

MEMORANDUM

DATE: December 16, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0455-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 13, 2019. 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.'

/dlw

c:  Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(9000 Franklin Square Drive)

14th Election District

6th Council District

HH Medstar Health, Inc

Legal Owner

Petitioner

*

*

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*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0455-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by HH Medstar Health, Inc., legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 450.4 of the Baltimore County Zoning Regulations (“BCZR”) as follows: **(1)** to permit two (2) wall mounted/integral identification signs on the same frontage in lieu of the otherwise permitted one (1) sign. (East Elevation); **(2)** to permit three (3) wall mounted identification signs, each with a square footage of up to 190 sq. ft. in lieu of the permitted 25 sq. ft.; and **(3)** to permit a freestanding monument sign of 75 sq. ft. in lieu of the otherwise permitted 25 sq. ft., and 12 ft. 5 inches in height in lieu of the otherwise permitted 6 ft. A site plan was marked as Petitioner’s Exhibit 1.

Connor Mildrum from Medstar Health appeared in support of the petition. Professional Engineer, Peter Soprano, also testified. Jennifer R. Busse, Esq. represented Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). That agency did not oppose the request.

The site is approximately 3.11 acres in size and is zoned OR-1. The property is improved with a medical facility owned by Medstar/Franklin Square Hospital Center. This case concerns

ORDER RECEIVED FOR FILING

Date 11-13-19

By kw

signage for HH Medstar Health, Inc.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Mr. Soprano explained that the building in question is part of the Franklin Square Medstar Health campus and that it houses the Surgical Pavilion. He further explained that the building does not sit parallel with the street that it fronts and that this causes problems for drivers trying to locate the facility. Hence the need for enhanced signage to assist with "wayfinding" and avoid traffic confusion. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to provide appropriate and necessary signage for the medical building. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this **13th** day of **November, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations ("BCZR") as follows: **(1)** to permit two (2) wall mounted/integral identification signs on the same frontage in lieu of the otherwise permitted one (1) sign. (East Elevation); **(2)** to permit three (3) wall mounted identification signs, each with a square footage of up to 190 sq. ft. in lieu of the permitted 25 sq. ft.; and **(3)** to permit a freestanding monument sign of 75 sq. ft. in lieu of the otherwise permitted 25 sq. ft., and 12 ft. 5 inches in height in lieu of the

ORDER RECEIVED FOR FILING

Date 11-13-19

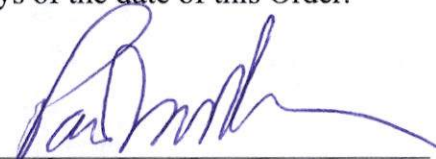
By [Signature]

otherwise permitted 6 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of permits, Petitioner must comply with ZAC comment received from the DOP, a copy of which is attached hereto and made a part hereof.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:sln

ORDER RECEIVED FOR FILING

Date 11-13-19

By PMW



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 9000 Franklin Square Drive (formerly known as 9100) which is presently zoned OR 1

Deed References: 36734/00463 10 Digit Tax Account # 2500013160

Property Owner(s) Printed Name(s) HH MedStar Health, Inc.

(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)

PLEASE SEE ATTACHED

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)

REASONS TO BE PRESENTED AT HEARING

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

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

N/A

Name – Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jennifer R. Busse, Esquire

Name- Type or Print

Signature Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address City State

21204 410-832-2077 jbusse@wtplaw.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Franklin Square Hospital Center, Inc. - Petitioner

Name #1 – Type or Print

Name #2 – Type or Print

Mike Baldwin

Signature #1

Signature #2

9000 Franklin Square Drive, Baltimore, MD

Mailing Address City State

21237 443-777-6142 mike.baldwin@medstar.net

Zip Code Telephone # Email Address

Representative to be contacted:

Michael Baldwin

Name – Type or Print

Signature

9000 Franklin Square Drive, Baltimore, MD

Mailing Address City State

21237 443-777-6142 mike.baldwin@medstar.net

Zip Code Telephone # Email Address

CASE NUMBER

Filing Date

Do Not Schedule Dates:

Reviewer

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date

By

Attachment to Zoning Petition

9000 Franklin Square Drive

Case No.: 2019-455-A

Petition for Variance from BCZR §450.4, attachment 1, 6(a) to permit two (2) wall mounted/integral identification signs on the same frontage in lieu of the otherwise permitted one (1) sign. (East Elevation)

Petition for Variance from BCZR §450.4, attachment 1, 6(a) to permit three (3) wall mounted identification signs, each with a square footage of up to 190 s.f. in lieu of the permitted 25 s.f.

Petition for Variance from BCZR §450.4, attachment 1, 6(a) to permit a freestanding monument sign of 75 s.f. in lieu of the otherwise permitted 25 s.f., and 12 feet 5 inches in height in lieu of the otherwise permitted 6 feet.

2019-0455-A

Brian R. Dietz
Professional Land Surveyor #21080
7867 Oakdale Avenue, Baltimore, MD 21237
Phone 410-686-1198 Fax 410-682-6021

Zoning Description
HH MEDSTAR HEALTH INC.
Franklin Square Drive

September 5, 2019

Beginning on the North side of Franklin Square Drive (70' R/W), distant 1813 feet +/- from the East side of Rossville Blvd (Variable R/W), thence running with and binding on the North side of Franklin Square Drive,

1. North 67 degrees 21 minute 47 seconds East 83.36 feet
2. Northeasterly by a curve to the left, having a radius of 665.00 feet for an arc length of 203.55 feet the chord of said arc bearing North 58 degrees 35 minutes 40 seconds East 202.76 feet,
3. North 49 degrees 49 minutes 32 seconds East 409.28 feet, thence leaving the north side of Franklin Square Drive, and running through the land of the herein petitioner,
4. North 40 degrees 20 minutes 04 seconds West 143.16 feet,
5. South 82 degrees 00 minutes 10 seconds West 234.15 feet,
6. Southwesterly by a curve to the left, having a radius of 19.42 feet for an arc length of 29.02 feet the chord of said arc bearing South 37 degrees 44 minutes 16 seconds West 26.39 feet
7. South 08 degrees 54 minutes 43 seconds East 6.16 feet,
8. Southeasterly by a curve to the left, having a radius of 4.33 feet for an arc length of 6.75 feet the chord of said arc bearing South 53 degrees 24 minutes 56 seconds East 6.09 feet
9. North 81 degrees 55 minutes 13 seconds East 13.60 feet,
10. South 08 degrees 04 minutes 47 seconds East 43.34 feet,
11. South 81 degrees 55 minutes 13 seconds West 13.67 feet,
12. Southwesterly by a curve to the left, having a radius of 4.33 feet for an arc length of 6.80 feet the chord of said arc bearing South 36 degrees 55 minutes 13 seconds West 6.12 feet
13. South 08 degrees 04 minutes 47 seconds East 21.58 feet,

14. Southwesterly by a curve to the right, having a radius of 45.67 feet for an arc length of 49.82 feet the chord of said arc bearing South 23 degrees 10 minutes 17 seconds West 47.39 feet
15. Northwesterly by a curve to the right, having a radius of 35.67 feet for an arc length of 61.61 feet the chord of said arc bearing North 76 degrees 05 minutes 57 seconds West 54.23 feet
16. South 81 degrees 57 minutes 53 seconds West 32.05 feet
17. North 08 degrees 02 minutes 07 seconds West 6.67 feet
18. South 81 degrees 57 minutes 53 seconds West 4.00 feet
19. South 08 degrees 02 minutes 07 seconds East 1.25 feet
20. South 81 degrees 54 minutes 51 seconds West 66.52 feet
21. South 08 degrees 05 minutes 09 seconds East 9.82 feet
22. South 81 degrees 54 minutes 51 seconds West 33.19 feet
23. North 08 degrees 05 minutes 09 seconds West 9.82 feet
24. South 81 degrees 54 minutes 51 seconds West 100.34 feet
25. South 08 degrees 46 minutes 42 seconds East 195.56 feet
26. Southerly by a curve to the left, having a radius of 450.00 feet for an arc length of 52.73 feet the chord of said arc bearing South 12 degrees 23 minutes 25 seconds East 52.70 feet
27. South 15 degrees 44 minutes 50 seconds East 57.04 feet, and
28. Southeasterly by a curve to the left, having a radius of 35.05 feet for an arc length of 26.64 feet the chord of said arc bearing South 37 degrees 43 minutes 42 seconds East 26.00 feet, to the place of beginning.

Containing 3.529 Ac. or 153,703 sq.ft. of land more or less. Located in the 14th Election District, 6th Councilmanic District.



PM 11-4-19
2:30 PM

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Friday, November 1, 2019 2:44 PM
To: Administrative Hearings
Cc: Tammy Martin
Subject: 2019-0455-A

CAUTION: This message from mert1114@aol.com originated from a non Baltimore County Government or non BCPL email system.
Hover over any links before clicking and use caution opening attachments.

2nd set of certificates

CERTIFICATE OF POSTING

CASE NO. 2019-0455-A
PETITIONER/DEVELOPER
WHITE FORD, TAYLOR
PRESTON LLP
DATE OF HEARING/CLOSING
11/4/19

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:
LADIES AND GENTLEMAN:
THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT
9000 FRANKLIN SQUARE DRIVE
SIGN #2

THIS SIGN(S) POSTED ON October 14, 2019 November 1, 2019
(MONTH, DAY, YEAR)

SINCERELY,
Marty Ogle 11/1/19
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD 21234
443-629-3411



Marty Ogle 11/1/19 SIGN #2

CERTIFICATE OF POSTING

CASE NO. 2019-0455-A
PETITIONER/DEVELOPER
WHITE FOX, TAYLOR
PRISTON, W
DATE OF HEARING CLOSING
11/4/19

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

9000 FEXDELLIN SQUARE DRIVE
SEALBROOK

THIS SIGN(S) POSTED ON October 14, 2019 November 3, 2019
(MONTH, DAY, YEAR)

SINCERELY,

Martin Oglet 10/14/19

SIGNATURE OF SIGN POSTER

MARTIN OGLET
9912 MAIDENBROOK ROAD
PARKVILLE, MD. 21224
443-629-3411



Sent from my iPhone

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
9000 Franklin Square Drive; N/S of Franklin
Square Drive, 1813' E of c/line Rossville Blvd* OF ADMINISTRATIVE
14th Election & 6th Councilmanic Districts
Legal Owner(s): HH Medstar Health, Inc. * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2019-455-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
SEP 19 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of September, 2019, a copy of the foregoing Entry of Appearance was mailed to Michael Baldwin, 9000 Franklin Square Drive, Baltimore, Maryland 21237 and Jennifer Busse, Esquire, 1 West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

October 8, 2019

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: 2019-0455-A

9000 Franklin Square Drive

N/side of Franklin Square Drive, east of centerline of Rossville Boulevard

14th Election District – 6th Councilmanic District

Legal Owners: Franklin Square Hospital Center, Inc.

Variance to permit 2 wall mounted/integral identification signs on the same frontage in lieu of the otherwise permitted one sign (east elevation). To permit 3 wall mounted identification signs, each with a square footage of up to 190 sq. ft. in lieu of the permitted 25 sq. ft.; to permit a freestanding monument sign of 75 sq. ft. in lieu of the otherwise permitted 25 sq. ft. and 12 ft. 5 inches in height in lieu of the otherwise permitted 6 ft.

Hearing: Monday, November 4, 2019 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Jennifer Busse, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Mike Baldwin, 9000 Franklin Square Drive, Baltimore 21237

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 15, 2019**
- (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: THE DAILY RECORD
Tuesday, October 15, 2019 – Issue

Please forward billing to:

Jennifer Busse
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2077

NOTICE OF ZONING HEARING

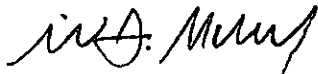
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0455-A

9000 Franklin Square Drive
N/side of Franklin Square Drive, east of centerline of Rossville Boulevard
14th Election District – 6th Councilmanic District
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Hearing: Monday, November 4, 2019 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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.

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

10/15/2019

Order #: 11802414
Case #: 2019-0455-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0455-A



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County**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: 2019-0455-A

9000 Franklin Square Drive

N/side of Franklin Square Drive, east of centerline of Rossville Boulevard

14th Election District - 6th Councilmanic District

Legal Owners: Franklin Square Hospital Center, Inc.

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Hearing: Monday, November 4, 2019 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

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.

c15

CERTIFICATE OF POSTING

CASE NO. 2019-0455-A

PETITIONER/DEVELOPER

WHITEFORD, TAYLOR;

PRESTON LP

DATE OF HEARING/CLOSING

11/4/19

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

9000 FRANKLIN SQUARE DRIVE
SIGN #2

THIS SIGN(S) POSTED ON

October 14, 2019

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 10/14/19

SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411

ZONING NOTICE

CASE # 2019-0455-A

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

PLACE: Room 205, Jefferson Building
195 W. Chesapeake Ave, Towson MD 21204

DATE AND TIME: Monday, November 4, 2019 at 2:30 p.m.

REQUEST: Variance to permit 2 wall mounted/integral identification signs on the same frontage in lieu of the otherwise permitted one sign (east elevation). To permit 3 wall mounted identification signs, each with a square footage of up to 190 sq. ft. in lieu of the permitted 25 sq. ft.; to permit a freestanding monument sign of 75 sq. ft. in lieu of the otherwise permitted 25 sq. ft. and 12 ft. 5 inches in height in lieu of the otherwise permitted 6 ft.

NOTIFICATIONS DUE TO WEATHER OR OTHER CIRCUMSTANCES ARE SIMULTANEOUSLY NECESSARY.
THIS IS A PUBLIC HEARING AND YOU WILL BE HEARD.
DO NOT REMOVE THIS SIGN AND NOT LATER THAN THE DAY OF HEARING UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE

mgc/klg 10/14/19

CERTIFICATE OF POSTING

CASE NO. 2019-0455-A

PETITIONER/DEVELOPER

WHITEFORD, TAYLOR:

PRESTON LP

DATE OF HEARING/CLOSING

11/4/19

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION :

LADIES AND GENTLEMAN :

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THE PROPERTY LOCATED AT

9000 FRANKLIN SQUARE DRIVE
SIGN #1

THIS SIGN(S) POSTED ON October 14, 2019
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 10/14/19

SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

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

For Newspaper Advertising:

Case Number: 2019-0455-A
Property Address: 9000 Franklin Square Drive
Property Description: _____

Legal Owners (Petitioners): Med Star Health
Contract Purchaser: N/A

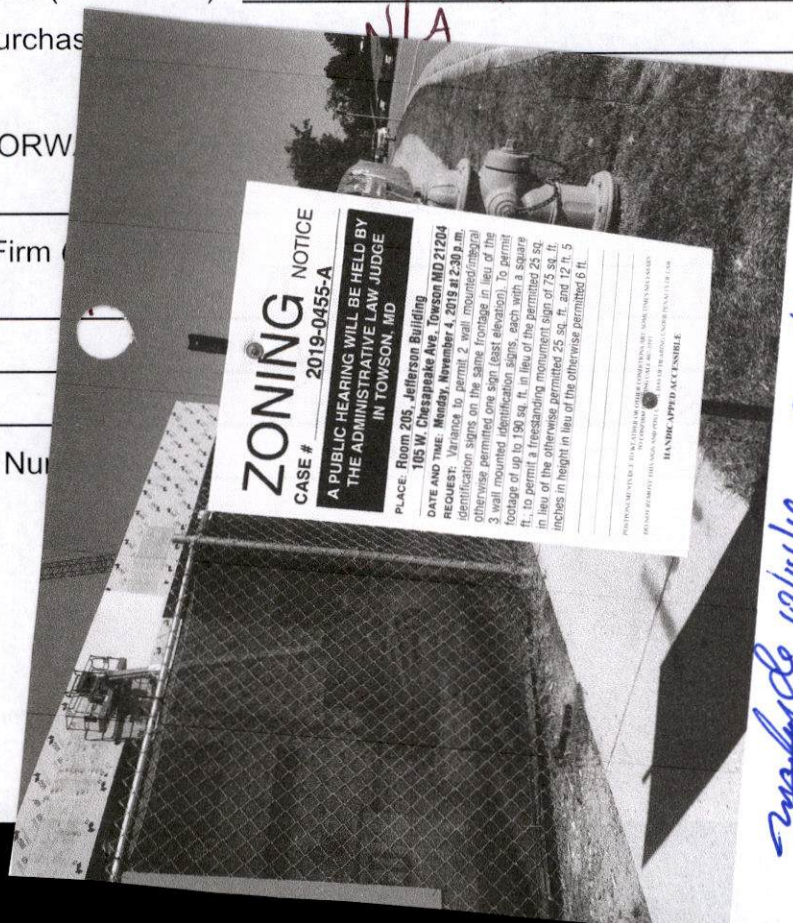
PLEASE FORWARD TO:

Name: _____

Company/Firm: _____

Address: _____

Telephone Number: _____



142615
6/17/19
2/22/20
SIGNED

dated 7/9/2015



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

October 28, 2019

Jennifer R. Busse
1 W. Pennsylvania Ave Ste 300
Towson MD 21204

RE: Case Number: 2019-0455-A, 9000 Franklin Square Drive

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 09, 2019. 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, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Michael Baldwin 9000 Franklin Square Drive Baltimore MD 21237

11-4

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 10/9/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-455



INFORMATION:

Property Address: 9000 Franklin Square Drive
Petitioner: Franklin Square Hospital Center, Inc.
Zoning: OR 1
Requested Action: Variance

The Department of Planning has reviewed the petition for variance as listed on the attachment submitted in support of the petition.

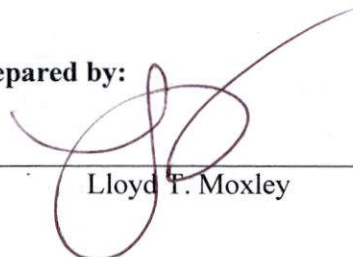
A site visit was conducted on 9/25/2019. The site is the Franklin Square Hospital Campus. All of the proposed signage is internal to the site and will be used for wayfinding around the hospital campus.

This Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Install landscaping around the base of the freestanding monument sign to the satisfaction of the Baltimore County Landscape Architect.

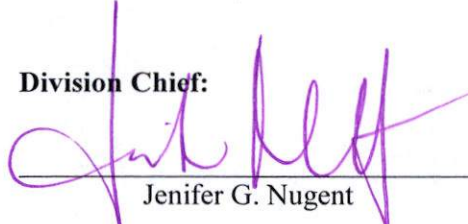
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Laurie Hay
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Michael Baldwin
Jennifer R. Busse, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

11-4

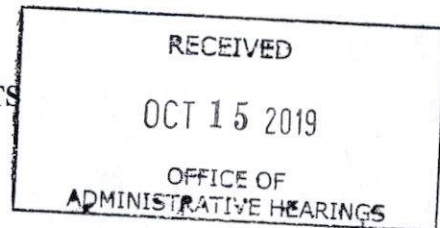
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 10/9/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-455



INFORMATION:

Property Address: 9000 Franklin Square Drive
Petitioner: Franklin Square Hospital Center, Inc.
Zoning: OR 1
Requested Action: Variance

The Department of Planning has reviewed the petition for variance as listed on the attachment submitted in support of the petition.

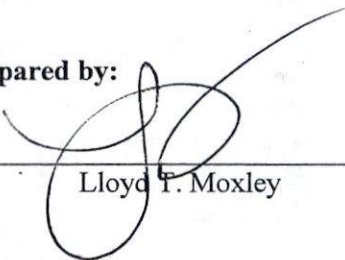
A site visit was conducted on 9/25/2019. The site is the Franklin Square Hospital Campus. All of the proposed signage is internal to the site and will be used for wayfinding around the hospital campus.

This Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Install landscaping around the base of the freestanding monument sign to the satisfaction of the Baltimore County Landscape Architect.

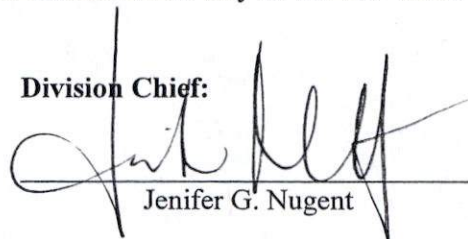
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Laurie Hay
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Michael Baldwin
Jennifer R. Busse, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 11-13-19

By aw

11-4-19

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: October 1, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0455-A
Address 9000 Franklin Square Drive
(HH Medstar Health, Inc. Property)

Zoning Advisory Committee Meeting of **September 13, 2019**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 9/18/19

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

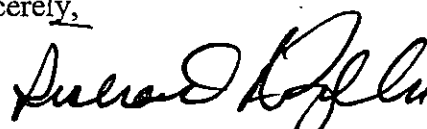
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2019-0455-A

*Variance
HH MedStar Health Inc. .
9000 Franklin Square Drive*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,


Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

IN RE: PETITION FOR VARIANCE

(9101 Franklin Square Drive)

14th Election District

6th Council District

Healthcare Realty Trust, Inc

Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0182-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Healthcare Realty Trust, Inc., legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 450.4 of the Baltimore County Zoning Regulations (“BCZR”) to permit two (2) wall mounted identification signs on the same building frontage in lieu of the permitted one (1), and each with a square footage of up to 97.2 sq. ft. in lieu of the permitted 25 sq. ft. A site plan was marked as Petitioner’s Exhibit 1.

Professional engineer Peter Soprano and Mike Baldwin from Medstar Health appeared in support of the petition. Jennifer R. Busse, Esq. represented Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (“ZAC”) comments were received from County reviewing agencies.

The site is approximately 0.57 acres in size and is zoned OR-1. The property is improved with a medical arts building owned by Medstar/Franklin Square Hospital. This case concerns signage for the building.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate

2019-0455-A

- variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Peter Soprano testified the property has irregular dimensions and that the front façade of the building does not directly face Franklin Square Drive, which makes it difficult for motorists or pedestrians to locate the building. As such I believe the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to provide appropriate and necessary signage for the medical building. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 1st day of **March, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 450.4 of the Baltimore County Zoning Regulations ("BCZR") to permit two (2) wall mounted identification signs on the same building frontage in lieu of the permitted one (1), and each with a square footage of up to 97.2 sq. ft. in lieu of the permitted 25 sq. ft., be and is hereby GRANTED.

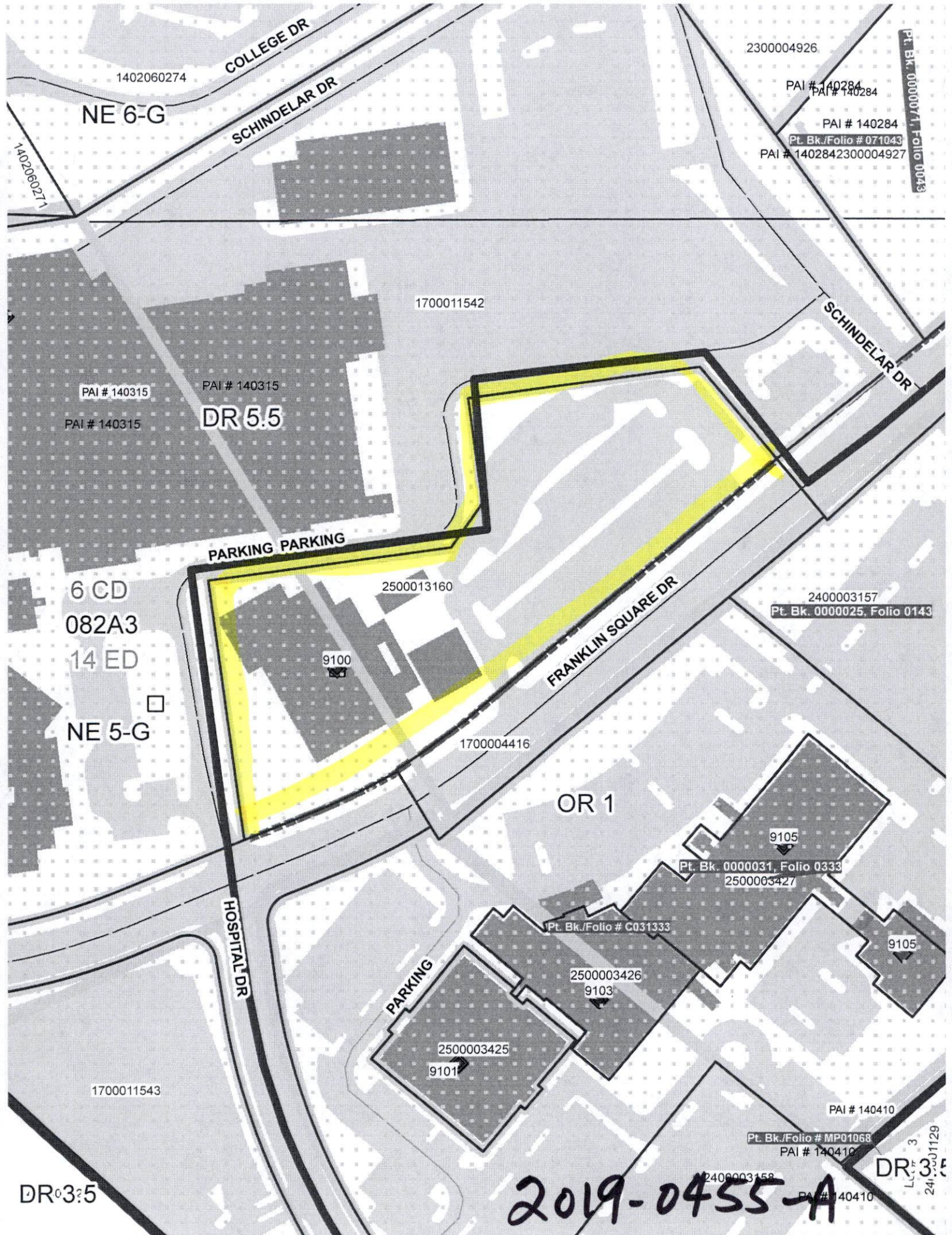
The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh



NE 6-G

COLLEGE DR

SCHINDELAR DR

2300004926

PAI # 140284

PAI # 140284

Pt. Bk./Folio # 071043

PAI # 1402842300004927

Pt. Bk. 0000071, Folio 0043

1700011542

SCHINDELAR DR

PAI # 140315

PAI # 140315

DR 5.5

PAI # 140315

PARKING PARKING

6 CD
082A3
14 ED

2500013160

9100

NE 5-G

FRANKLIN SQUARE DR

2400003157

Pt. Bk. 0000025, Folio 0143

1700004416

OR 1

9105

Pt. Bk. 0000031, Folio 0333

2500003427

Pt. Bk./Folio # C031333

2500003426

9103

9105

2500003425

9101

1700011543

PAI # 140410

Pt. Bk./Folio # MP01068

PAI # 140410

2400003158

PAI # 140410

DR 3.5

DR 3.5

2019-0455-A

A-2240-P102

Case No.: 2019-0455-A - 9000 Franklin Square Drive

11/4

2:30 PM

Exhibit Sheet

Petitioner/Developer

DW
12-16-19

Protestants

DW
11-13-19

No. 1	Site Plan (2 sheets) as filed	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CASE NAME 2019-455-A
CASE NUMBER _____
DATE 11/4/19

[illegible]

11-4-19

CASE NO. 2019-0455-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
10/1	DEPS (if not received, date e-mail sent _____)	No Comment
_____	FIRE DEPARTMENT	_____
10/9	PLANNING (if not received, date e-mail sent _____)	No objection w/condition
9/18	STATE HIGHWAY ADMINISTRATION	No Objection
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT	Date: 10/15/19	
SIGN POSTING (1 st)	Date: 10/14/19	by Ogle
SIGN POSTING (2 nd)	Date: 11-1-19	by "
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt: None		Special Tax Recapture: None			
Exempt Class: None					
Account Identifier:		District - 14 Account Number - 2500013160			
Owner Information					
Owner Name:	HH MEDSTAR HEALTH INC		Use:	EXEMPT COMMERCIAL	
Mailing Address:	% SUSAN KOPF 10980 GRANTCHESTER WAY COLUMBIA MD 21044-		Principal Residence:	NO	
			Deed Reference:	/36734/ 00463	
Location & Structure Information					
Premises Address:	FRANKLIN SQUARE DR		Legal Description:	IMPS 3.112 AC FRANKLIN SQUARE DR NS	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0082	0020	0732	30000.04	0000	2018
Special Tax Areas: None			Town:		None
			Ad Valorem:		None
			Tax Class:		None
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
	49623		3.1100 AC	01	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
			/		
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2019	07/01/2020	
Land:	933,600	933,600			
Improvements	0	0			
Total:	933,600	933,600	933,600	933,600	
Preferential Land:	0			0	
Transfer Information					
Seller: BALTIMORE COUNTY MARYLAND		Date: 10/06/2015		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /36734/ 00463		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2019	07/01/2020		
County:	820	933,600.00	933,600.00		
State:	820	933,600.00	933,600.00		
Municipal:	820	0.00 0.00	0.00 0.00		
Tax Exempt: None		Special Tax Recapture: None			
Exempt Class: None					
Homestead Application Information					

Homestead Application Status: Application**Homeowners' Tax Credit Application Information****Homeowners' Tax Credit Application Status:** No Application**Date:**

