

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Schreiber

I, or we, David Miller and Eugene H. Schreiber, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B-02.3 (504 V.B. 1.d.) to permit a side yard of 2' instead of the required 25' (Variance of 23').

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

practical difficulty and extreme hardship.

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 be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser: David Miller
Address: 306 W. Joppa Road
Protestant's Attorney: W. Lee Harrison
Address: 306 W. Joppa Road

ORDERED BY The Zoning Commissioner of Baltimore County, this 1st day of May, 1973, 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 Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of June, 1973, at 10:00 o'clock.

10:00
6/18/73

MCA
MATZ, CHILDS & ASSOCIATES, INC.
CONSULTING ENGINEERS

1020 Cromwell Bridge Rd., Baltimore, Md. 21204, Tel. 301-623-0900

DESCRIPTION

1. 9900 ACRE PARCEL, SOUTH SIDE OF RELOCATED OLD COURT ROAD, 725 FEET, MORE OR LESS, NORTHWEST OF THE CENTER OF OLD COURT ROAD WEST, THIRD ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

THIS DESCRIPTION IS FOR YARD VARIANCES

Beginning for the same at a point on the south side of Relocated Old Court Road at the distance of 725 feet, more or less, northwesterly from the center of Old Court Road West, said point of beginning being on the second line of a deed to Mary G. Craghan and Augustine J. Craghan, Jr., recorded among the Land Records of Baltimore County in Liber W.J.R. 3779, page 623, running thence binding on a part of said second line (1) S 05° 04' 00" E 554.00 feet to the center of Old Court Road, thence binding on the center of said road (2) S 83° 36' 50" W 160.00 feet to the beginning of the fifth line of the land described in the deed to The Maryland Title Guarantee Company recorded among the aforesaid Land Records in Liber O.T.G. 4869, page 124, running thence binding on said fifth line, (3) N 04° 34' 00" W 544.06 feet to the south side of said Relocated Old Court Road, running thence binding on the south side of said road two courses, (4) N 78° 25' 42" E 76.35 feet, and (5) easterly, by a curve to the right with the radius

Water Supply ■ Sewerage ■ Drainage ■ Highways ■ Structures ■ Developments ■ Planning ■ Reports

RE: PETITION FOR VARIANCE
from Section 1B02.2.8
(504 V.B. 1.d.) of the Baltimore
County Zoning Regulations
S/S Relocated Old Court Road 705'
NW of Old Court Road, West
3rd District
David Miller, et al,
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 73-304-A

OPINION

This case comes before the Board of Appeals on an appeal from the Order of the Zoning Commissioner, dated August 8, 1973. The instant case involves a parcel of land located between Old Court Road and Old Court Road Relocated, 725 feet west of Old Court Road, in the Third Election District of Baltimore County. This property is also known as Old Court Executive Park, 3701 Old Court Road.

The subject property is zoned D.R. 16 and enjoys a special exception for offices. Same is developed with a series of twenty-four Townhouse units, most of which have been converted into offices. The appellants now propose to further improve this parcel by constructing a 40 foot by 85 foot two story office building on the east side of the property close to Old Court Road Relocated. The construction of this proposed building would require a variance from Section 1B02.2.8 (504 V.B. 1.d.) to permit a side yard of 2 feet instead of the required 25 feet (a variance of 23 feet). The Petitioner must prove practical difficulty and/or unreasonable hardship.

At the hearing before the Board of Appeals, testimony was given by Mr. Joseph M. Schapiro who stated that he is the sole beneficiary of the Trust which owns the subject property. He further testified that the new structure must be 40 feet wide since it would be economically unwise to build it narrower. He also stated that one of the reasons for building the new structure would be that his company could move their office into it, which would be very convenient.

Petitioners' witness, Mr. Morton K. Sugar, a real estate broker who handles the leasing of units at Old Court Executive Park, stated that if the proposed additional building were designed to conform to the Zoning Regulations it would not be practical because of cost, height limitations and useability. Cross-examination of this witness established the fact that the owners had knowledge of the zoning and use of the subject property prior to the purchase of same in 1972.

Protestants' witness, Mr. Morris Silverman, owns the adjoining parcel of land (2.3371 acres) and testified that he is opposed to the variance because the granting of it would adversely affect light and air of future planned improvements on his property. He also feels that property owners should be made to comply with the Baltimore County Zoning Regulations.

MCA
MATZ, CHILDS & ASSOCIATES, INC.

-2-

of 865.00 feet, the distance of 80 feet, more or less, to the place of beginning.

Containing 1.99 acres of land, more or less.

CAE:ejg J.O.# 71124 February 2, 1973



David Miller, et al - #73-304-A

2.

Without further reviewing the testimony and evidence presented, suffice it to say that the Board finds no proof of unreasonable hardship or practical difficulty sufficient to grant the requested variance. Therefore, the Order of the Zoning Commissioner will be affirmed.

ORDER

For the reasons set forth in the foregoing Opinion, the Board finds that the Petitioners failed to prove practical difficulty and/or unreasonable hardship and, therefore, it is this 11th day of September, 1974, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner, dated August 8, 1973, is affirmed and 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 the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Miller, Jr., Chairman

John A. Miller

Walter C. Horn, Jr.

W. Lee Harrison, Esquire
306 W. Joppa Road
Towson, Maryland 21204

RE: Petition for Variance
S/S of Relocated Old Court
Road, 725' NW of Old Court
Road, West - 3rd District
David Miller, et al - Petitioners
NO. 73-304-A (Item No. 19)

Dear Mr. Harrison:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

18/

S. ERIC DI NENNA
Zoning Commissioner

SED:ge

Attachments

cc: Nathan Patz, Esquire
10 Light Street
Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: June 14, 1973

FROM: William D. Fromm, Director

SUBJECT: Petition #73-304-A, South side of Relocated Old Court Road, 724 feet, more or less, Northwest of Old Court Road West. Petitioner - David Miller and Eugene H. Schreiber

3rd District

HEARING: Monday, June 18, 1973 (10:00 A.M.)

The staff of the Office of Planning and Zoning will offer no comment on this petition at this time.

William D. Fromm
William D. Fromm, Director

WDF:REG:rw

ASSOCIATES
G. MICHAEL ADAMS
COOPER C. GIBLIN

LAW OFFICES
W. LEE HARRISON

306 WEST JOPPA ROAD
TOWSON, MARYLAND 21204
September 5, 1973

AREA CODE 701
823-1200

Mr. S. Eric Dinenna
Zoning Commissioner
County Office Building
Towson, MD 21204

Re: Petition for Variance
S/S of Relocated Old Court
Road, 725' NW of Old Court
Road, West - 3rd District
David Miller, et al - Petitioners
No. 73-304-A (Item No. 19)

Dear Mr. Dinenna:

Please note an appeal to the Board of Appeals from your decision dated August 8, 1973 denying the above requested variance on behalf of the Petitioners.

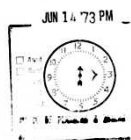
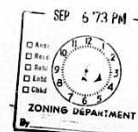
Enclosed please find a check in the amount of \$40.00 to cover the cost of said appeal.

Yours truly,

W. Lee Harrison

WLH/cs

Enc.



NOV 19, 1974

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts

the above Variance should be had; and it further appearing that by reason of

a Variance should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of 196, that the herein Petition for a Variance should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of failure to show practical difficulty and unreasonable hardship

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of August, 1967, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 E. Chesapeake Ave.
Towson, Maryland 21204

June 5, 1973

JOHN J. DILLON, JR.
Chairman

MEMBERS

BUREAU OF
ENGINEERING
DEPARTMENT OF
TRAFFIC ENGINEERING
STATE ROADS COMMISSION
BUREAU OF
HIGHWAYS
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL
DEVELOPMENT

W. Lee Harrison, Esq.,
306 W. Joppa Road
Towson, Maryland 21204

RE: Variance Petition
Item 197
David Miller and Eugene H. Schreiber -
Petitioners

Dear Mr. Harrison:

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 between Old Court Road and Old Court Road Relocated, 725 feet west of Old Court Road, in the 3rd Election District of Baltimore County. This property is zoned DR 16 and enjoys a Special Exception for offices, and is developed with a series of 24 townhouse units, most of which have been converted to offices. The end result has been a very attractive office-residential complex. The petitioners now propose to construct a two-story office on the east side of the property close to Old Court Road Relocated. This office is proposed to be located 2 feet from the

Page 2

W. Lee Harrison, Esq.
Item 197
June 5, 1973

property line in lieu of the required 25 feet. However, the reasons for hardship and practical difficulty have not been developed; therefore, this Committee is unable to comment as to its merits.

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,

JOHN J. DILLON, JR.,
Chairman,
Zoning Advisory Committee

JJDjr:JJD

(Enclosure)

cc: Matz, Childs & Associates
1020 Cromwell Bridge Road (21204)

Baltimore County, Maryland Department Of Public Works COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

May 3, 1973

Branch of Engineering
ELLSWORTH N. DIVER, P.E. CHIEF

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

Re: Item 197
Property Owner: David Miller and Eugene H. Schreiber
S/S Old Court Road, 725' N/W of Old Court Road West
Present Zoning: D.R. 16
Proposed Zoning: Variance from Section 1802.2 (SOL.V.B.I.d.) to permit a side yard of 2' instead of required 25'
District: 3 No. Acres 1.99 acres

Dear Mr. DiNenna:

General Comments:

This site is a portion of the property for which comments were supplied November 24, 1971, Item 74 (1971-1972). Those comments are referred to for your consideration.

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

DISSEMINATING

O. S.W. - Map 30-4
30 N.W. 2' - Section Sheet
N.W. 8-8 - Town
75 - Tax Map

cc: G. A. Peller

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
833-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: David Miller and Eugene H. Schreiber

Location: S/S Old Court Road, 725' N/W of Old Court Road, West

Item No. 197 Zoning Agenda Tuesday, April 17, 1973

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
4. the maximum allowed by the Fire Department.
5. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
6. 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.
7. Site plans are approved as drawn.
8. The Fire Prevention Bureau has no comments at this time.

Reviewed: [Signature] Noted and Approved: [Signature]
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

April 18, 1973

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

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

Dear Mr. DiNenna:

Comments on Item 197, Zoning Advisory Committee Meeting April 10, 1973, are as follows:

Property Owner: David Miller and Eugene H. Schreiber
Location: S/S Old Court Rd. 725' N/W of Old Court Rd. West
Present Zoning: D.R. 16
Proposed Zoning: Variance from Section 1802.2 (SOL.V.B.I.d.) to permit a side yard of 2' instead of required 25'.
District: 3
No. Acres: 1.99

Since metropolitan water and sewer are available, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mnc

William D. Fromm
SERRAVALLO/FRANCO
Director
Jefferson Building
Suite 201
Towson, Md. 21204
(410)231



S. ERIC DINENNA
Zoning Commissioner
County Office Building
111 E. Chesapeake Ave.
Towson, Md. 21204
(410)231

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

April 24, 1973

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 197, Zoning Advisory Committee Meeting, April 10, 1973, are as follows:

Property Owner: David Miller and Eugene H. Schreiber
Location: S/S Old Court Road, 725' N/W of Old Court Road West
Present Zoning: D.R. 16
Proposed Zoning: Variance from Section 1802.2 (SOL.V.B.I.d.) to permit a side yard of 2' instead of required 25'.
District: 3
No. Acres: 1.99 acres

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist I
Project Planning Division
Office of Planning and Zoning

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 12, 1973

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

Re: Item 197
Property Owner: David Miller and Eugene H. Schreiber
Location: S/S Old Court Road, 725' N/W of Old Court Road West
Present Zoning: D.R. 16
Proposed Zoning: Variance from Section 1802.2 (SOL.V.B.I.d.) to permit a side yard of 2' instead of required 25'

Z.A.C. Meeting of: Tuesday April 10, 1973

District: 3
No. Acres: 1.99 acres

Dear Mr. DiNenna:

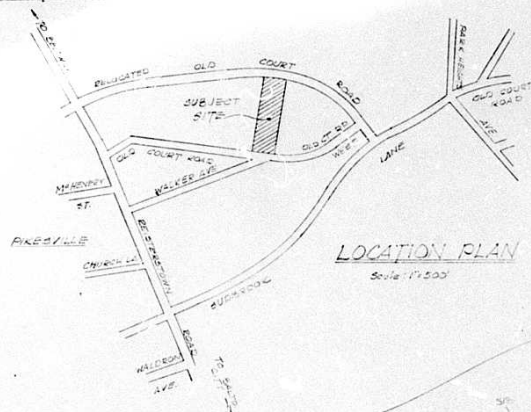
No effect on student population.

Very truly yours,
W. Nick Peterson
Field Representative

M. PUBLIS PARRIS, President
EUGENE C. MOORE, Treasurer
MRS. DOBERT L. JERNEY

MANCUS M. BOYKINS
JOSEPH W. MCDONALD
ALVIN LORICK
JOSHUA R. WHEELER, Vice-President

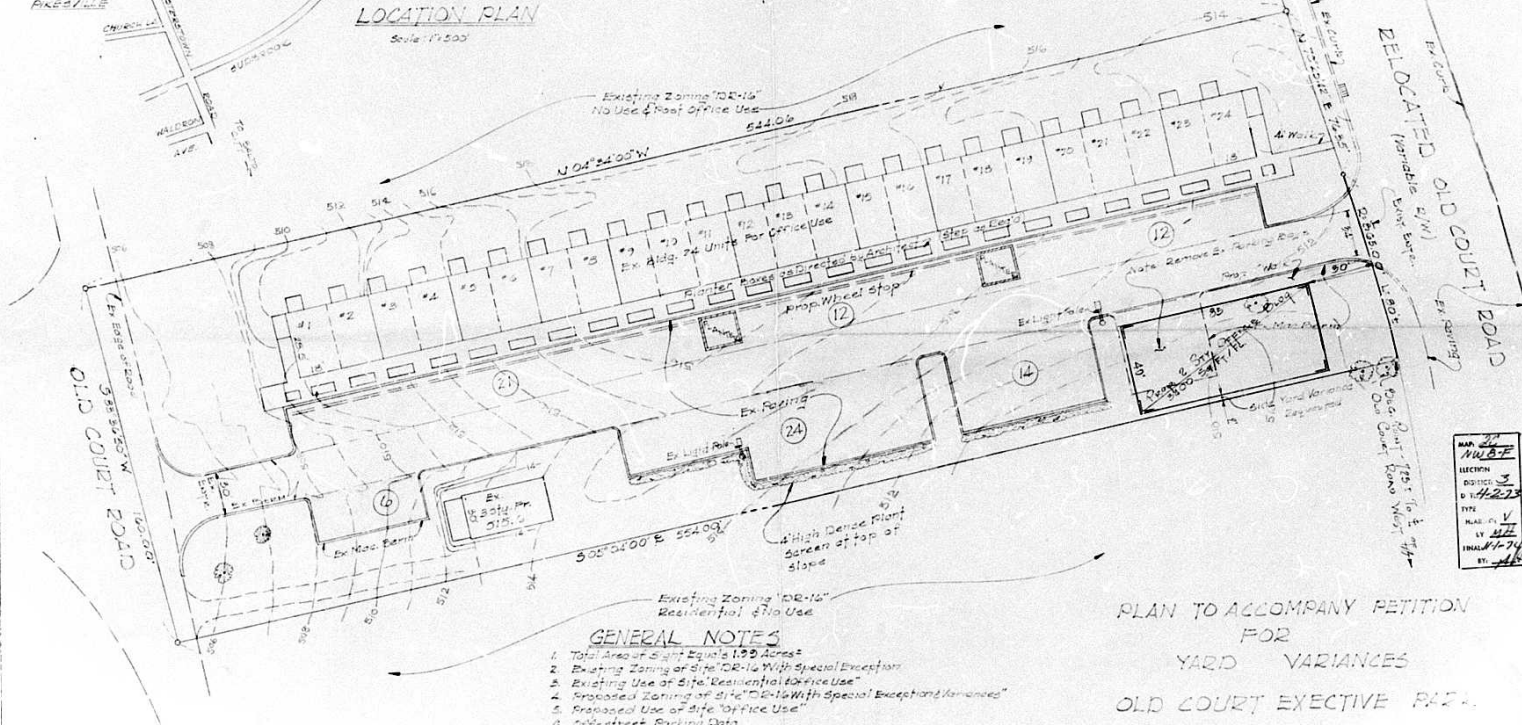
T. HARVARD WILLIAMS, JR.
RICHARD W. FRADEN, Chairman
MRS. MICHAEL R. BROWN



LOCATION PLAN

Scale 1"=500'

Existing Zoning "DR-16"
No Use & Roof Office Use



GENERAL NOTES

1. Total Area of Site Equals 1.95 Acres
2. Existing Zoning of Site "DR-16" With Special Exception
3. Existing Use of Site "Residential Office Use"
4. Proposed Zoning of Site "DR-16" With Special Exception and Variance
5. Proposed Use of Site "Office Use"
6. Single-Deck Parking Data
 - A. 1st Floor Area of Ex. Building Equals 13,915 Sq. Ft. (1 thru 24)
 - Requiring 44 Spaces (Prop. 1000 Sq. Ft. Requiring 11 Spaces)
 - 2nd Floor Area of Ex. Building (1 thru 24) Equals 13,915 Sq. Ft.
 - Requiring 44 Spaces (Prop. 1000 Sq. Ft. Requiring 11 Spaces)
7. Total Area of 2nd Floor Equals 13,915 Sq. Ft.
8. Total Area of 2nd Floor Equals 13,915 Sq. Ft.
9. Parking Will be for Passenger Vehicles Only, No Loading & Unloading
10. Hours in Which Offices & Parking Area Will be Open Are From 8:00 AM to 6:00 PM
11. Gas Lights Have been Provided Along the Existing Sidewalk & Heavy Main in Building
12. Retention of Existing Variance to Section 16-02.2 (304-7 R.I.D.) to Permit a Side Yard of 2' instead of the required 25' (Variance of 15')

PLAN TO ACCOMPANY PETITION
FOR
YARD VARIANCES
OLD COURT EXECUTIVE PAK
3701 OLD COURT RD.

Electron District 3
Section 35

Essex County, Md
Jan. 17, 1978



MATZ, CHILDS & ASSOCIATES
1000 ORDEWELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204
J.E.M. CHAS. C. BRADY, JR. CHAS. C. BRADY, JR.
7142 E. V.E.

MAP 20
N.W. 85
SECTION 3
D.T. 4223
TYPE
NAME P. V
IN 42
FINAL 42-74
BY: J.E.M.