"	17	Comments of Baltimore County Zoning Plans Advisory Committee - filed
"	25	Certificate of Posting of property - filed
"	25	" " Publication in newspaper - filed
Aug.	7	Comments from Director of Planning - filed
"	12	At 10:30 a.m. hearing held on petition by Zoning Commissioner - case held sub curia
"	22	Order of Zoning Commissioner granting variance
Sept.	16	Order of Appeal to County Board of Appeals from Order of Zoning Commissioner

Nov. 6, 1974 Hearing on appeal before County Board of Appeals

" 19 Continued hearing " " " " "

Jan. 6, 1975 " " " " " " "

" 6 Order of County Board of Appeals denying variance

" 31 Order for Appeal filed in the Circuit Court for Baltimore County by Allan J. Malcster, Esq., attorney for Petitioners-Appellants

" " Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County

Feb. 6 Certificate of Notice sent to all interested parties

" 20 Petition to extend time for filing record to April 1, 1975

Mar. 18 Transcript of testimony filed - 2 vols.

Petitioner's Exhibit No. 1 - Copy of Bill No. 108

" " 2 - Zoning Commissioner's file, Case No. 75-17-A

" " 3 - Resolution authorizing William G. Wood to testify and speak for Association - BLACC

" " 4 - Agreement entitled "Regulatory Agreement" approved 7/30/74 by Asst. Attorney General, State of Maryland

" " 5 - Chart summarizing survey made by Mr. Kingston

" " 6 - Chart of survey made by Mr. Kingston

Protestants' Exhibit A - Marked for Identification - Group of documents consisting of 10 pgs. 1st pg. is letter from Dept. of Economic & Comm. Development to Teeco Towers Assoc. dated 7/25/74

" " B - Letter to One Investment Plaza Assoc. from Zoning Commissioner dated 12/19/74 - Marked for Identification

" " C-1 - Site plan drawing 12/6/74

" " C-2 - " " "

" " D-1 - Building Permit App. #63322 dated 10/13/74

" " D-2 - " " " #63323 " 12/13/74

" " D-3 - " " " #63324 " 12/13/74

" " D-4 - " " " #66187 " 12/13/74

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

Muriel E. Buddemeier
County Board of Appeals of
Baltimore County

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 75-17-A

The Petitioners feel that strict adherence to the Zoning Regulations requirements for two hundred parking spaces (which this Board can only infer to be the correct

granting of the variance would be in the best interest of the health, safety and general welfare of Baltimore County. The basis for this contention initially was the need for housing for the elderly and the allegation that the parking requirements for such a building were substantially less than for other occupancy.

However, during the course of the hearing of this case, the Petitioners acquired additional adjoining property and filed for building permits, which were granted on December 13, 1974 (Protestants' Exhibit D - 1 thru 4), which show provisions for the required parking spaces and thereby no variance would be required. The Petitioners indicated that this is a conditional arrangement in the event that the variance petitioned for is denied, and that it now becomes a matter of practical difficulty to the Petitioners in that they would be exposed to some \$150,000 additional in costs to provide for the required parking if the variance is not granted. They further indicated that this expense would be passed onto tenants at the approximate increase of \$3.00 per month in their rental. However, the Board feels that the Petitioners have not met the burden of proof in showing either practical difficulty and/or unreasonable hardship. The mere fact that it may be more expensive to comply with the parking requirements than to obtain a variance is certainly not the sole test of unreasonable hardship or practical difficulty, and a denial of such a request for a variance certainly would not be confiscatory in nature.

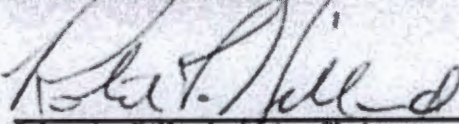
In view of the more recent developments in this case wherein the Petitioners have acquired additional property and have permits issued for the construction of the proposed structure without the necessity of a variance is indicative to this Board that they can proceed with this project without a variance and, in fact, are doing so. Consequently, we do not see how the denial of this variance could produce a practical difficulty or unreasonable hardship other than some additional costs to the developers and ultimately to the tenants. Therefore, the variance petitioned for will be denied.

ORDER

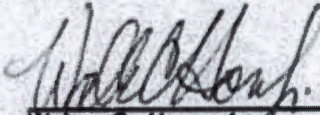
For the reasons set forth in the foregoing Opinion, It is this 6th day of January, 1975, by the County Board of Appeals, ORDERED that the variance petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure.

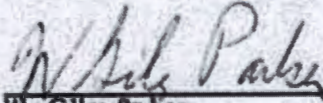
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Robert L. Gilland, Acting Chairman



Walter C. Horn, Jr.



W. Gilles Parker

COLUMBIA OFFICE
WALTER PARK
Registered Surveyor
PHONE 730-8080

TOWSON OFFICE
HUDKINS ASSOCIATES, INC.
*Engineers, Surveyors and
Landscape Architects*
200 EAST JOPPA ROAD
ROOM 101, SNELL BUILDING
TOWSON, MARYLAND 21204
PHONE: 828-8088

BEL AIR
L. GERALD WOLFF
Landscape Architect
PHONE 828-0888

July 2, 1974

ZONING VARIANCE:

Beginning for the same at a point distant measured easterly along the south side of Joppa Road 475.5[±] feet from the centerline of Virginia Avenue thence binding along the said south side of Joppa Road by a curve to the right having a radius of 944.94 feet for an arc length of 139.30 feet thence leaving the said south side of Joppa Road South 14° 06' 02" West 285.92 feet thence North 75° 53' 58" West 88.17 feet thence North 18° 29' 02" East 25.63 feet thence North 01° 56' 00" West 263.75 feet to the place of beginning.

Containing 0.6456 Acres of land more or less.



Malcolm E. Hudkins
Registered Surveyor #5095

RE: PETITION FOR VARIANCE : BEFORE THE
S/S of Joppa Road, 475.5' E of :
Virginia Avenue - 9th Election : ZONING COMMISSIONER
District :
Teachers' Association of Baltimore : OF
County, Maryland, Incorporated - :
Petitioner : BALTIMORE COUNTY
NO. 75-17-A (Item No. 9) :

The Petitioner requests a Variance from Sections 409.2a., 409.2b.(5) and (6), and 235B.6, to permit eighty (80) off-street parking spaces in lieu of the required two hundred (200) spaces. The subject property is located on the south side of Joppa Road, 475.5 feet east of Virginia Avenue, in the Ninth Election District of Baltimore County, and contains 0.6456 of an acre of land, more or less.

At the outset of the public hearing, the Petitioner moved to amend the Variance to permit one hundred (100) off-street parking spaces in lieu of the required two hundred (200) spaces. Leave to amend the Variance was granted by the Zoning Commissioner.

Evidence, on behalf of the Petitioner, indicated that a twenty-two (22) story apartment building was to be constructed and would be used as housing for the elderly. The United States Regulations, with reference to this type housing, indicate that only one (1) parking space for every four (4) living units was required. This type of Regulation also appears in the Baltimore City Zoning Regulations, under Chapter 9. Expert testimony indicated that housing for the elderly does not necessitate one (1) parking space per living unit.

The subject property is located near public transportation and is in close proximity to a shopping area.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner,

DATE

BY

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

September 24, 2014

Re:

Case Number: 2015- 0040-A

Petitioner / Developer: TABCO Towers Associates, LLP

Hearing date: October 17, 2014

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

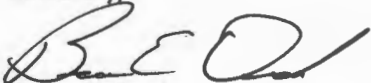
Attention: Kristen Lewis

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 **305 East Joppa Road**.

The sign(s) were posted on **September 24, 2014**.

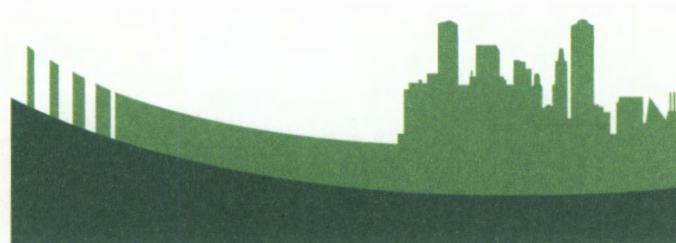
Sincerely,



Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2015-0040-A

305 EAST JOPPA ROAD

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE IN TOWSON
MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204

DATE&TIME: Friday October 17, 2014, 10:00 AM

REQUEST:

VARIANCE TO ALLOW FOR 72 ON SITE PARKING
SPACES IN LIEU OF THE 100 PARKING SPACES
ALLOWED PER APRIL 11, 1975 CIRCUIT COURT
ORDER.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETHING
NECESSARY. TO CONFIRM THE HEARING CALL 410-527-2391.

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





THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

September 25, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on September 25, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, Maryland, 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: #2015-0040-A

305 East Joppa Road

Southside of E. Joppa Road, 426 ft. w/of Fairmount Avenue

9th Election District - 5th Councilmanic District

Legal Owner(s): TABCO Towers Associates, LLP

Variance to allow for 72 on site parking speaces in lieu of the 100 parking spaces allowed per April 11, 1975 Circuit Court Order

Hearing: Friday, October 17, 2014 at 10:00 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.

9/30/14 September 25

994994



KEVIN KAMENETZ
County Executive

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

September 15, 2014

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: 2015-0040-A

305 East Joppa Road

Southside of E. Joppa Road, 426 ft. w/of Fairmount Avenue

9th Election District – 5th Councilmanic District

Legal Owners: TABCO Towers Associates, LLP

Variance to allow for 72 on site parking spaces in lieu of the 100 parking spaces allowed per April 11, 1975 Circuit Court Order.

Hearing: Friday, October 17, 2014 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Edward Gillis, 102 W. Pennsylvania Ave., Ste. 600, Towson 21204
Steven Collins, TABCO, 305 E. Joppa Rd., Towson 21204

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., SEPTEMBER 27, 2014.
- (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.



KEVIN KAMENETZ
County Executive

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

September 15, 2014

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: 2015-0040-A

305 East Joppa Road

Southside of E. Joppa Road, 426 ft. w/of Fairmount Avenue

9th Election District – 5th Councilmanic District

Legal Owners: TABCO Towers Associates, LLP

Variance to allow for 72 on site parking spaces in lieu of the 100 parking spaces allowed per April 11, 1975 Circuit Court Order.

Hearing: Friday, October 17, 2014 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Edward Gillis, 102 W. Pennsylvania Ave., Ste. 600, Towson 21204
Steven Collins, TABCO, 305 E. Joppa Rd., Towson 21204

- NOTES:** (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., SEPTEMBER 27, 2014.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 25, 2014 Issue - Jeffersonian

Please forward billing to:

Edward Gillis
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Ste. 600
Towson, MD 21204

410-823-1800

NOTICE OF ZONING HEARING

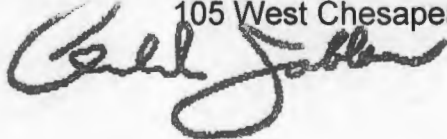
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0040-A

305 East Joppa Road
Southside of E. Joppa Road, 426 ft. w/of Fairmount Avenue
9th Election District – 5th Councilmanic District
Legal Owners: TABCO Towers Associates, LLP

Variance to allow for 72 on site parking spaces in lieu of the 100 parking spaces allowed per April 11, 1975 Circuit Court Order.

Hearing: Friday, October 17, 2014 at 10:00 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.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
305 East Joppa Road; S/S E. Joppa Road, *
426' W of c/line Fairmount Avenue * OF ADMINISTRATIVE
9th Election & 5th Councilmanic Districts HEARINGS FOR
Legal Owner: TABCO Towers Associates LLLP*
Petitioner(s) * BALTIMORE COUNTY
* 2015-040-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

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 28 2014

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of August, 2014, a copy of the foregoing Entry of Appearance was mailed to Steven J. Collins, 305 E. Joppa Road, Towson, MD 21204 and Edward Gilliss, Esquire 102 W Pennsylvania Avenue, Suite 600, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: November 24, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0040-A – Appeal Period Expired

The appeal period for the above-referenced case expired on November 20, 2014. 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

CASE NAME Tabco Towers
CASE NUMBER 2015-0040
DATE 10-17-2014

[illegible]

PLEASE PRINT CLEARLY

CASE NAME Tabco Towers
CASE NUMBER 2015-0040
DATE 10-17-2014

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

SUSAN L. MCNICHOLAS 305 E. Joppa Road #308 TOWSON, MD 21286

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9/14/14</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
<u>10/16</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>9/3</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Obj.</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 9/25/14

SIGN POSTING Date: 9/24/14 by DOCK

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 1700000949			
Owner Information					
Owner Name:		TABCO TOWERS ASSOCIATES		Use: APARTMENTS NO	
Mailing Address:		2613 CABOVER DR HANOVER MD 21076-1596		Principal Residence: NO Deed Reference: /05503/ 00013	
Location & Structure Information					
Premises Address:		305 JOPPA RD 0-0000		Legal Description: .6456 AC SS JOPPA RD 350FT W FAIRMOUNT AV	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
070A	0012	0150		0000	
Assessment Year: 2014				Plat No: Plat Ref:	
Special Tax Areas:				Town: NONE	
Ad Valorem:				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			34,578 SF	11	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2014 As of 07/01/2015	
Land:		1,728,900	2,593,300		
Improvements		2,185,600	4,309,300		
Total:		3,914,500	6,902,600	4,910,533	5,906,567
Preferential Land:		0			0
Transfer Information					
Seller: TEACHERS ASSOCIATION OF BALTIMORE		Date: 01/14/1975		Price: \$205,000	
Type: ARMS LENGTH IMPROVED		Deed1: /05503/ 00013		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014		07/01/2015	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **09** Account Number: **1700000949**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please Wait. Loading... Please Wait.

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KEVIN KAMENETZ
County Executive

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

October 8, 2014

TABCO Towers Associates, LLLP
c/o Wilke Management, Inc.
Steven Collins
305 E Joppa Road
Towson MD 21204

RE: Case Number: 2015-0040 A, Address: 305 E Joppa Road

Dear Mr. Collins:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 20, 2014. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Edward J Gillis, Esquire, 102 W Pennsylvania Avenue, Suite 600, Towson MD 21204

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 9/3/14

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

RE: Baltimore County
Item No 2015-0040-A
Variance
TABCO Towers Associates
LLLP c/o Wilke Management, Inc.

Dear Ms. Lewis:

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. 2015-0040-A.

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).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Steven D. Foster'.

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: October 16, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

OCT 16 2014

SUBJECT: 305 East Joppa Road

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 15-040

Petitioner: TABCO Towers Associates, LLLP c/o Wilke Management, Inc.

Zoning: BM CT

Requested Action: Variance

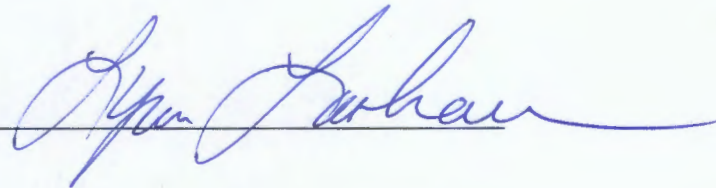
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the subject request for variance from BCZR Section 409.6 regarding allowing 72 parking spaces in lieu of the 100 parking spaces allowed per the April 11, 1975 Circuit Court Order.

The TABCO building has been operating for about 40 years with the existing parking and there have been no complaints about parking availability nor have there been any negative impacts on adjacent properties. The site is also within the Towson Commercial Revitalization District where high density residential uses are encouraged. The Department of Planning finds that the requested relief, that will formally allow the building to continue to operate with 72 spaces, is appropriate and has no objection to this request.

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

Division Chief:
AVA/LL



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 1, 2014
Item No. 2015-0037, 0039, 0040, 0041 and 0043

DATE: September 4, 2014

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\ZAC09012014 -.doc

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmr.com

OF COUNSEL

LAUREL PARETTA REESE

EUGENE W. CUNNINGHAM, JR., P.A.

BRADFORD G.Y. CARNEY

STEPHEN C. WINTER

JOHN A. PICA, JR.

CARROLL W. ROYSTON

1913-1991

H. ANTHONY MUELLER

1913-2000

RICHARD A. REID

1931-2008

* ALSO ADMITTED IN D.C.

R. TAYLOR McLEAN
WILLIAM F. BLUE
THOMAS F. McDONOUGH
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECEGOST
LISA J. McGRATH

JONATHAN M. HERBST
JAMES L. SHEA, JR.
MARTHA K. WHITE
ROBERT F. MILLER
SARAH M. GRABENSTEIN

August 20, 2014

VIA HAND DELIVERY

Baltimore County Department of Permits,
Approvals and Inspections
County Office Building
111 West Chesapeake Ave. Suite 105
Towson, MD 21204

Re: TABCO Towers Associates, LLLP
305 East Joppa Road
Towson, MD 21204

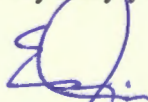
Dear Sir or Madam:

Enclosed with this letter are documents relating to the request that a variance hearing be scheduled:

- Three copies of the Petition (including the April 11, 1975 Court Order) with original signatures;
- Twelve copies of the hearing plan;
- Three copies of the property description;
- One copy of the Zoning Map;
- One completed copy of the advertising and posting requirements and procedures form;
- A \$500.00 filing fee in the form of a check made payable to "Baltimore County" from my firm's advance account.

Thank you for your cooperation.

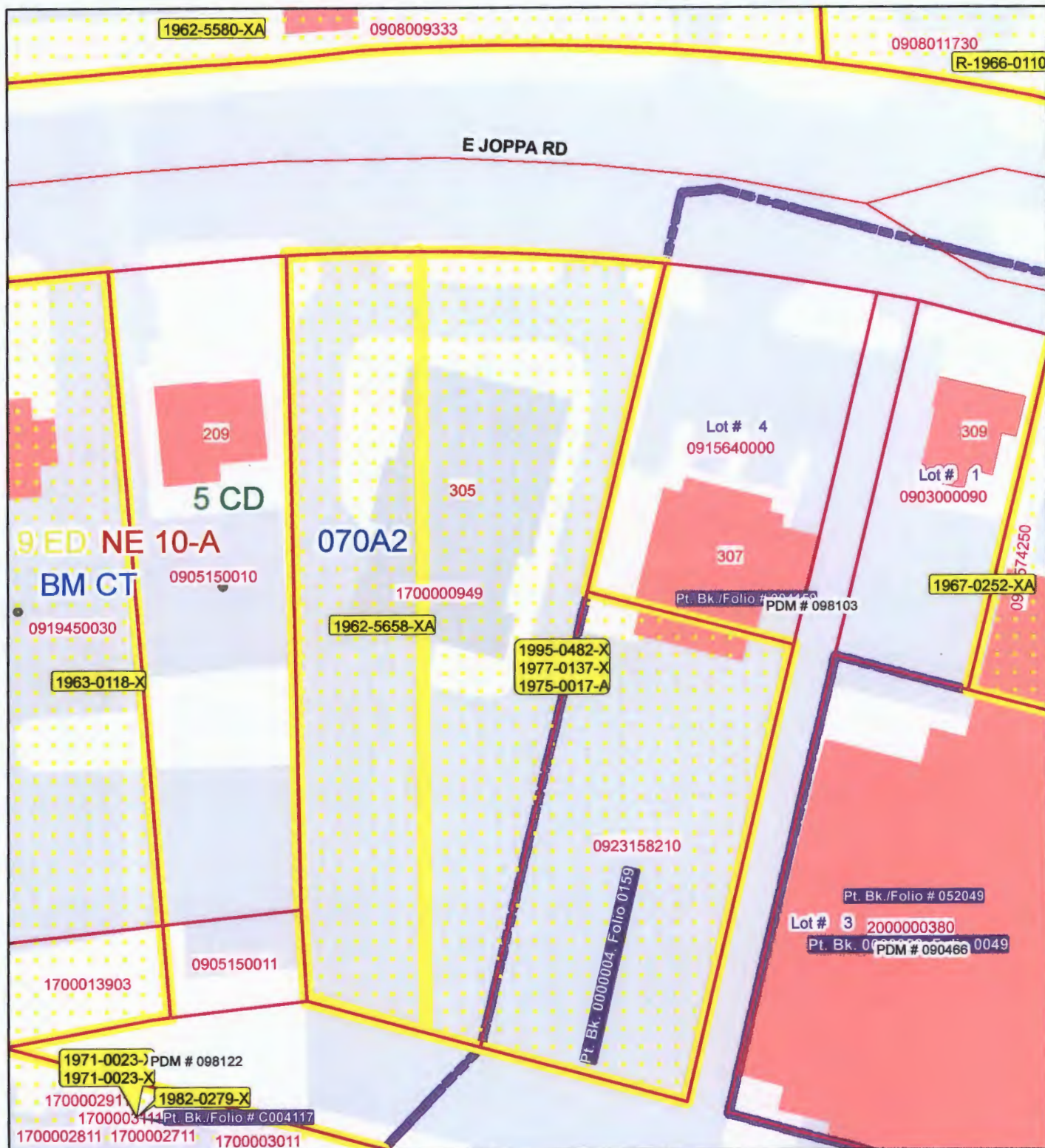
Very truly yours,



Edward J. Gilliss

EJG/ajf
Enclosures

305 East Joppa Road 2015-0040-A



Publication Date: 8/21/2014



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

1962-58

204

0908009333

R-1966-0110

0908011730

Pt. Bk./Folio # 005045C

E JOPPA RD

1962-5580-XA

Pt. Bk./Folio # MP96148

207

0905150010

209

0915640000

Lot # 4

307

309

1967-0252-XA

0902574250

Lot # 1

1987-005

2000000378

5 CD

PDM # 090466

Pt. Bk./Folio # 052049

Lot # 3 2000000380

Pt. Bk. 0000052, Folio 0049

Lot # 2

2000000379

515

NE 10-A 070A2

BM CT

0919450030

1963-0118-X

1700000949

1995-0482-X
1977-0137-X
1962-5658-XA
1975-0017-A

0923158210

1700013903

0905150011

1985-0099-A
1985-0280-A
1968-0060-X

Pt. Bk./Folio # C004117

1982-0279-X

1700003113
1700003011
1700002611
1700002811
1700003119
1700003112
1700002911
1700003111
1700002711
1700003110
1700003118
1700003115
1700003116
1700003117

PDM # 098122

1971-0023-X
1971-0023-X

0913404154

Lot # 5

Pt. Bk./Folio # 004459
PDM # 098103

99999

0908801211
Lot # 1

Lot # 3

Pt. Bk. 0000004, Folio 0159

0908801212

1999-0093-SPH

1983-0111-XA

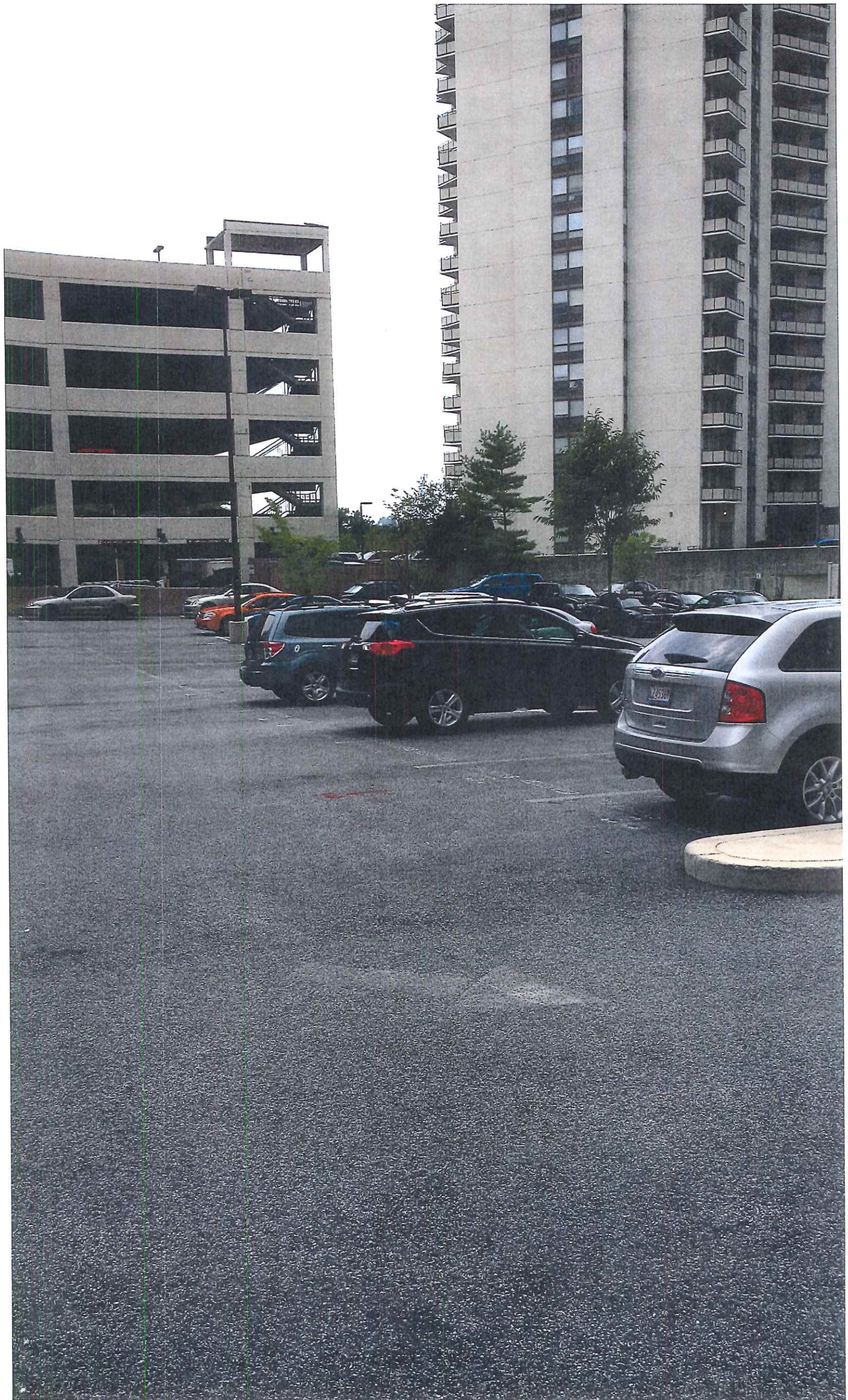
1600004849

R-1982-0185

0919070730

0907582030

2015-0040-A

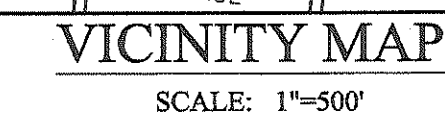
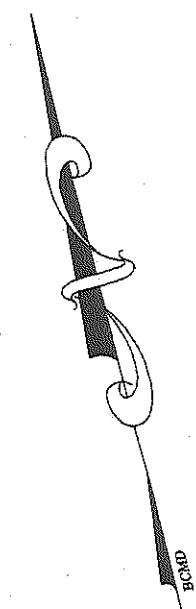




PETITIONER'S

EXHIBIT NO. 3





DISTRICT 9c5
SCALE: 1"=20'

BALTIMORE COUNTY, MD
AUGUST 19, 2014

RIDGELY CONDOMINIUMS ASSOCIATES, INC.
MAP: 70A, PARCEL: 191
"RESIDENTIAL"

307 PENNSYLVANIA ASSOCIATES LIMITED PARTNERSHIP
MAP: 70A, PARCEL: 574
DEED: 7412/551
TAX ACCT. # 0913404154

EX. 5 STORY BLDG.



PARKING

FLOOR AREA RATIO (F.A.R.)

EX. F.A.R.: (5,474 S.F. * 22 FLOORS)/41,835 S.F. = 2.88±

ZONING HISTORY

III. A PETITION FOR VARIANCE (CASE NO. 75-17-A) WAS GRANTED ON AUGUST 22, 1974 BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY PERMITTING 100 PARKING SPACES IN LIEU OF THE REQUIRED 200 PARKING SPACES. THE BALTIMORE COUNTY BOARD OF APPEALS, ON FEBRUARY 27, 1975, UPHOLDING THE DECISION OF THE ZONING COMMISSIONER, REVERSED THIS DECISION ON APRIL 11, 1975 AND ALLOWED THE VARIANCE FOR 100 PARKING SPACES TO BE GRANTED.

IV. A PETITION FOR SPECIAL EXCEPTION (CASE NO. 75-37-A) WAS GRANTED ON FEBRUARY 26, 1977 BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY ALLOWING FOR THE INSTALLATION OF COMMERCIAL WIRELESS TRANSMITTING AND RECEIVING ANTENNAS.

V. A PETITION FOR VARIANCE (CASE NO. 82-558-X-A) WAS GRANTED ON FEBRUARY 26, 1982 BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY ALLOWING FOR SIDE YARD SETBACKS OF 4' AND 10' IN LIEU OF THE REQUIRED 25' AND PERMITTING THE USE OF BUSINESS OFFICES.

VI. A PETITION FOR SPECIAL EXCEPTION (CASE NO. 95-482-X) WAS GRANTED ON JULY 27, 1995 BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY ALLOWING A WIRELESS TRANSMITTING AND RECEIVING ANTENNA IN A RM-2 ZONE.

PREVIOUS COMMERCIAL PERMITS

#430-76 BUILDING	#852-77 ALTERATION	#575-77 ALTERATION
#429-77 ALTERATION	#74-79 ALTERATION	#208-78 ALTERATION
#965-82 ALTERATION	#638-79 ALTERATION	#514-76 ALTERATION
#1074-77 ALTERATION	#611-79 ALTERATION	#482-76 ALTERATION
#1277 ALTERATION	#74-77 ALTERATION	#958-76 ALTERATION
#152-76 ALTERATION	#47-83 ALTERATION	#107-76 ALTERATION
#1529-87 ALTERATION	#1339-77 ALTERATION	E2341-46 ROOF MOUNTED SLED ANTENNAS

GENERAL NOTES

GENERAL NOTES

1. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THIS SITE IS NOT LOCATED IN A 100-YEAR FLOOD PLAIN
3. THIS SITE DOES NOT CONTAIN ANY KNOWN HISTORICAL BUILDINGS.
4. ANY FUTURE SIGNAGE SHALL BE IN COMPLIANCE WITH BGCR SECTION 450.
5. THERE ARE NO KNOWN WELLS, SEPTIC SYSTEMS OR OTHER GROUND STORAGE TANKS LOCATED ON SITE.
6. THERE IS NO UNPAVED OR FAILED BASIC SERVICES MAP AREAS.
7. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.

REQUESTED RELIEF:
VARIANCE FROM BCZR§ 409.6 TO ALLOW FOR 72 ON SITE PARKING SPACES IN LIEU OF THE 100 PARKING SPACES ALLOWED PER APRIL 11, 1975 CIRCUIT COURT ORDER.

DISTRICT 9c5
SCALE: 1"=20'

BALTIMORE COUNTY, MD
AUGUST 19, 2014

BIR HAMPTON, LLC
#204 EAST JOPPA ROAD
MAP: 70, PARCEL: 318
DEED: 25292/728
TAX ACCT. # 0908009333
"APARTMENTS"

EAST JOPPA ROAD

EX. REVERTIBLE SLOPE EASEMENT
(DEED: 4915/202 & 4915/205)
(RW PLAT: 65-052-3A & 65-052-2A)

NC PROPERTIES LLC
MAP: 70A, PARCEL: 570
DEED: 16145/105
TAX ACCT. # 0915640000
"COMMERCIAL"

ENTENCING ALTERNATIVES PROGRAM INC.
 MAP: 70A, PARCEL: 571
 DEED: 19214/214
 TAX ACCT. # 0903000090
 "COMMERCIAL"

GLOBAL PROPERTIES OF T
MAP: 70A, PARCEL
DEED: 18585/3
TAX ACCT. # 09051
"COMMERCIAL"

GLOBAL PROPERTIES OF TOWSON, LLC
MAP: 70A, PARCEL: 412
DEED: 18585/335
TAX ACCT. # 0919450030
"COMMERCIAL"

GLOBAL PROPERTIES OF
TOWSON, LLC
MAP: 70A, PARCEL: 14
DEED: 18585/335
TAX ACCT. # 090515001
"COMMERCIAL"

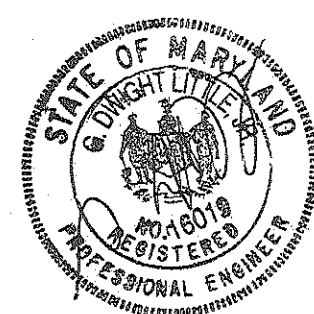
GLOBAL PROPERTIES OF TOWSON, LLC
MAP: 70A, PARCEL: 25
DEED: 30160/333
TAX ACCT. # 1700013903
"COMMERCIAL"

CHELLIS HELEN M TRUSTEE
MAP: 70A, PARCEL: 567
DEED: 19680/315
TAX ACCT. # 2000000380
"COMMERCIAL"

307 PENNSYLVANIA ASSOCIATES LIMITED PARTNERSHIP
MAP: 70A, PARCEL: 574
DEED: 7412/551
TAX ACCT. # 0913404154

RIDGELY CONDOMINIUMS ASSOCIATES, INC.
MAP: 70A, PARCEL: 191
"RESIDENTIAL"

EX. 5 STORY BLDG



LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

RIDGELY CONDOMINIUMS ASSOCIATES, INC.
MAP: 70A, PARCEL: 191
"RESIDENTIAL"

307 PENNSYLVANIA ASSOCIATES LIMITED PARTNERSHIP
MAP: 70A, PARCEL: 574
DEED: 7412/551
TAX ACCT. # 0913404154

EX. 5 STORY BLDG

2015-0040-A

PLAN TO ACCOMPANY ZONING HEARING
TABCO TOWERS

DISTRICT 9c5
SCALE: 1"=20'

BALTIMORE COUNTY, MD
AUGUST 19, 2014