

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.2B(V.B.2) to permit rear yard setback of 20 feet in lieu of the required 30 feet, and 1B02.2C to permit minimum front, rear, and side yard distances of 20 feet from adjoining land zoned DRS-3 in lieu of the required 75 feet.

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

1. Configuration and shape of the land;
2. Practical hardship and unreasonable difficulty;
3. Existing construction of present structure.

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.

I, or we, do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
S. ERIC DINENNA
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.: 825-1630

Legal Owner(s):
WILLIAM KOENIG
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
S. ERIC DINENNA
Suite 205 Alex. Brown Bldg.
Towson, MD. 21204
325-1630
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of September, 1981, 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 106, County Office Building in Towson, Baltimore County, on the 27th day of October, 1981, at 10:30 o'clock A.M.

(over)

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether Case No. 79-63 RZA has been utilized within 2-year time limit and to amend Site Plans for Cases Nos. 75-275-X and 79-63 RZA to allow additions to existing Office Building, to revise parking layout, and to verify the existence of an apartment in the existing structure; the interpretation that Sec. 1B01.1.B.1.a.1 and all other sections of Bill 124-81 are not applicable to the subject property pursuant to Sec. 103.1 and Sec. 502.5 (Bill 167-80) of the Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing 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.

I, or we, do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
S. ERIC DINENNA
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.: 825-1630

Legal Owner(s):
DR. WILLIAM M. KOENIG
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
S. ERIC DINENNA
406 W. Pennsylvania Avenue
Towson, MD. 21204
825-1630
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of September, 1981, 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 106, County Office Building in Towson, Baltimore County, on the 27th day of October, 1981, at 10:30 o'clock A.M.

Z.C.O. No. 1

(over)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 22, 1981

COUNTY OFFICE BLDG.
111 W. N. Saks Ave.
Towson, Maryland 21204
030
Nicholas B. Commodari
Chairman

S. Eric Dinenna, Esquire
Suite 205 Alex Brown Bldg.
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 18
Petitioner - William Koenig, et ux
Variance Petition

Dear Mr. Dinenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following 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 suitability of the requested zoning.

The subject property, located on the southwest corner of Old Harford and Tommytrue Court, is presently improved with a dentist office/apartment and accessory parking area. Townhouses exist to the west, while individual dwellings exist to the north and south of this site.

As you are aware, this property was the subject of two previous hearings (Case #75-275-X and #79-63-RZA). Because of your client's present proposal to construct two additions to the existing building, this combination hearing is required.

Particular attention should be afforded to the comments of the Department of Permits and Licenses, while revised plans, reflecting those comments of the Office of Current Planning should be submitted at the scheduled hearing.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

NICHOLAS B. COMMODARI, Esq.
Chairman
Zoning Plans Advisory Committee

NEC:bsc
Enclosures
cc: Mr. John Etzel
412 Delaware Avenue
Towson, Md. 21204

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR
August 26, 1981

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #18 (1981-1982)
Property Owner: William & Kathryn Koenig
W/S Old Harford Rd. 39.78' S. of Tommy True Court
Acres: 0.61 District: 9th

Dear Mr. Hammond:

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.

General:

The comments which were supplied in conjunction with the Zoning Advisory Committee review of this property for item 186 (1974-1975), 75-275X, and Item 16 of Zoning Cycle III (April-October 1978), 79-63 RZA, are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item 18 (1981-1982).

Very truly yours,

ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:iss

cc: Jack Wimbley

N-NE Key Sheet
33 NE 14 Pos. Sheet
NE 9 D Topo
71 Tax Map

Attachments

April 26, 1978

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

Re: Item #16 (Cycle III April-October 1978)
Property Owner: William & Kathryn Koenig
W/S Old Harford Rd. 39.78' S. of Tommy True Ct.
Existing Zoning: D-2, S-5
Proposed Zoning: D-2, 16 with Special Exception for offices.
Acres: 0.255 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.

General:

Comments were supplied in connection with the Zoning Advisory Committee review of this property for item #16 (1974-1978), 75-275X; those comments are referred to for your consideration.

Very truly yours,

WILLIAM M. IVES, P.E.
Chief, Bureau of Engineering

END:RAM:FW:iss

cc: R. Morton
P. Koch (Village of Old Harford)

N-NE Key Sheet
33 NE 14 Pos. Sheet
NE 9 D Topo
71 Tax Map

Attachments

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERGER
DIRECTOR

September 15, 1981

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #18, Zoning Advisory Committee Meeting, August 4, 1981, are as follows:

Property Owner: William and Kathryn Koenig
Location: W/S Old Harford Road 39.78' S. of Tommy True Court
Acres: 0.61
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.

The southern most driveway must be closed.

Landscaping should be provided.

Very truly yours,

JOHN L. WIMBLEY
Planner III
Current Planning and Development

JLW:rh

Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

September 18, 1981

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

The Department of Traffic Engineering has no comment regarding items numbers 17 through 23.

MICHAEL S. FLANIGAN
Traffic Engineering Associate II

MSF/r11

86-187 Also See 86-158 Attached
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

James E. Dyer, Zoning Supervisor
Office of Planning and Zoning

TO

Keith S. Franz, Acting Chairman
County Board of Appeals

FROM

7/19/85 TO JD 8
JED 8:19 AM
7-19-85
Date July 18, 1985

SUBJECT Case No. 82-110-SPHA - William Koenig

Dear Jim:

After reviewing the letter addressed to me by Eric D. Hanna of July 16, 1985, the Order of the Board in the Koenig matter and in particular my hand written notes taken at the time of hearing on this case, my recollection has been refreshed as to the period of time that was expected to be necessary in order for the Petitioner to take advantage of the special exception that was approved in this matter. My notes reflect that his anticipated use was "up in the air" and I listed a few possible future uses that had been described at the hearing.

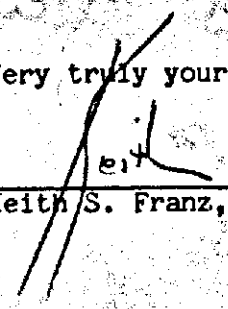
As you know, the Board, on occasion, does permit a special exception for a period in excess of two years and up to a period of five years, even though it may not be specifically requested by petitioners if the circumstances warrant such an extended period.

It was the Board's intention to permit approval of the amended site plan and variance that was granted in our Opinion and Order of July 21, 1982, so as to permit the potential uses that were testified to at the hearing. Inasmuch as it should have been anticipated by the Board that more than two years would have been necessary for such utilization, which the testimony did support, it was the Board's oversight in not providing a five year period for utilization within our Order. It was our intention to do so.

In view of my recollection of the evidence as described above and our error in not specifically stating so in the Order, I would suggest that your office take the appropriate action to interpret our Order as including a utilization period of five years. I am satisfied that no formal argument on this matter is necessary in order for such action on your part to be taken.

Please feel free to call me if you have any questions or if you wish to discuss this matter at greater length.

Very truly yours,


Keith S. Franz, Acting Chairman

KSF:e



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JADON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 14, 1985

S. Eric DiNenna, Esquire
DiNenna, Mann & Breschi
406 West Pennsylvania Avenue
Towson, Maryland 21204

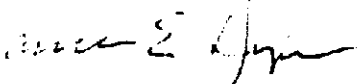
RE: Case No. 82-110-SPHA
William Koenig

Dear Mr. DiNenna:

Please be advised that Mr. Keith S. Franz, Acting Chairman of the County Board of Appeals, advised me via an Inter-Office Memorandum, dated July 18, 1985, that the above-referenced case has a 5-year utilization period. This 5-year period would begin on the date of the Order, which was July 21, 1982.

If you desire any additional information regarding this matter, please do not hesitate to call me.

Very truly yours,


JAMES E. DYER
Zoning Supervisor

JED:nr

cc: Case File

16-724
qed

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

ROBERT A. BRESCHI

7/24/85
TO JD-OF
8
JED 7-24

406 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

(301) 296-6820

July 22, 1985

Mr. James E. Dyer,
Zoning Supervisor
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

RE: Case No.: 82-110-SPHA
William Koenig

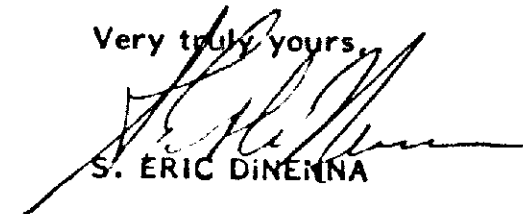
Dear Mr. Dyer:

I am in receipt of a copy of a memo to you relative to the above-captioned matter in response to my letter of July 16, 1985 to Mr. Franz, the Acting Chairman of the County Board of Appeals.

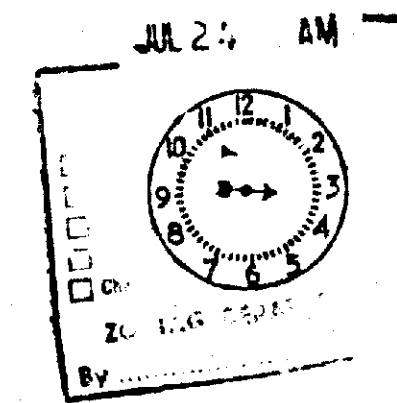
It appears to me, that Mr. Koenig would be entitled to his permit as per the plan that was approved by the County Board of Appeals in Case Number 82-110-SPHA.

Would you be so kind as to advise me of your thoughts in this matter.

Very truly yours,


S. ERIC DINENNA

SED/neb
cc: Dr. William Koenig



PETITION FOR SPECIAL HEARING AND VARIANCE
9th DISTRICT

LOCATION: Southwest corner of Old Harford Road and Tommy True Court
DATE & TIME: Tuesday, October 27, 1981 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 Special Hearing under Section 600.7 of the Baltimore County Zoning Regulations to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve and determine whether Case No. 79-63-RXA has been utilized within 2-year time limit and to amend Site Plans for Cases Nos. 75-275-X and 79-63-RXA to allow additions to existing Office Buildings, to revise parking layout, and to verify the existence of an apartment in the existing structure; the interpretation of that Sec. 1801.1.B.1.a.1 and all other sections of Bill 124-81 are not applicable to the subject property pursuant to Sec. 103.1 and Sec. 502.5 (Bill 167-80) of the Baltimore County Zoning Regulations; and Variance to permit rear yard setback of 20 feet in lieu of the required 30 feet; and to permit minimum front, rear and side yard distances of 20 feet from adjoining land zoned D.R. 5.5 in lieu of the required 75 feet.

The Zoning Regulation to be excepted as follows:
Section 1802.2B (V.B.2) - Minimum rear yard setback for office buildings in D.R. 16 Zone and Section 1802.2C - minimum distances of buildings in D.R. 16 Zones from land zoned other than D.R. 16. All that parcel of land in the Ninth District of Baltimore County, being and situate in the Ninth Election District of Baltimore County, State of Maryland and described as follows to-wit:

Beginning for the same on the West side of Old Harford Road at a point distant 39.78 feet measured southerly along the West side of Old Harford Road from the intersection of the West side of Old Harford Road with the centerline of Tommy True Court, thence binding on the West side of Old Harford Road South 09 degrees 03 minutes 21 seconds East 176.15 feet to the north side of Selby Avenue, thence binding on the north side of Selby Avenue (not open) South 85 degrees 17 minutes 17 seconds West 129.00 feet, thence leaving said Selby Avenue and binding on the property lines of the petitioners herein the following course and distance viz: North 22 degrees 24 minutes 38 seconds West 63.55 feet to the east side of Arroy Place, thence binding on the east side of Arroy Place North 06 degrees 01 minutes 22 seconds West 53.00 feet thence North 35 degrees 47 minutes 34 seconds East 16.81 feet to the south side of Tommy True Court thence binding on the south side of Tommy True Court the three following lines viz: Easterly by a line curving toward the right having a radius of 66.73 feet for an arc distance of 66.73 feet, (the chord of said arc bearing North 82 degrees 08 minutes 58 seconds East 56.72 feet), North 84 degrees 08 minutes 38 seconds East 56.72 feet and thence North 84 degrees 08 minutes 38 seconds East 56.72 feet to the place of beginning.

Containing 0.61 of an Acre of Land more or less.
Being the property of the petitioners herein as shown on a plat filed with the office of the Zoning Commissioner.
Being the property of William Koenig, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, October 27, 1981 at 10:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
By Order Of
WILLIAM E. HAMMOND,
Zoning Commissioner
of Baltimore County

Oct. 8

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 8, 1981

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 each week~~ once each week before the 27th day of October, 1981, the ~~last~~ publication appearing on the 8th day of October, 1981.

THE JEFFERSONIAN

Frank Smith
Manager.

Cost of Advertisement, \$_____

S. Eric DiFerna, Esquire
Suite 205 Alex Brown Bldg.
102 W. Pennsylvania Avenue
Towson, Md. 21204

Mr. John Etzel
412 Delaware Avenue
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 15th day of September, 1981.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner William Koenig, et ux

Petitioner's Attorney S. Eric DiFerna, Esq.

Reviewed by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

Petition for Special Hearing and Variance 9TH DISTRICT

ZONING: Petition for Special Hearing & Variance

LOCATION: Southwest corner of Old Harford Road and Tommy True Court

DATE & TIME: Tuesday, October 27, 1981 at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Ave., 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 Special Hearing under Section 600.7 of the Baltimore County Zoning Regulations to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve and determine whether Case No. 79-63-RXA has been utilized within 2-year time limit and to amend Site Plans for Cases Nos. 75-275-X and 79-63-RXA to allow additions to existing Office Buildings, to revise parking layout, and to verify the existence of an apartment in the existing structure; the interpretation of that Sec. 1801.1.B.1.a.1 and all other sections of Bill 124-81 are not applicable to the subject property pursuant to Sec. 103.1 and Sec. 502.5 (Bill 167-80) of the Baltimore County Zoning Regulations; and Variance to permit rear yard setback of 20 feet in lieu of the required 30 feet; and to permit minimum front, rear and side yard distances of 20 feet from adjoining land zoned D.R. 5.5 in lieu of the required 75 feet.

The Zoning Regulation to be excepted as follows:
Section 1802.2B (V.B.2) - Minimum rear yard setback for office buildings in D.R. 16 Zone and Section 1802.2C - Minimum distances of buildings in D.R. 16 Zones from land zoned other than D.R. 16. All that parcel of land in the Ninth District of Baltimore County, being and situate in the Ninth Election District of Baltimore County, State of Maryland and described as follows to-wit:

Beginning for the same on the West side of Old Harford Road at a point distant 39.78 feet measured southerly along the West side of Old Harford Road from the intersection of the West side of Old Harford Road with the centerline of Tommy True Court, thence binding on the West side of Old Harford Road South 09 degrees 03 minutes 21 seconds East 176.15 feet to the north side of Selby Avenue, thence binding on the north side of Selby Avenue (not open) South 85 degrees 17 minutes 17 seconds West 129.00 feet, thence leaving said Selby Avenue and binding on the property lines of the petitioners herein the following course and distance viz: North 22 degrees 24 minutes 38 seconds West 63.55 feet to the east side of Arroy Place, thence binding on the east side of Arroy Place North 06 degrees 01 minutes 22 seconds West 53.00 feet thence North 35 degrees 47 minutes 34 seconds East 16.81 feet to the south side of Tommy True Court thence binding on the south side of Tommy True Court the three following lines viz: Easterly by a line curving toward the right having a radius of 66.73 feet for an arc distance of 66.73 feet, (the chord of said arc bearing North 82 degrees 08 minutes 58 seconds East 56.72 feet), North 84 degrees 08 minutes 38 seconds East 56.72 feet and thence North 84 degrees 08 minutes 38 seconds East 56.72 feet to the place of beginning.

seconds West 129.00 feet, thence leaving said Selby Avenue and binding on the property lines of the petitioners herein the following course and distance viz: North 22 degrees 24 minutes 38 seconds West 63.55 feet to the east side of Arroy Place, thence binding on the east side of Arroy Place North 06 degrees 01 minutes 22 seconds West 53.00 feet thence North 35 degrees 47 minutes 34 seconds East 16.81 feet to the south side of Tommy True Court thence binding on the south side of Tommy True Court the three following lines viz: Easterly by a line curving toward the right having a radius of 66.73 feet for an arc distance of 66.73 feet, (the chord of said arc bearing North 82 degrees 08 minutes 58 seconds East 56.72 feet), North 84 degrees 08 minutes 38 seconds East 56.72 feet and thence North 84 degrees 08 minutes 38 seconds East 56.72 feet to the place of beginning.

Containing 0.61 of an Acre of Land more or less.
Being the property of the petitioners herein as shown on a plat filed with the office of the Zoning Commissioner.
Being the property of William Koenig, et ux, as shown on plat plan filed with the Zoning Department.

BY ORDER OF

The Times

Middle River, Md., Sept 7, 1981

This is to Certify, That the annexed

Petition
was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 15th day of September, 1981.
James C. Hays Publisher.

S. Eric DiFerna, Esquire
Suite 205 Alex Brown Bldg.
102 W. Pennsylvania Avenue
Towson, Md. 21204

Mr. John Etzel
412 Delaware Avenue
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 15th day of September, 1981.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner William Koenig, et ux

Petitioner's Attorney S. Eric DiFerna, Esq.

Reviewed by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

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

No. 102601

DATE 10/30/81 ACCOUNT 01-662

AMOUNT \$116.90

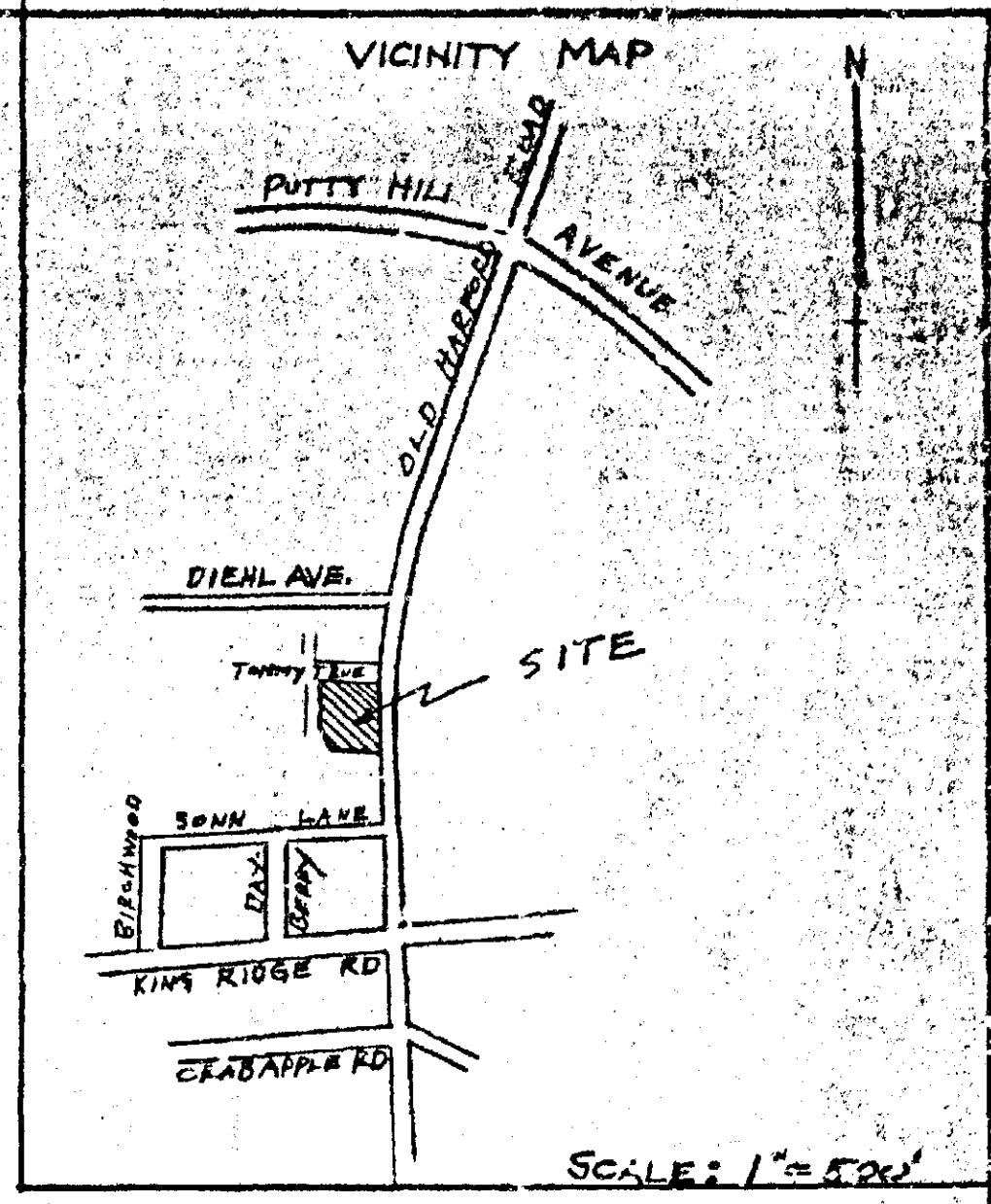
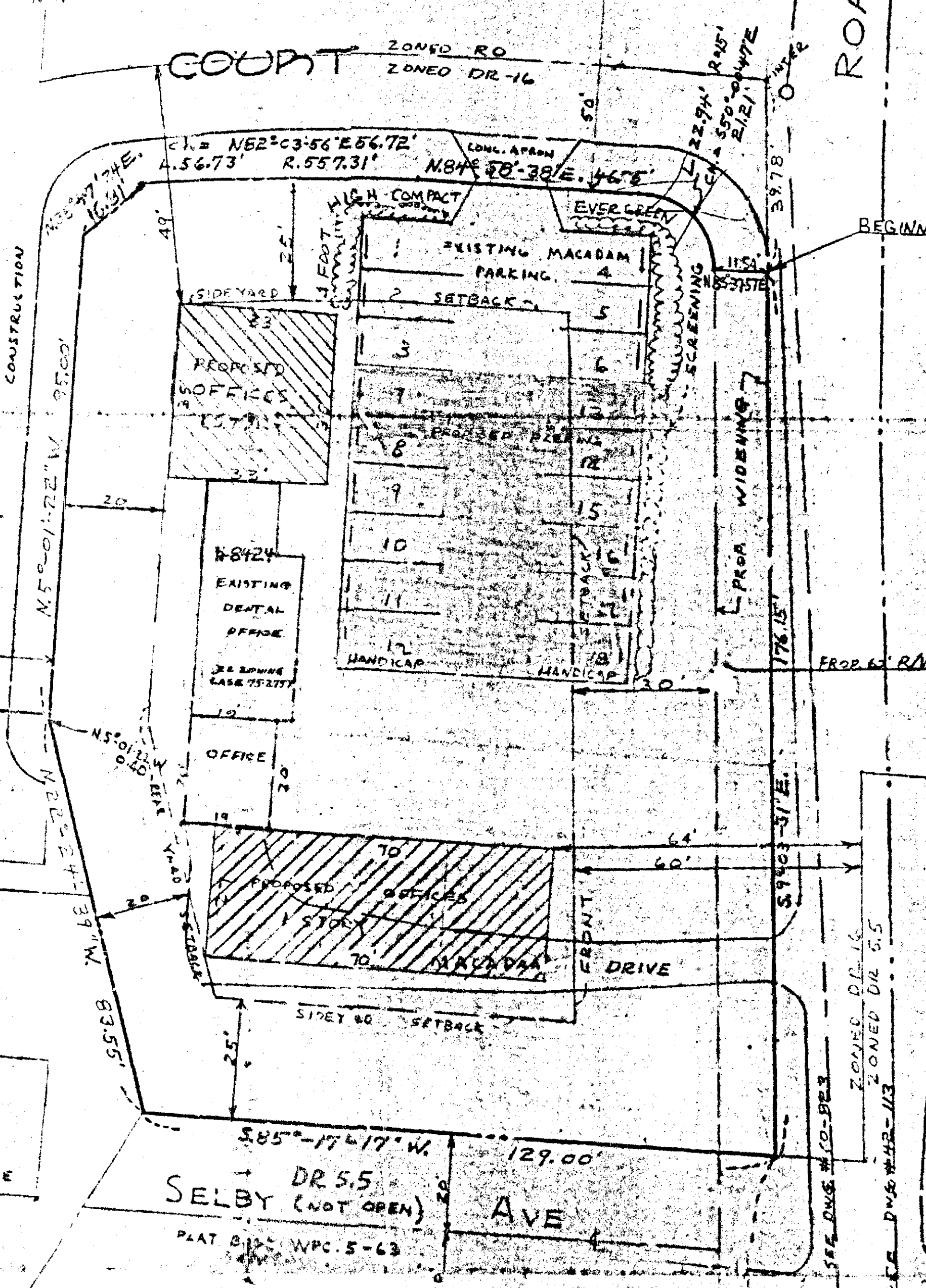
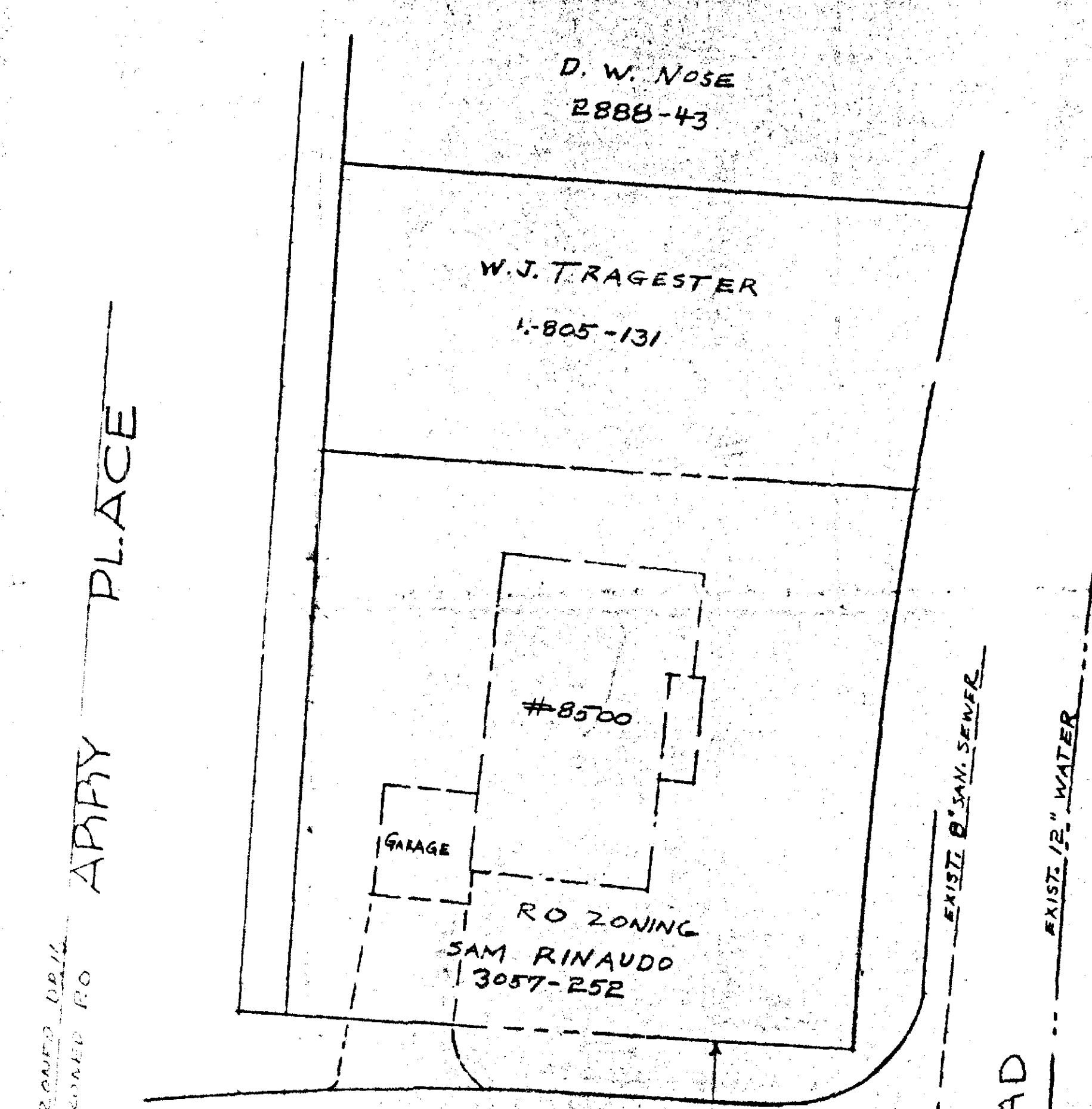
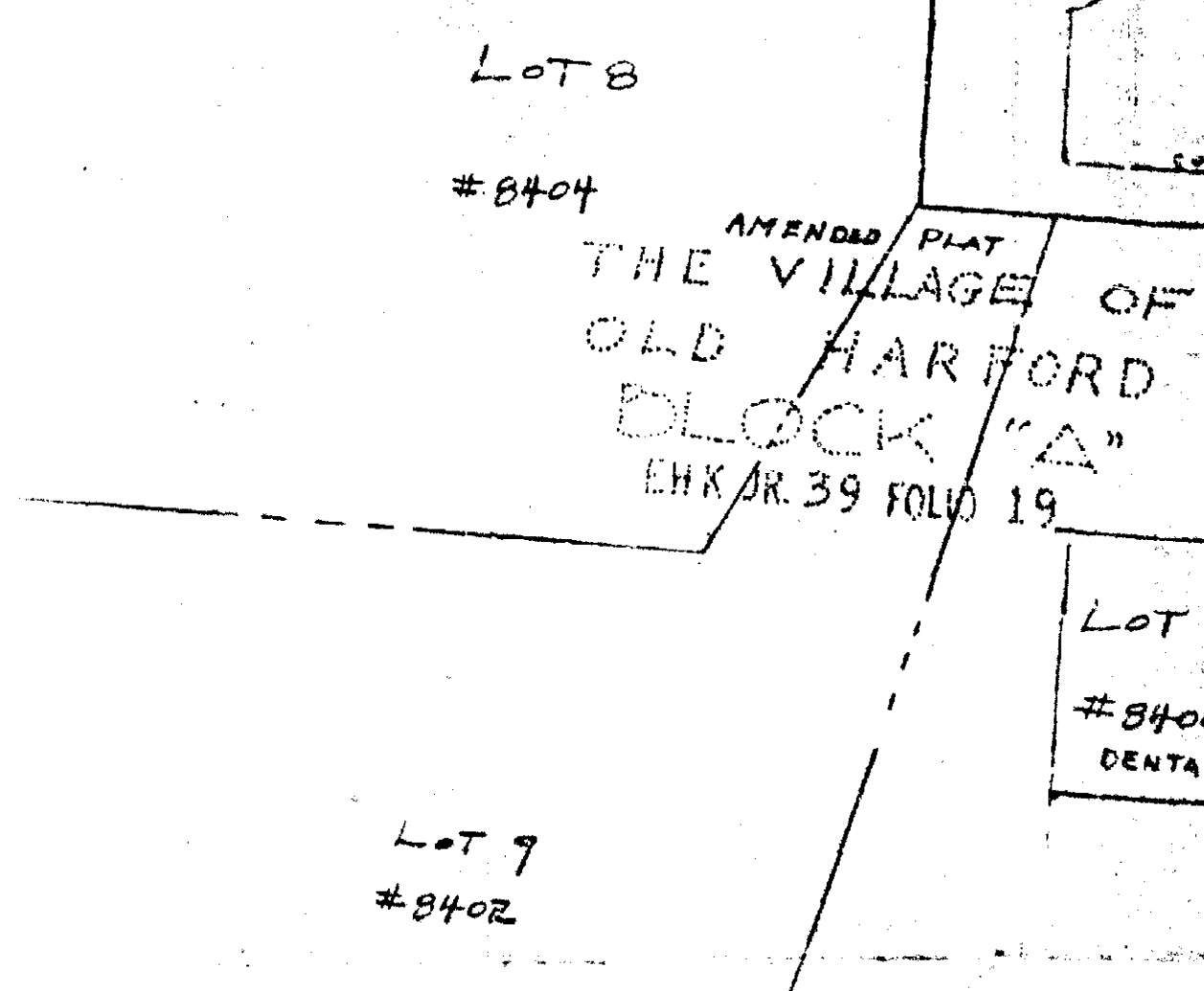
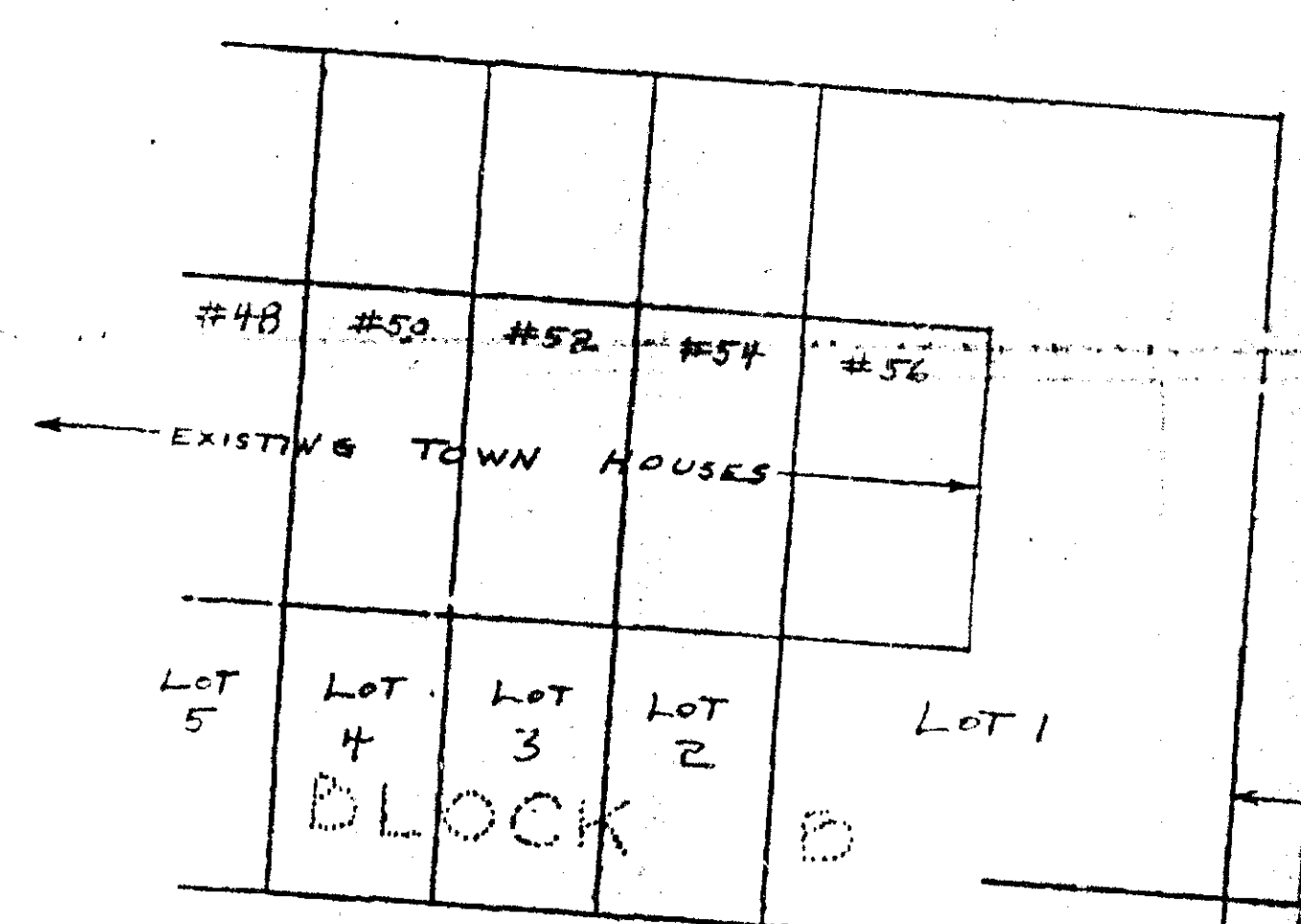
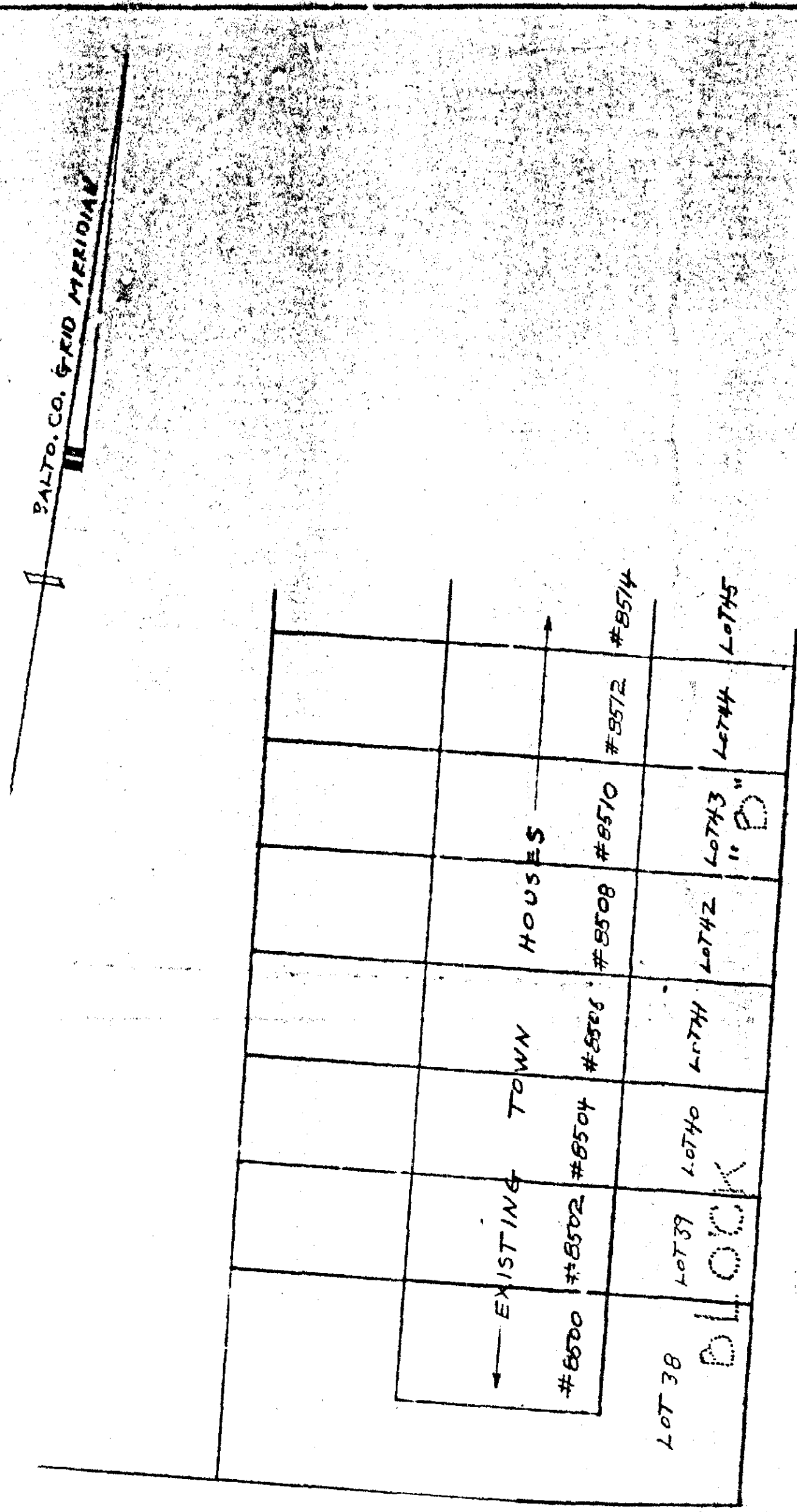
RECEIVED FROM: Posting and Advertising Case #82-110SPH

FOR: William Koenig

116.90

VALIDATION OR SIGNATURE OF CASHIER





NOTES:

1. PRESENT ZONING: DR. 16 (CASE 75-275-X) (CASE 79-63 RXX)
2. PRESENT USE - DENTAL OFFICES, AND APARTMENT
PROPOSED USE - DENTAL OFFICES, OFFICES AND APARTMENT
3. OFF STREET PARKING DATA:
EXISTING DENTAL OFFICE = 988 SQ FT
FORMER GARAGE 1510 = 380 SQ FT (NOW UTILIZED AS OFFICES)
PROPOSED BUILDING 70' X 110' = 1870 SQ FT
PROPOSED BUILDING 33' X 30' = 1155 SQ FT
4413 / 300 = 15 SPACES
16 SPACES REQUIRED
18 SPACES PROVIDED
4. PARKING SPACE SIZE: MINIMUM 9' X 18' EACH
5. PROPOSED BLOCKTOP PAVING SHOWN THUS: [Diagram]
6. DESO REF. E.H.K. JR. No. 5595 FOLD 369
OWNER: WILLIAM M. KOENIG AND WIFE
7. SEE ZONING CASE 75-275 X
8. AREA = 0.61 CRAW ACRES

PLAN TO ACCOMPANY PETITION FOR

SPECIAL HEARING TO DETERMINE WHETHER CASE NO. 71-62 RXX HAS BEEN UTILIZED WITHIN 2 YR. TIME LIMIT AND TO AMEND SITE PLANS FOR CASE NOS. 75-275X AND 79-63 RXX TO ALLOW ADDITIONS TO EXISTING OFFICE BUILDING, TO REVISE PARKING LAYOUT AND TO VERIFY THE EXISTENCE OF AN APARTMENT IN THE EXISTING STRUCTURE.

VARIANCE FROM 1802.28 (V.B. 2) TO PERMIT REAR YARD SETBACK OF 20 FEET IN LIEU OF THE REQUIRED 30 FEET AND 1802.16 TO PERMIT MINIMUM FRONT, REAR AND SIDEYARD DISTANCES OF 7.0 FEET FROM ADJACENT LAND ZONED DR. 5.5 IN LIEU OF REQUIRED 75 FEET.

LOCATED IN:
9TH DISTRICT - BALTIMORE COUNTY, MD.

PETITIONER'S EXHIBIT

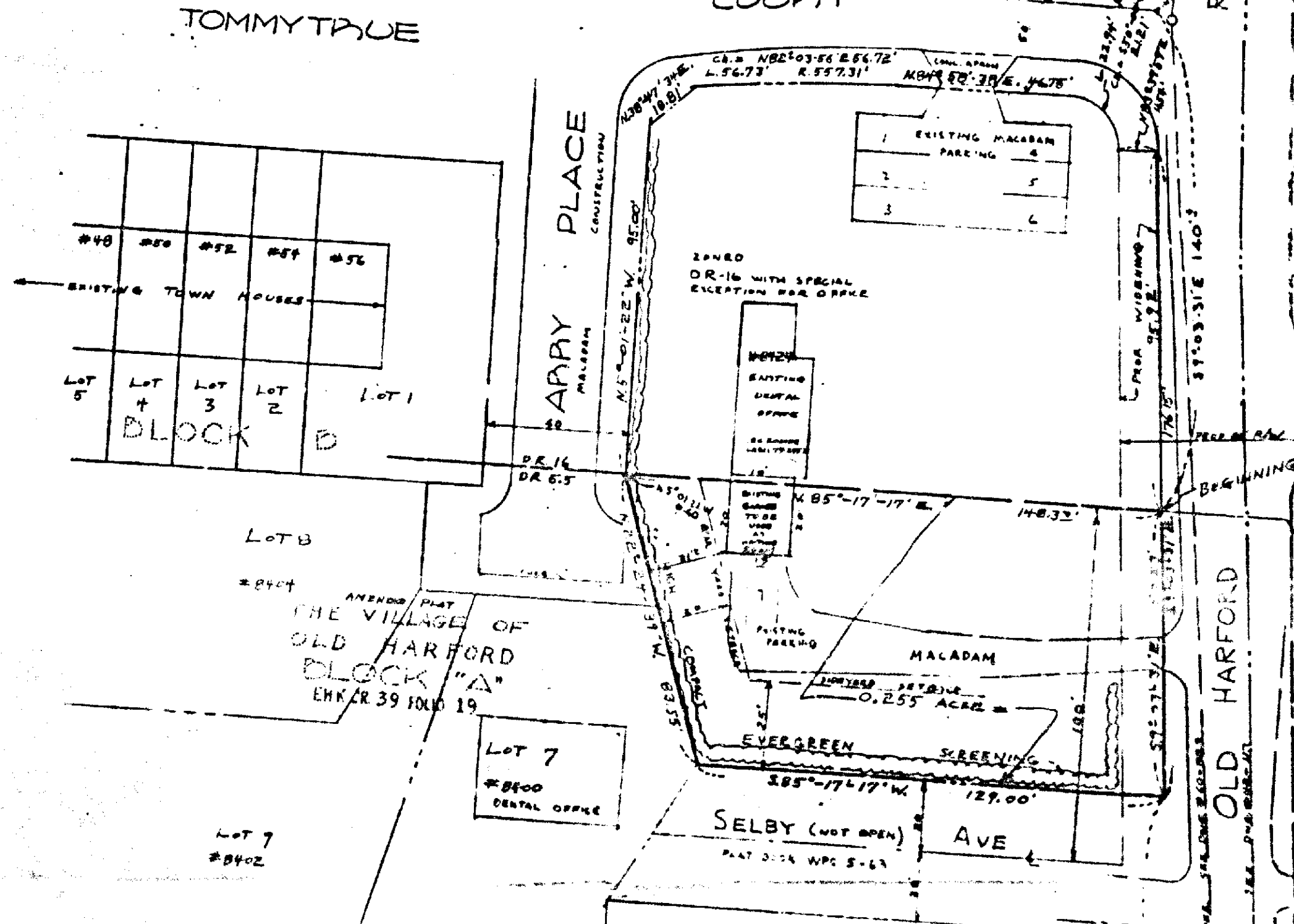
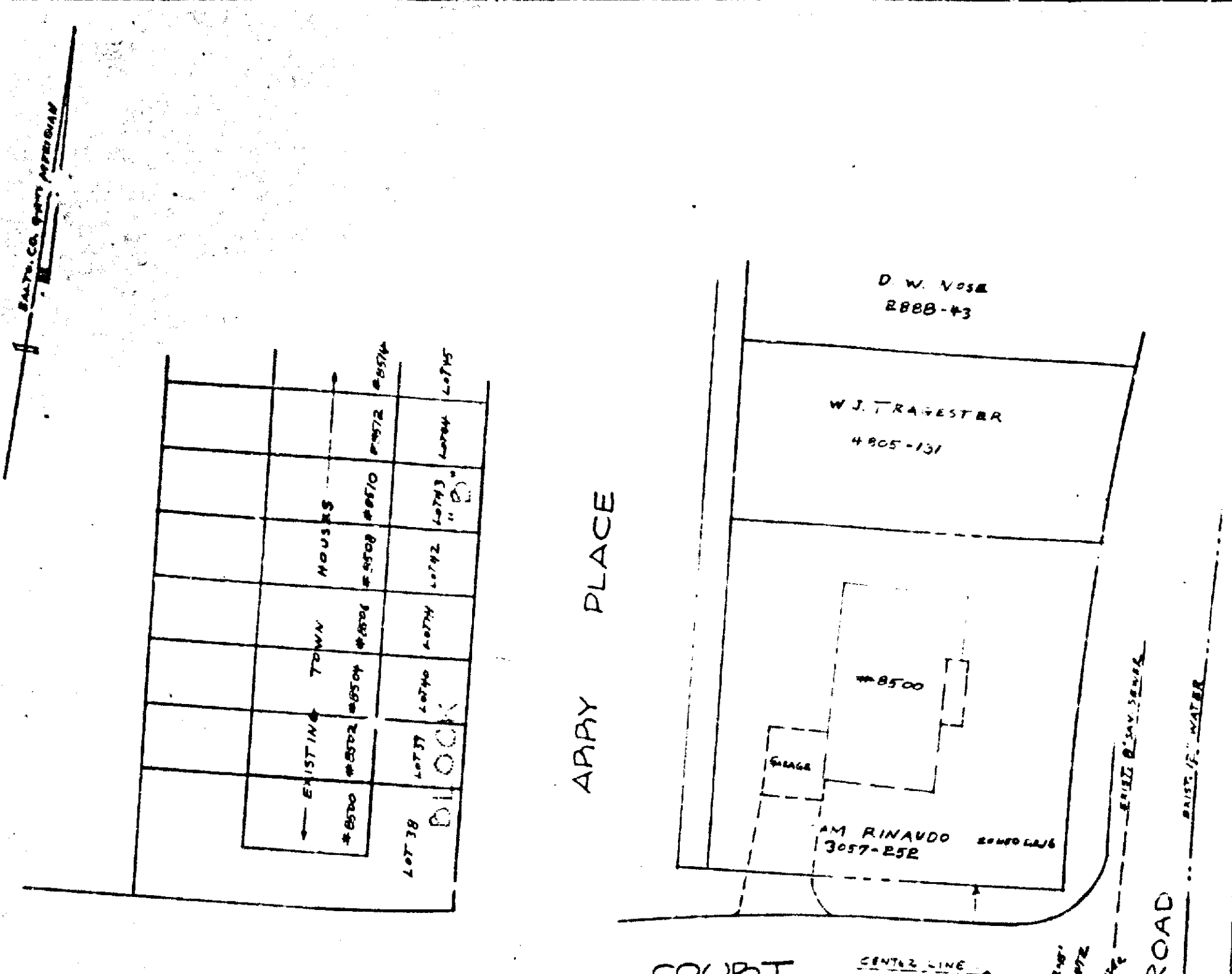
#8421
2nd STY
FRAME
DWLG.

MAP: 2
SECTION: 2
BLOCK: 2
DATE: 2/2/78
TYPE: 2
NAME: 2
BY: 2
FILE: 2

ADDITIONS: JULY 17, 1981
CHANGES: JUNE 19, 1982
ADDITIONS: MAY 1983
ADDITIONS: MARCH 17, 1984
ADDITIONS: JUNE 1, 1985

SCALE: 1/4" = 20' MAR. 31, 1978

GERHOLD, CROSS & EITZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204



- NOTES:
1. PRESENT ZONING D.R. 55
 2. PROPOSED ZONING D.R. 16 WITH SPECIAL EXCEPTION AND OFFICES
 3. PRESENT USE - GARAGE
 4. PROPOSED USE - WAITING ROOM FOR DENTAL OFFICE
 5. OFF STREET PARKING DATA
 6. DENTON DENTAL OFFICE - 785' = 4 SPACES
- L-1
2610

PROPOSED WAITING ROOM

$\frac{78.00}{300}$	= 2. SPACES
TOTAL	6 SPACES REQUIRED
TOTAL	7 SPACES PROVIDED
EXCESS	1 SPACE

PARKING SPACE SIZE MINIMUM 7'X15' EACH
PAVING TYPE MACADAM

- 6 DEED REF. E.H.R. JR. No 5595 Page 369
7. OWNER: WILLIAM M. KORNIG and WIFE
8 SER 10NING 1 12 75-275X

PLAN TO ACCOMPANY PETITION
FOR
CHANGE IN ZONING FROM

D.R. 5.5 TO D.R. 16 WITH
SPECIAL EXCEPTION FOR OFFICES
AND

FOR SALE FROM SECTION 1802 ZB (VBL)
OF ZONING REGULATIONS TO PERMIT AND
VALUATE EXISTING REAR YARD OF 20'
INSTEAD OF 30'

LOCATED IN
9th ELECTION DISTRICT BALTO CO, MD

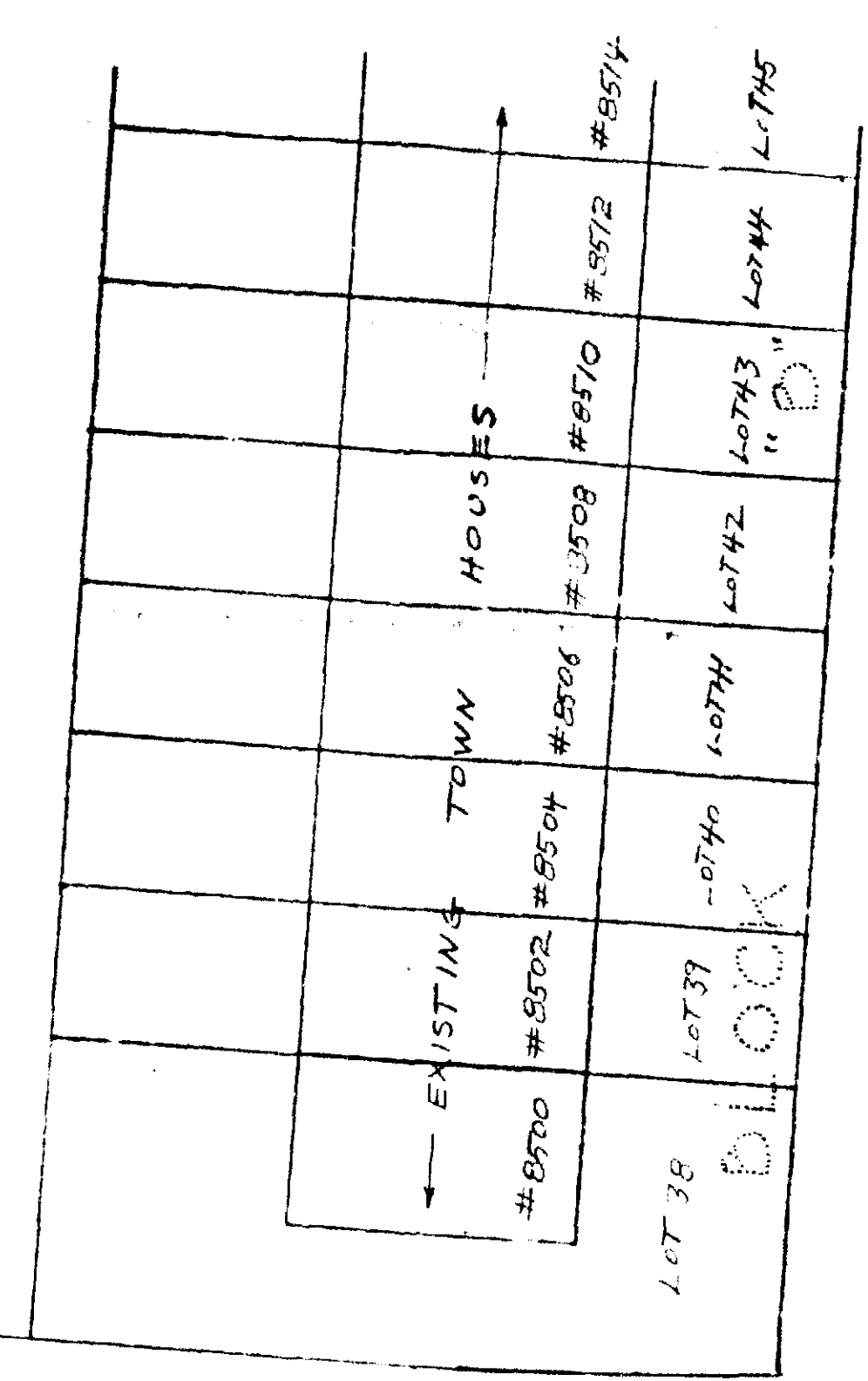


SCALE 1"=20' HORIZ. VERT.

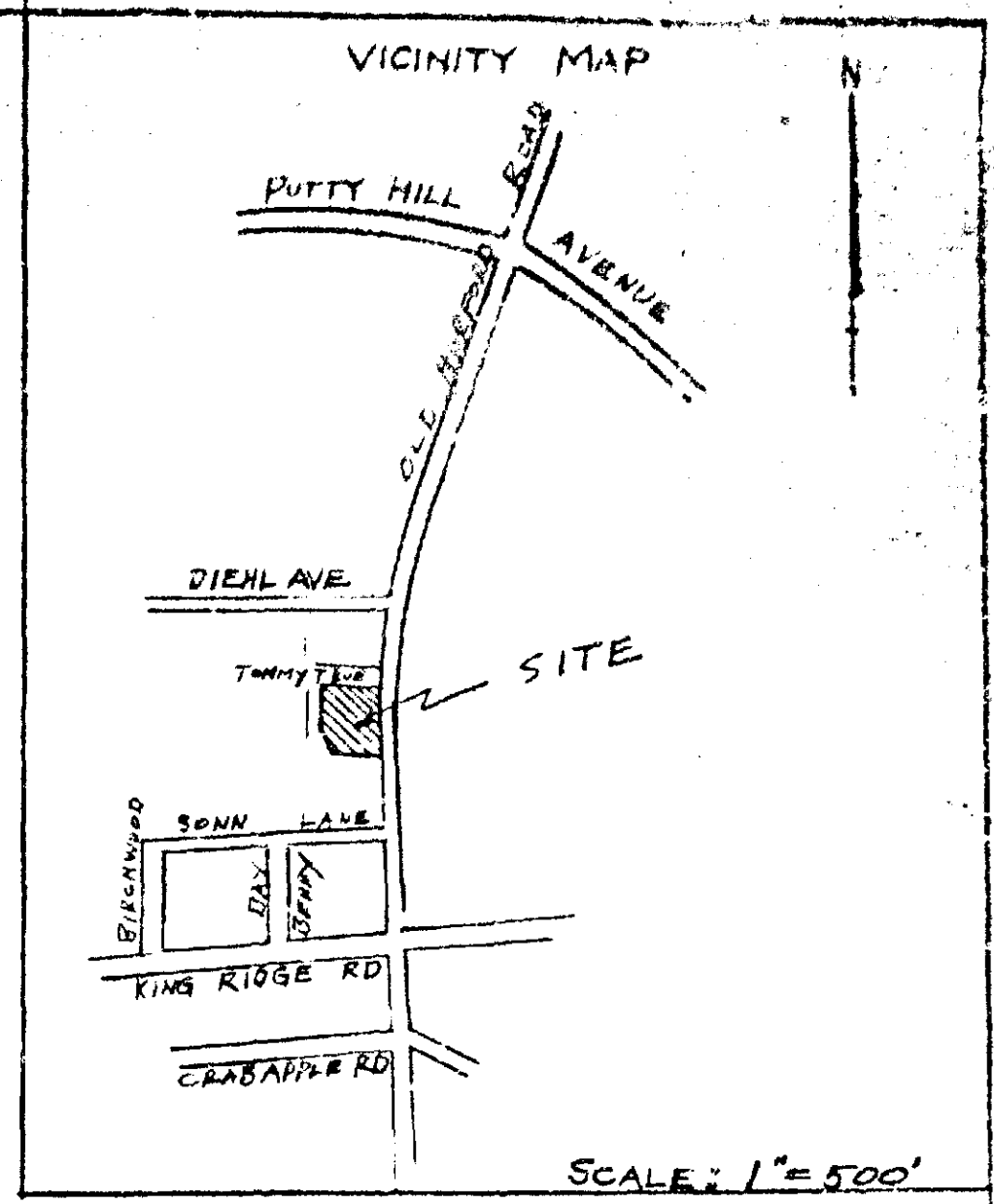
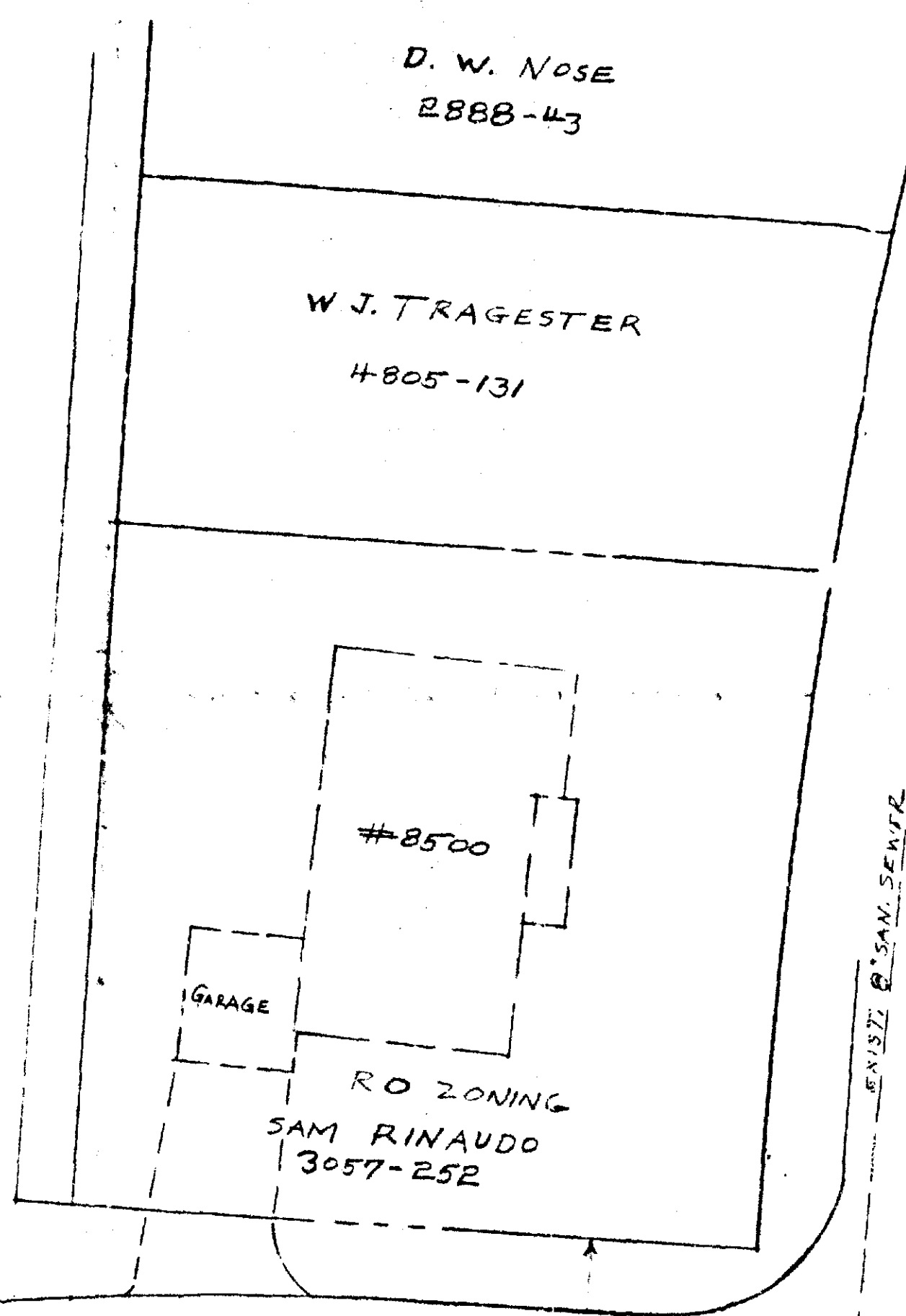
GERHOLD, D. CROSS & EYDSON
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

BALTO. CO. & RD. MERIDIAN

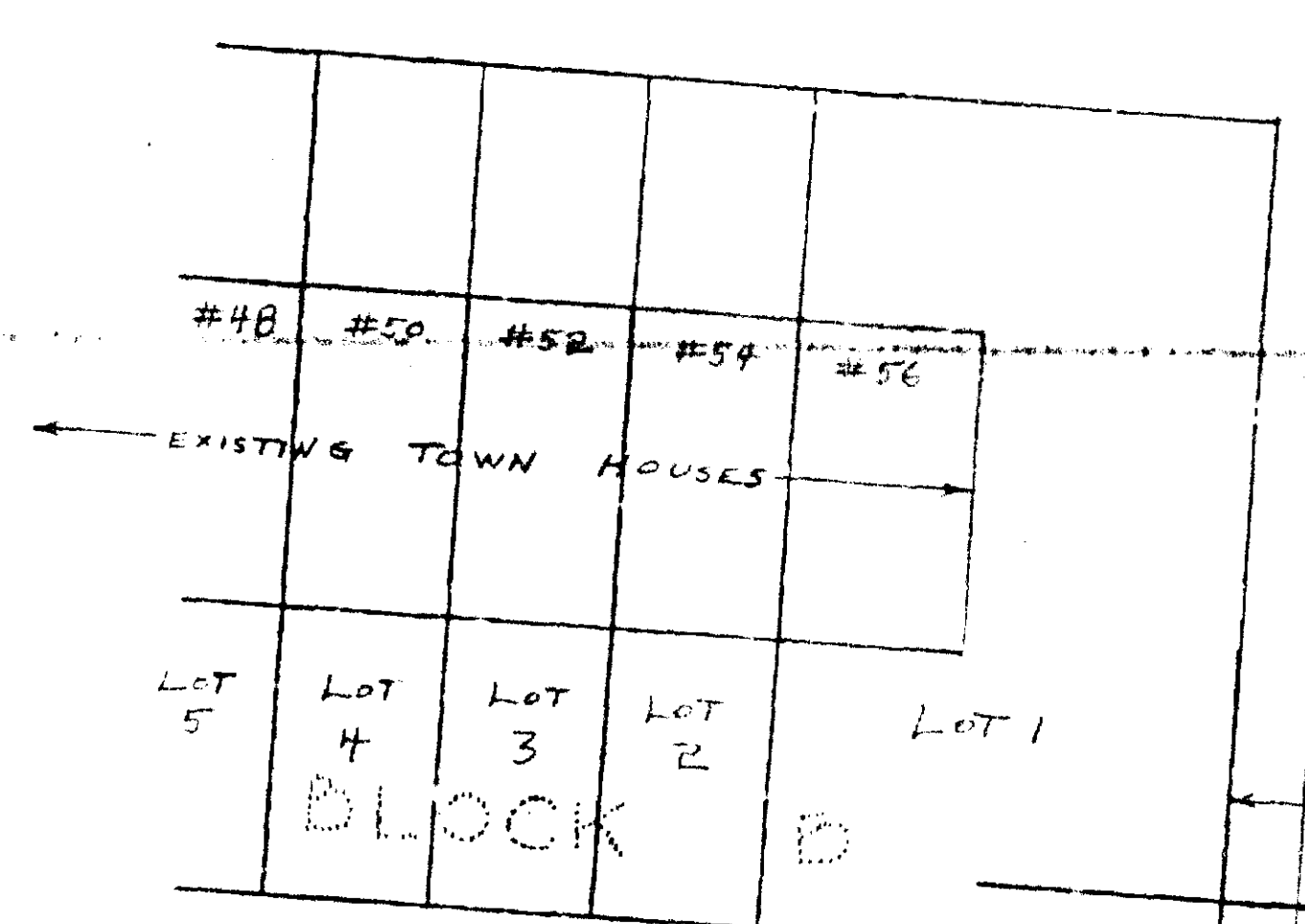
Pet Ex #1



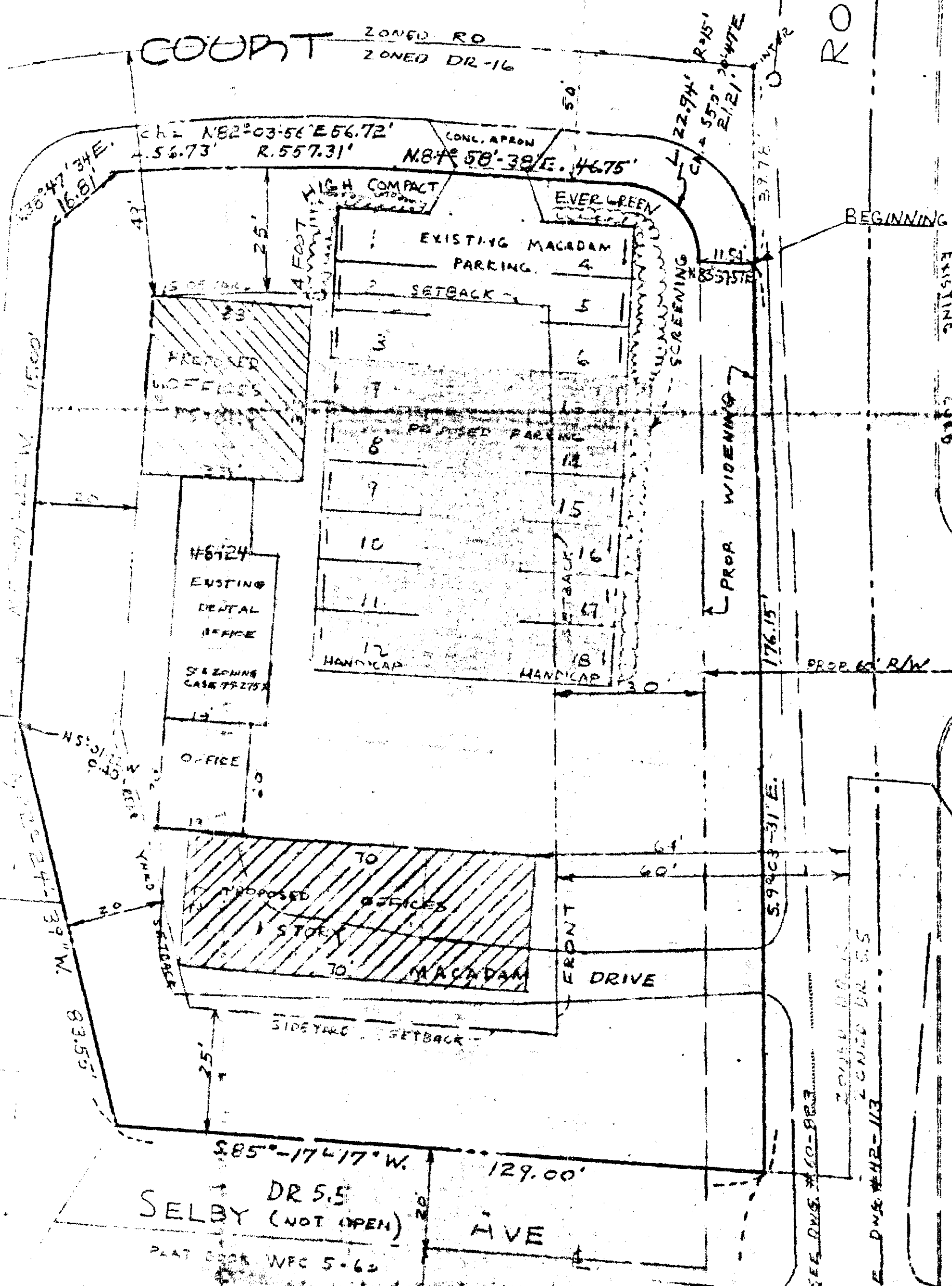
APRY PLACE



TOMMY TRUE



APRY PLACE



RIDGE GARDEN APTS
#318-217

APT. PARKING LOT

- NOTES:
1. PRESENT ZONING DR. 16 (CASE 75-175-X) (CASE 79-63-X)
 2. PRESENT USE - DENTAL OFFICES AND APARTMENT
PROPOSED USE - DENTAL OFFICES, OFFICES AND APARTMENT
 3. OFF STREET PARKING DATA:
EXISTING: 15 SPACES
PROPOSED: 18 SPACES
TOTAL: 33 SPACES
 4. PARKING SPACE SIZE MINIMUM 9'X18' EACH
 5. PROPOSED BLIND PARKING SHOWN THUS
 6. DEED REF. E.H.K. JR. No. 5595 FOLD 369
OWNER: WILLIAM M. KOENIG AND WIFE
 7. SEE ZONING CASE 75-275X
SEE ZONING CASE 79-63X
 8. AREA 2.61 ACRES

PLAN TO ACCOMPANY PETITION FOR

SPECIAL HEARING TO DETERMINE WHETHER CASE NO. 79-63X HAS BEEN UTILIZED WITHIN 2 YR TIME LIMIT AND TO AMEND SITE PLANS FOR CASES 75-175X AND 79-63X TO ALLOW ADDITIONS TO EXISTING OFFICE BUILDING TO REUSE PARKING LAYOUT AND TO VERIFY THE EXTENT OF LAND ACQUISITION IN THE EXISTING STRUCTURE

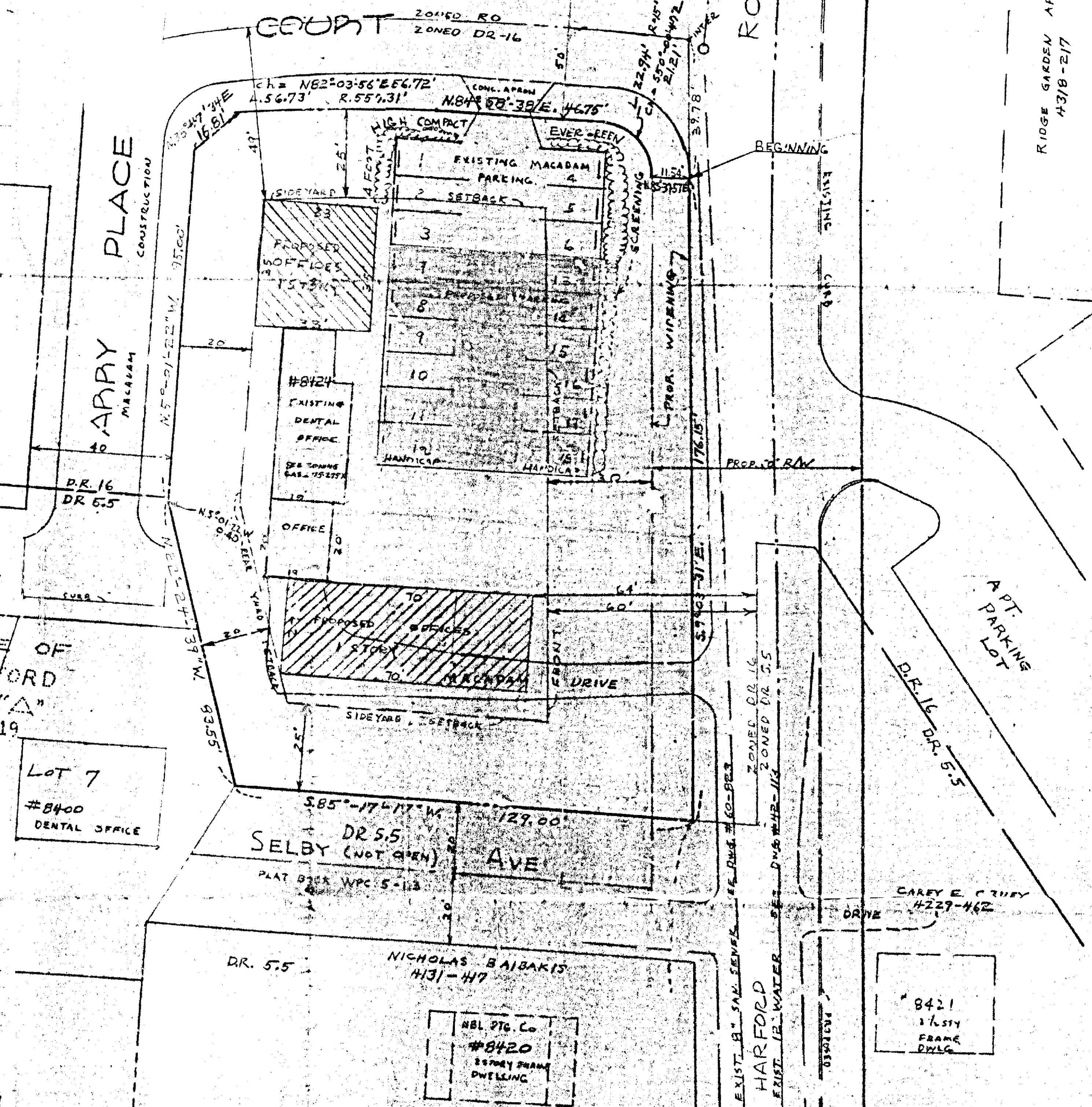
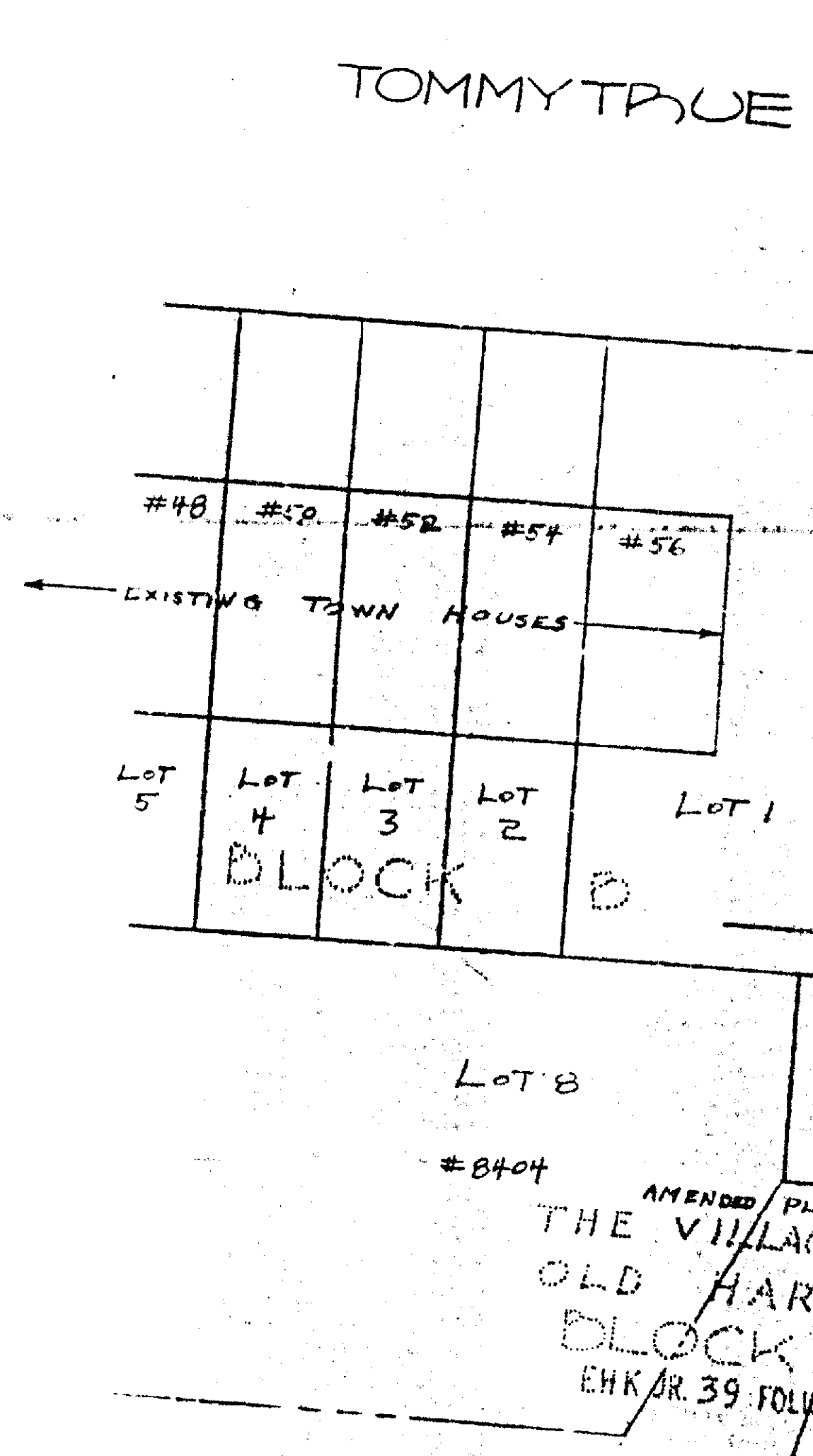
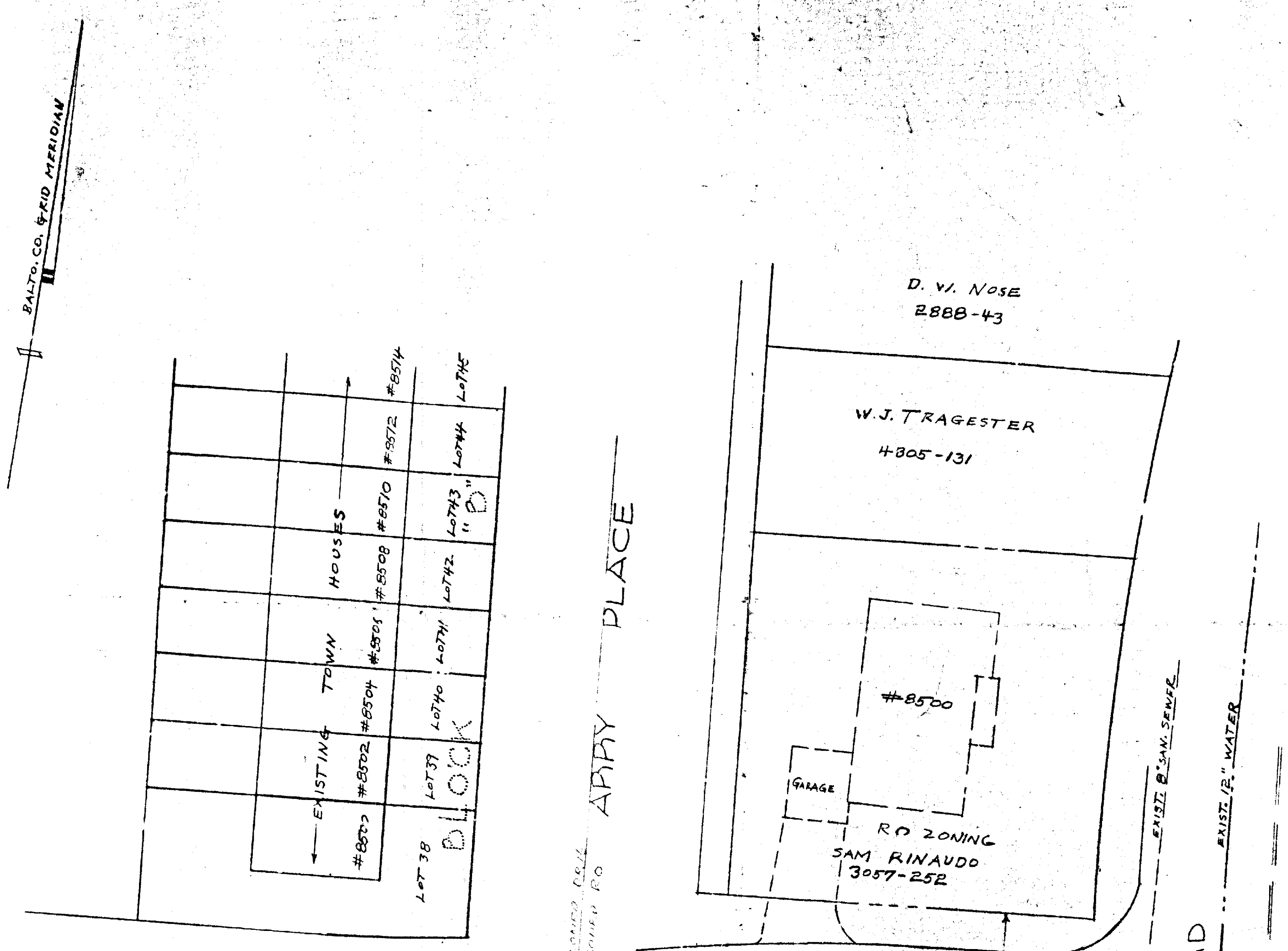
LOCATED IN
9th DISTRICT - BALTIMORE COUNTY, MD.



ADDITIONS JULY 17, 1981
CHANGES JUNE 19, 1981
ADDITIONS MAY 1981
ADDITIONS MARCH 12, 1982
ADDITIONS JUNE 1, 1982

SCALE: 1/2" = 20' MAR 31, 1982

GERHOLD CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204



- NOTES:
1. PRESENT ZONING DR. 16 (CASE 75-275-X)
(CASE 79-63 RXA)
 2. PRESENT USE - DENTAL OFFICES AND APARTMENT
PROPOSED USE - DENTAL OFFICES, OFFICES AND APARTMENT
 3. OFF STREET PARKING DATA:
EXISTING DENTAL OFFICE = 988 SQ. FT.
FORMER GARAGE 1910 = 380 SQ. FT. (NOW UTILIZED AS OFFICES)
EXISTING BUILDING 70X27 = 1810 SQ. FT.
PROPOSED BUILDING 33X35 = 1155 SQ. FT.
4413 / 300 = 15 SPACES
APARTMENT 1 SPACE
16 SPACES REQUIRED
18 SPACES PROVIDED
 4. PARKING SPACE SIZE - MINIMUM 7'X10' EACH
 5. PROPOSED BLACKTOP PAVING SHOWN THUS 
 6. DEED REF. E.H.K. JR. NO. 5575 FONO 369
OWNER: WILLIAM M. KOENIG AND WIFE
 7. SEE ZONING CASE 75-275X
SEE ZONING CASE 79-63RXA
 8. AREA = 0.61 OF AN ACRE

PLAN TO ACCOMPANY PETITION
FOR

SPECIAL HEARING TO DETERMINE WHETHER CASE NO. 79-62 RXA HAS BEEN UTILIZED WITHIN 2 YR. TIME LIMIT AND TO AMEND SITE PLANS FOR CASE NOS. 75-175X AND 79-63 RXA TO PROVIDE FOR THE EXISTING DRIVE ALONG TO BLVD. PARKING LOT AND TO VERIFY THE EXISTENCE OF AN APARTMENT IN THE EXISTING STRUCTURE VARIANCE FROM 180' L.B. (V.B. 2) TO PERMIT REAR YARD SETBACK OF 20 FEET IN LIEU OF THE REQUIRED 30 FEET AND 180' L.B. TO PERMIT MINIMUM FRONT YARD AND SIDEYARD DISTANCES OF 5 FEET FROM ADJACENT LAND ZONED RES. L IN LIEU OF REQUIRED 15 FEET.

LOCATED IN
9TH DISTRICT - BALTIMORE COUNTY, MD

ADDITIONS JULY 17, 1981
CHANGES JUNE 19, 1981
ADDITIONS MAY 15, 1981
ADDITIONS MARCH 12, 1981
ADDITIONS JUNE 1, 1981



GERHOLD, CROSS & ETZEE
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond, Zoning Commissioner
TO: Office of Planning and Zoning Date: August 12, 1981
FROM: Ian J. Forrest
SUBJECT: Zoning Variance Items
The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:
Item #239 - Chulan Sarwar
Item #247 - Betty Lee Dulany, et al
Item # 10 - Fung Kun Lun, et al
Item # 11 - Baltimore and Ohio Railroad Company
Item # 14 - Lewis Investment Company
Item # 15 - North View Associates
Item # 16 - Transportation Displays, Inc.
Item # 17 - Gale and Helen Nelson
Item # 18 - William and Kathryn Koenig
Item # 19 - East Bay Development Corp.
Item # 21 - Karen Daniels, et al
Item # 22 - Wesley R. and Cecilia M. Daub
Item # 23 - Demetris Demetrakis
Item # 24 - Bertha Linnen
Item # 26 - Robert H. and Pearl A. Bouse, Jr.
Item # 27 - Randallstown Associates
Item # 28 - Arundel Lumber Company, Inc.
Item # 29 - Pulaski Industrial Park, Assoc.
Item # 30 - Samuel L. and Margaret B. Brown
Item # 32 - Charles J. and Eva Lee Fischer, Jr.

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

TTF/eth

SED:cm
81-29
3/29/82

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Duetz, Superintendent

Towson, Maryland 21204

Date: August 3, 1981

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: August 4, 1981

RE: Item No: 17, 18, 19, 20, 21, 22, 23
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

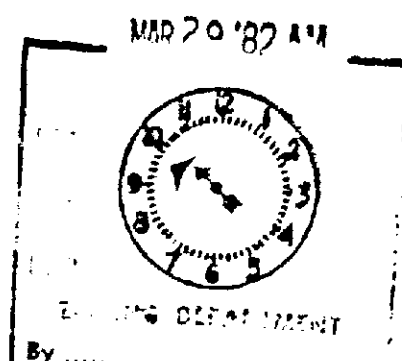
John W. Hessian, III
Department of Planning

Petition for Special Hearing
and Variances
S/W Corner of Old Harford Road
and Tommy True Court
9th Election District
Dr. William M. Koenig, et ux
Petitioners
Case No. 82-110 CPHA
(Item No. 18)

BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY

ORDER OF APPEAL

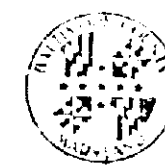
Please enter an Appeal on behalf of the Petitioners, William M. Koenig, et ux, to the Baltimore County Board of Appeals, from the denials of the Amendments to the Site Plan filed in Case No. 75-275-X and 79-63-RXA, to allow additions to the existing office building and to review the parking lay-out; and from the denial of the Petition for Variances.



I HEREBY CERTIFY that on this 29th day of March, 1982, a copy of the foregoing Order of Appeal was mailed, first class postage prepaid, to John W. Hessian, III, Esquire, People's Counsel for Baltimore County, Room 223 Courthouse, Towson, MD 21204.

S. ERIC DINENNA, P.A.
406 W. Pennsylvania Avenue
Towson, Maryland 21204
825-1630
Attorney for Petitioners

S. ERIC DINENNA
Of Counsel for Petitioners



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
625-7310

PAUL H. RINCKE
CHIEF

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: William & Kathryn Koenig

Location: W/S Old Harford Road 39.78' S. of Tommy True Court

Item No.: 18 Zoning Agenda: Meeting of August 4, 1981

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.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 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 operation.

(X) 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 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: [Signature] Noted and Approved: [Signature]
Planning/Group Fire Prevention Bureau
Special Inspection Division

/m/kr

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCES
SW corner of Old Harford Rd. and
Tommy True Ct., 9th District : OF BALTIMORE COUNTY

WILLIAM KOENIG, et ux, : Case No. 82-110-SPHA
Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hessian, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 1st day of October, 1981, a copy of the foregoing Order was mailed to S. Eric DiNenna, Esquire, 406 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioners.

John W. Hessian, III



YED JAWKUR
DIRECTOR

August 19, 1981

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #18 Zoning Advisory Committee Meeting, August 11, 1981 are as follows:

Property Owner: William and Kathryn Koenig
Location: W/S Old Harford Road 39.78' S of Tommy True Court
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a rear yard setback of 20' in lieu of the required 30' and to permit a minimum front, rear and side yard distances of 20' from the adjoining land zoned D.R. in lieu of the required 75'.

Acres: 0.61
District: 9th

The items checked below are applicable:

- X A. All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Aged, and other applicable Codes.
- X B. A building/_____ permit shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
- X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3' 0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.
- F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed complies with the height/area requirements of Table 305 and the required construction classification of Table 214.
- X I. Comments: Building shall comply to the height and area requirements of Table 305 and the construction requirements of Table 214. Access and usability by the handicap will be required.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Avenue, Towson.

Very truly yours,

Charles E. Burdick, Chief
Plans Review

CEB:rrj

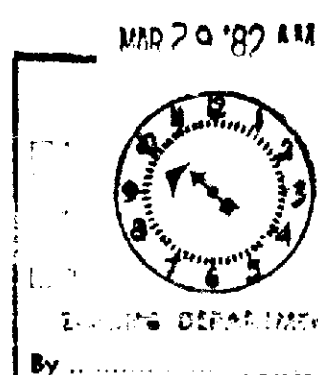
RNF/bp

Petition for Special Hearing
and Variances
S/W Corner of Old Harford Road
and Tommy True Court
9th Election District
Dr. William M. Koenig, et ux
Petitioners
Case No. 82-110 SPHA
(Item No. 18)

BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY

ORDER OF APPEAL

Please enter an Appeal on behalf of the Petitioners,
William M. Koenig, et ux, to the Baltimore County Board of Appeals,
from the denials of the Amendments to the Site Plan filed in Case
No. 75-275-X and 79-63-RXA, to allow additions to the existing
office building and to review the parking lay-out; and from the
denial of the Petition for Variances.



I HEREBY CERTIFY that on this 29th day of March, 1982, a
copy of the foregoing Order of Appeal was mailed, first class
postage prepaid, to John W. Hessian, III, Esquire, People's
Counsel for Baltimore County, Room 223 Courthouse, Towson, MD
21204.

S. ERIC DINENNA
Of Counsel for Petitioners

While the interior work was being performed by Dr. Koenig, he was also using
the garage for record filing and, as such, was dedicating the area to the office
use for which the special exception was granted. It is felt that interior reno-
vations are not what the County Council meant by Section 502.3 referring to
"any construction" for utilization of the special exception; however, assuming
the Council was referring to interior renovations, then the garage was used for
a common office problem—filing space. Whether or not this additional space
is dedicated to other office use in the future, i.e., waiting room, reception
area, etc., is immaterial since the office use continues once the special ex-
ception is utilized.

The next issue raised deals mainly with the proposed amendments to
the site plans filed in the two aforementioned cases. Dr. Koenig proposes to
construct additions on both the north and south sides of the existing improve-
ment. The addition to the north is proposed to consist of a one-story attached
building measuring seventy feet in depth with twenty-seven feet of additional
frontage on Old Harford Road. He indicated that he had no floor plans, but
felt that this amount of additional space was needed to serve an average of
twelve to fifteen patients per day. The proposed addition to the south side of
the existing office measures 35' x 33'. Dr. Koenig indicated that he consid-
ered increasing the area of tenancy for Kazzelo Construction Company, as
well as providing space for a general medical practitioner. Both additions
would be of frame construction with brick facing to the windows and siding
above. Mr. John Etzel, a registered professional land surveyor, testified
that commercial uses and a police station are located to the north of the sub-
ject site, R-O (Residential-Office) zoned land to the south, apartments to the
east, and a mixture of townhouses and individual homes to the west. He fur-
ther testified that if the property was used for residential purposes, the den-
sity would be greater than the proposed office use, thereby placing a greater
strain upon the public facilities serving the site. The site plan, dated July 17,

RE: PETITIONS FOR SPECIAL HEARING:
AND VARIANCES
SW/corner of Old Harford Road and
Tommy True Court - 9th Election
District
Dr. William M. Koenig, et ux -
Petitioners
NO. 82-110-SPHA (Item No. 18)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The petitioners herein have filed a Petition for Special Hearing to de-
termine the following issues:

1. if the special exception granted in Case No. 79-63-RXA
has been utilized within two years from the date of the
final Order;
2. if the site plans filed in Case Nos. 75-275-X and 79-63-
RXA can be amended to:
 - a. allow additions to the existing office building,
 - b. revise the parking layout, and
 - c. verify the existence of an apartment in the existing
structure; and
3. if Section 1B01.1.B.1.a.1 (residential transition area)
of the Baltimore County Zoning Regulations is applica-
ble to the subject property in view of Sections 103.1 and
502.5.

In addition, the petitioners have also filed a Petition for Variances to permit a
rear yard setback of twenty feet in lieu of the required thirty feet and to per-
mit minimum front, rear, and side yard distances of twenty feet from adjoining
land zoned D.R.5.5 in lieu of the required seventy-five feet.

Prior to addressing the issues raised by the special hearing request, it
is mandatory to review the facts contained in the cited cases. In this regard,
Case No. 75-275-X was granted a special exception to use the property de-
scribed therein for offices. The site plan approved November 5, 1975, indi-
cates that the property designated as 8424 Old Harford Road is located on the
west side of Old Harford Road, is improved with a building containing a total
floor area of 988 square feet, and an attached garage (22' x 15'), and is bisect-
ed by a zone line so that the total tract of 0.611 of an acre, more or less, has

1981, and marked Petitioners' Exhibit I, reflects that eighteen parking spaces
are to be provided in order to meet the parking requirement of sixteen spaces
for both the existing and proposed office areas. In this respect, Dr. Koenig
testified that residents to the east complained that his patients were parking
on Tommy True Court because of insufficient on site parking, but he felt the
parking was the result of people using Tommy True Court as a meeting place
for car pooling to other places of employment. He also stated that Arny Place,
as it presently exists to the rear of his site, is a paper street in "rough" con-
dition, but it does provide a forty foot strip separating his site from the near-
est residential property line to the west.

The third issue raised deals with the effect of the residential transition
area requirements of Section 1B01.1.B.1.a.1, together with the effect, if any,
of Sections 103.1 and 502.5 on the proposed addition. Section 1B01.1.B.1.a.1
states:

"A residential transition area is any D.R. zone or part
thereof which lies

- (a) within 300 feet of any point on a dwelling
other than an apartment building, or
- (b) within 250 feet of any point lying within a
vacant lot of record which is itself wholly
or partially classified as D.R. and which
is two acres or less in area."

Section 103.1 states:

"These Regulations shall apply as of the date of their
adoption but the provisions pertaining to use, height,
area and density of population shall not apply to any
development, subdivision or parcel of land, the pre-
liminary plan for which was originally submitted to
(the then) Baltimore County Planning Commission,
(now Planning Board) and approved or tentatively ap-
proved (including any approval made subject to any
condition or conditions) under the then existing offi-
cial procedure in Baltimore County, prior to the adop-
tion of these Regulations. The zoning regulations ap-
plicable to any such development, subdivision or par-
cel of land as aforesaid shall be the zoning regulations
in effect at the time such plan, as aforesaid, was origi-
nally submitted to the Baltimore County Planning Com-
mission."

0.43 of an acre in the D.R.16 Zone and the balance in the D.R.5.5 Zone. How-
ever, the description contained within the file indicates the total tract to be
0.70 of an acre, more or less. The Order granting the special exception for
offices, with restrictions set forth therein, dated June 6, 1975, refers to the
site as containing 0.70 of an acre, more or less. One of the restrictions set
forth in the Order is as follows:

- "1. Maintaining exterior of dwelling in its present form
and in good repair."

On May 27, 1976, a site plan was subsequently approved setting forth the re-
strictions in the aforementioned Order, as well as reiterating one of the con-
ditions originally set forth on the site plan approved November 5, 1975, as
follows:

- "12. The limits of the special exception shall be within
the DR-16 zone and no general offices nor addition-
al off-street parking will be used within the exist-
ing DR-5.5 zone."

This site plan indicates that the attached garage is almost completely in the
D.R.5.5 Zone.

On December 6, 1978, the then Zoning Commissioner, S. Eric DiNenna,
granted a reclassification for that portion of the site zoned D.R.5.5 (0.255 of
an acre) to a L.R.16 Zone, a special exception for offices in the newly reclassi-
fied portion of the property, and a variance to permit a rear yard setback of
twenty feet in lieu of the required thirty feet (Case No. 79-63-RXA). However,
a review of the site plan filed therein fails to indicate the approval required by
the aforementioned Order. Another restriction set forth in the Order is as
follows:

- "1. A total of ten parking spaces...two of which must
adjoin the existing parking area and two of which
must be located on the driveway of the existing
garage."

Having established the history of development and use of the subject
site, the instant petitions may now be addressed regarding the issues raised.

Provided further, however, that the use and develop-
ment of land in M.L. zones shall not be affected by the
foregoing provision, but development is permitted in
accordance with any preliminary development plan ap-
proved by the Office of Planning and Zoning before the
effective date of this further provision, even though such
development may be counter to then-current regula-
tions for M.L. zones, if, on the fifth anniversary (sic)
of such effective date, construction either is completed
or is substantially commenced and diligently being pur-
sued to completion; otherwise, the regulations gener-
ally in effect at the time such use or development is to
be established shall control."

Section 502.5 states:

"Bill No. 167-80 does not affect the validity of any or-
der granting a special exception for an office or office
building pursuant to Subsection 1B.02.1 (sic). Any
such special exception may be used in accordance with
both the applicable provisions of these regulations and
the zoning classification of the property in effect at the
time of the grant of such special exception provided con-
struction is started prior to the expiration date of such
special exception and provided the zoning classification
at the time construction is started is either D.R.16,
R.O., O-1 or O-2."

A review of Section 103.1 indicates that it is only applicable to those
developments, subdivisions, or parcels of land for which a preliminary plan
has been approved by the Baltimore County Planning Board, previously known
as the Baltimore County Planning Commission. Section 502.5, however,
clearly indicates that the requirements of Bill No. 167-80 do not effect the
validity of a special exception for an office or office building granted pursuant
to Section 1B02.1 and may be used "in accordance with both the applicable pro-
visions of these regulations and the zoning classification of the property in ef-
fect at the time of the grant" of the special exception, provided construction
began prior to the expiration of the special exception and the zoning classifi-
cation at that time was either D.R.16, R-O, O-1, or O-2. Therefore, in
view of the petitioners having utilized the granted special exception for offices
within the required time and the subject property being zoned D.R.16 at the
time, the requirements of Bill No. 167-80 are not applicable hereto.

Although the entire site has been utilized for offices pursuant to the site
plan approved May 27, 1976, the petitioners seek to amend the site plans to

The first issue is whether or not the petitioners utilized the special exception
for offices within two years of the date of the Order in Case No. 79-63-RXA.

The petitioner, Dr. William M. Koenig, Jr., testified that he pur-
chased the subject property in 1975 after the special exception for offices in
the D.R.16 Zone was granted (Case No. 75-275-X). At the time of his pur-
chase, the second floor of the improvement was being used as an apartment,
but he did not know how long it had been used as such. He then conducted his
dental practice on the first floor of the improvement, using the entire 988
square feet. Dr. Koenig stated that he wanted to use the garage for a waiting
room in conjunction with his dental practice, but because it was located in the
D.R.5.5 Zone, he filed for a reclassification to a D.R.16 Zone, a special ex-
ception for offices, and a setback variance (Case No. 79-63-RXA). His testi-
mony further disclosed that he began "studding out" the garage in the Fall of
1978, prior to or about the time the reclassification, special exception, and
variance were granted. He continued to perform the interior work himself and
was not aware of the two year requirement for utilization of the special excep-
tion (Section 502.1) until he applied for the plumbing and electrical permits.
In spite of the interior alterations to the garage not being completed within the
two years, Dr. Koenig testified that he used the space for filing patients' rec-
ords, thereby providing more space in the office area for his six employees.
No testimony was offered which would controvert the testimony of the petition-
er.

The pertinent language of the zoning regulations (Section 502.3) is as

follows:

"A Special Exception which requires any construction for
its utilization shall be deemed to have been used within its
authorized time if such construction shall have commenced
during the authorized period, or any extension thereof, pro-
vided said construction is thereafter pursued to completion
with reasonable diligence."

The unrefuted testimony of the petitioner indicated that the interior
work on the garage began on or about the date the special exception was granted.

allow additions to the existing improvement to increase the area devoted to the
existing dental practice and to provide rented office space for others. It is
these proposed additions which necessitate the requested variances. In deter-
mining whether or not the amendments to the site plans to provide for expan-
sion of the special exception, as well as the variances requested as a result
thereof, should be granted, all of the requirements for granting a special ex-
ception must be addressed to determine the impact of the expansion. In this
respect, the petitioners have not met the requirements of Section 502.1 of the
zoning regulations. Consequently, the amendments to the site plans should not
be approved and the variances should not be granted.

The remaining question is the status of the existing apartment on the
second floor of the original improvement. According to testimony, the apart-
ment was existing at the time of the petitioners' purchase in 1975 and has been
used continuously as such until the present. Since the improvement was within
a D.R.16 Zone at the time of purchase, the use of the second floor as an apart-
ment was permitted by right and should continue as such.
Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore
County, this 24th day of February, 1982, that the special exception
granted by Order dated December 6, 1978 (Case No. 79-63-RXA) has been
utilized in compliance with Section 502.3 of the Baltimore County Zoning Regu-
lations and the apartment on the second floor of the existing improvement is a
use permitted by right and, as such, both are hereby GRANTED the right to
continue from and after the date of this Order, subject, however, to the follow-
ing restrictions:

1. Compliance with the comments submitted by the Office
of Planning and Zoning, dated September 15, 1981.
2. In keeping with the contents of this Order, a revised
site plan shall be submitted for approval by the De-
partment of Public Works and the Office of Planning
and Zoning, including landscaping and screening re-
quire for approval by the Current Planning and De-
velopment Division.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. W. E. Hammond
Zoning Commissioner
Date: October 7, 1981

FROM: Norman E. Gerber, Director
Office of Planning and Zoning

SUBJECT: Petition No. 82-110-SPHA Item 18

Petition for Special Hearing & Variance
Southwest corner of Old Harford Road and Tommy True Court
Petitioner: William Koenig, et ux

Ninth District

HEARING: Tuesday, October 27, 1981 (10:30 A.M.)

Ordinarily, this office would not comment upon a special hearing to determine the question as to whether or not a special exception has been utilized within the 2 year time limit; however, in this case, the petitioner is proposing to construct additions that are triple the size of the office space approved by the earlier special exception. It is this office's opinion that such an addition could not be considered a part of the earlier petition.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:hb



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

October 21, 1981

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing & Variance
SW/cor. of Old Harford Rd. & Tommy True Ct.
William M. Koenig, et ux - Petitioners
Case #82-110-SPHA

Dear Mr. DiNenna:

This is to advise you that \$116.90 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,
William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:klr

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

September 20, 1981

NOTICE OF HEARING

RE: Petitions for Special Hearing & Variances
SW/corner of Old Harford Rd. & Tommy True Ct.
William Koenig, et ux - Petitioners
Case #82-110-SPHA

TIME: 10:30 A.M.

DATE: Tuesday, October 27, 1981

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

April 2, 1982

Mrs. Patricia Kelly
8402 Arroy Place
Baltimore, Maryland 21234

RE: Petitions for Special Hearing and Variances
SW/corner of Old Harford Rd. & Tommy True Ct. - 9th Election District
Dr. William M. Koenig, et ux - Petitioners
NO. 82-110-SPHA (Item No. 18)

Dear Mrs. Kelly:

Please be advised that an Appeal has been filed by S. Eric DiNenna, Esquire in behalf of William M. Koenig, et ux, from the decision rendered by the Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/mc

cc: John W. Hessian, III, Esquire
People's Counsel

February 26, 1982

S. Eric DiNenna, Esquire
406 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variances
SW/corner of Old Harford Rd. & Tommy True Court - 9th Election District
Dr. William M. Koenig, et ux - Petitioners
NO. 82-110-SPHA (Item No. 18)

Dear Mr. DiNenna:

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

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/esl

Attachments

cc: Mrs. Patricia Kelly
8402 Arroy Place
Baltimore, Maryland 21234

John W. Hessian, III, Esquire
People's Counsel

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 2/26/82

Posted for: William M. Koenig, et ux

Petitioner: William M. Koenig, et ux

Location of property: SW corner of Old Harford Rd. & Tommy True Ct.

Location of Signs: 111 W. Chesapeake Avenue, Room 106

Remarks: Petition for Special Hearing & Variance

Posted by: *William E. Hammond* Date of return: 2/26/82

Number of Signs: 1

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ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 2/26/82

Posted for: William M. Koenig, et ux

Petitioner: William M. Koenig, et ux

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Remarks: Petition for Special Hearing & Variance

Posted by: *William E. Hammond* Date of return: 2/26/82

Number of Signs: 1

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: <i>W.E.H.</i>			Revised Plans: Change in outline or description Yes ☐ No ☒							
Previous case: 75-271-10			Map # _____							

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
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Reviewed by: <i>W.E.H.</i>			Revised Plans: Change in outline or description Yes ☐ No ☒							
Previous case: 75-271-10			Map # _____							

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received this 22 day of July, 1982

Filing Fee \$ 25.00 Received: ☒ Check
☐ Cash
☐ Other

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

No. 101640

DATE: 9/26/81 ACCOUNT: 01-662

AMOUNT: \$25.00

RECEIVED FROM: William M. Koenig
FOR: Filing Fee for Case #82-110-SPHA

VALIDATION OR SIGNATURE OF CASHIER

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

No. 106843

DATE: April 2, 1982 ACCOUNT: 01-661

AMOUNT: \$10.00

RECEIVED FROM: S. Eric DiNenna, Esquire
FOR: Zoning Appeal for Case No. 82-110-SPHA
S/W corner Old Harford Rd. & Tommy True Ct.
Dr. William M. Koenig, et ux

VALIDATION OR SIGNATURE OF CASHIER

82-110-SPHA

9th District

SW/cor. Old Harford Rd. & Tommy True Ct.
William Koenig, et ux
3 Signs