

PETITION FOR SPECIAL EXCEPTION 83-131-7

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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an office of a professional person (optometrist) as an accessory use.

as R.C. 5.2006.

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

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

Newton A. Williams & Nolan, Plumhoff &

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IN THE MATTER OF
BRUCE L. LAZEROW, et ux,
12901 Falls Road
Alleged Zoning Violation and
Special Exception
9th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

No. 82-195-V
83-131-X

ORDER OF DISMISSAL

Petition and appeal of Bruce L. Lazerow, et ux, for an alleged zoning violation and special exception on property located on the east side of Falls Road, 180' north of Ridge Road, in the 8th Election District of Baltimore County.

WHEREAS, the Board of Appeals in receipt of an Order for Dismissal of Appeal filed July 27, 1983, (a copy of which is attached hereto and made a part hereof) from the attorneys representing the Petitioners-Defendants in the above entitled matter.

WHEREAS, the said Petitioners-Defendants request that the appeal filed in their behalf be dismissed and withdrawn as of July 27, 1983.

IT IS HEREBY ORDERED this 2nd day of Aug. 1983, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Keith S. Frenz, Acting Chairman

Diana K. Vincent

William R. Evans

IN THE MATTER OF
BRUCE L. LAZEROW, et ux,
12901 Falls Road,
Alleged Zoning Violation and
Special Exception

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
82-195-V
83-131-X

ORDER FOR DISMISSAL

Mr. Chairman:

Please dismiss each of the above appeals filed by the

Petitioners.

Newton A. Williams
Newton A. Williams
G. Scott Barhight
Nolan, Plumhoff & Williams, Chartered
Attorneys for Petitioners
204 West Pennsylvania Ave.
Towson, Maryland 21204
Telephone: 823-7800

I HEREBY CERTIFY that on this 27th day of July, 1983,

a copy of the foregoing Order for Dismissal was mailed, postage prepaid unto the following:

Mr. James Norman
12909 Falls Road
Cockeysville, Md. 21030

Mr. John Reisinger
17819 Falls Road
Cockeysville, Md. 21030

Mr. John Stude
4 Corra Court
Reisterstown, Md. 21136

Mr. J. E. Dyer
Baltimore County Zoning Office
County Office Building
Towson, Md. 21204

Mr. Arthur McComas
12435 Falls Road
Cockeysville, Md. 21030

Mrs. Martha Lessner
13024 Hill Manor Drive
Cockeysville, Md. 21030

John W. Hessian, III, Esq.
Peoples Counsel
Court House
Towson, Maryland 21204

William E. Hammond, Esq.
Zoning Commissioner, Balto. Co.
County Office Building
Towson, Maryland 21204

DELL-WOOD

THIS DECLARATION made this 2nd day of August, 1979, by DELL-WOOD PARTNERSHIP, a Maryland General Partnership (hereinafter called "Declarant").

WHEREAS, the Declarant is the owner, in fee simple, of that certain parcel of land situate in the Eighth Election District of Baltimore County, State of Maryland, shown as Lots 1 through 22 inclusive, and Lots 24 and 25, Dell-Wood (hereinafter called "Lots") as the same are set forth on the Plat of Section One, Dell-Wood, dated April 3, 1979 and recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. 44, Folio 122, and on the Plat of Section Two, Dell-Wood, dated April 20, 1979 and recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. 44, Folio 122, and

WHEREAS, Declarant desires that the Lots be subject to the covenants, conditions and restrictions hereinafter set forth for the purpose of creating and maintaining a general scheme of development.

NOW, THEREFORE, the Declarant for itself, its successors and assigns, in consideration of the mutual benefits to be derived by it, its successors and assigns, and the purchasers of the Lots, hereby declares that the Lots shall be subject to the following covenants, conditions, restrictions and reservations:

1. The Lots shall be used for private residential purposes only, and no dwelling shall be commenced, erected, altered, placed or permitted to remain on any Lot other than one detached dwelling, not to exceed two and one-half stories in height, each dwelling being designed for occupancy by a single family, and a private garage. Residential use shall not be construed to prevent use of the dwelling for home-office purposes provided the owner complies with the applicable zoning regulations of Baltimore County.
2. No building, fence, wall, hedge, or other structure shall be commenced, erected, placed or altered in structure or color, on any Lot until the plans and specifications, including color scheme and square footage and a grading plan showing the location of the structure have been approved in writing by

the Architectural Approval Committee (hereinafter referred to as "Committee"). This Committee shall consist of three (3) members, one of which shall be an architect. The members shall be chosen by the Declarant; provided, however, at any time after three (3) or more Lots have been sold and the deeds recorded, Declarant may renounce its right to choose such members and shall simultaneously therewith appoint any one or more owners of the Lots to make such selection of the members of the Committee as from time to time may be required. In the event of death or resignation of a member of said Committee, the Declarant or its appointee as aforesaid shall select a new member. In the event that the Declarant or its appointee as aforesaid fails to name a new member within thirty (30) days of said vacancy, the remaining members shall select a new member.

Before commencement of any construction on any Lot, the owners of Lots shall present their plans and specifications to the Committee together with a nonrefundable fee of Fifty Dollars (\$50.00) covering the cost of reviewing the plans and specifications. Plans and specifications must be acted on by the Committee within fifteen (15) days after submission. If the Committee fails to act on said plans and specifications within said fifteen (15) day period, the plans and specifications shall be deemed to have been approved. The fee charged for reviewing the plans and specifications shall not be charged to the owners of a lot more than once except if the plans and specifications submitted are for a different house after prior plans and specifications have been approved by the Committee for the same property. The Committee shall have the right to refuse to approve any such plans and specifications, or grading and location plans, which are not suitable or desirable, in its opinion, for esthetic or other reasons, and in so passing upon such plans, specifications, or grading and location plans, it shall have the right to take into consideration the suitability of the proposed building or other structure, the materials of which such is to be built, the site upon which it is proposed to be erected, the harmony thereof with the surroundings and the effect of the building or other structure or roadway as planned on the outlook from the adjacent or neighboring properties. In the event of the failure of the owner or owners of Lots to obtain the required prior written approval of plans, specifications and grading studies as established in this Section Two, said owners hereby agree to reimburse the Declarant or its assigns for all costs and expenses to which it may be put as a result of said failure, including, but not limited to, court costs and attorney's fees. Any dwelling constructed on said Lot shall be completed in every exterior detail within twelve (12) months from date of beginning such construction.

3. The approval thus considered shall not amount to an approval of the location of the structure on the Lot in violation of any of the restrictions set forth in this Declaration, or in violation of any law, rule or regulation of Baltimore County or State of Maryland zoning, building or health agencies. In no event and in no manner whatsoever shall any approval of any plans and/or specifications by Committee be construed to make it or Declarant liable or responsible in any manner to anyone if said plans or specifications or location or grading plans violate any building code, law or regulations of Baltimore County or the State of Maryland, or of any of their agencies, it being the exclusive responsibility of the owners of the respective Lot and/or of the builder of the structure thereon to make certain that said plans and specifications do not violate said building codes, laws and regulations.

Mr. Norman E. Gerber
Office of Planning & Zoning
County Office Building
Towson, Maryland 21204

Concerned Citizens of Dellwood
c/o Mr. John Reisinger
12819 Falls Road
Cockeysville, Maryland 21030

Mrs. Christine Rorke
Baltimore County Zoning Office
County Office Building
Towson, Md. 21204

Mr. Francis A. Sauer
6 East Mulberry St.
Baltimore, Md. 21202

Mr. J. G. Hoswell
Office of Planning & Zoning
County Office Building
Towson, Maryland 21204

T. J. Bollinger, Esquire
Baltimore County Office of Law
Court House
Towson, Md. 21204

Mr. J. Thompson
Baltimore County Zoning Office
County Office Building
Towson, Maryland 21204

G. Scott Barhight

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
12901 Falls Rd., 180'
N of Ridge Rd., 8th District : OF BALTIMORE COUNTY

BRUCE L. LAZEROW, et ux, Petitioners : Case No. 83-131-X

ORDER TO ENTER APPEARANCE

Mr. Commissioners:

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 therefor, 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 16th day of November, 1982, a copy of the foregoing Order was mailed to Newton A. Williams, Esquire, and Nolan, Plumhoff & Williams, Chartered, 204 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorneys for Petitioners.

John W. Hessian, III

BRUCE L. LAZEROW, et ux
Petitioners
NO 83-131-X

Mr. Clerk:
Please take a copy of this Order and the following individuals:

Keith S. Frenz
c/o P. O. Simon & Co.
4106 Wicomico Road
Wicomico, Maryland 21161

The said individuals to be and appear before the Baltimore County Board of Appeals, Old Court House, Towson, Maryland 21204, on Wednesday, August 3, 1983, at 10 A.M. and to bring with him any and all records concerning purchase installed for lots 10, 11 and 18 of Dellwood located at Falls and Ridge Roads, Baltimore County, Maryland.

Francis A. Sauer
The Superior Building
Six East Mulberry Street
Baltimore, Maryland 21202
752-4220
Attorney for Petitioners

Rec'd. 7/7/83
12:45 p.m.

Mr. Sheriff:

Please issue this summons.

Edith T. (Hessman), Adm. Secretary
County Board of Appeals of Baltimore County

PETITIONER'S
EXHIBIT 3

13-1618

Case
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

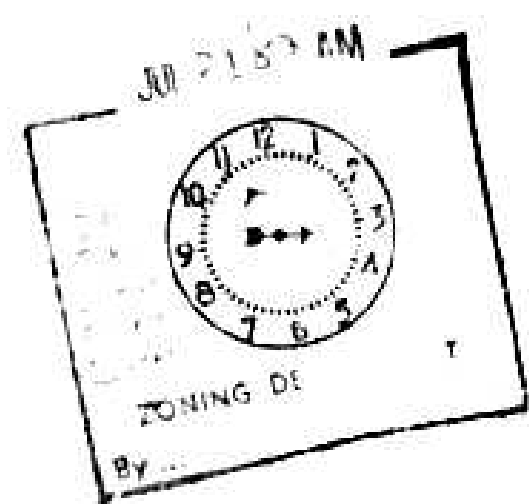
TO.....James E. Dyer, Zoning Supervisor.....Date...July 20, 1983.....
FROM.....Peter Max Zimmerman, Deputy People's Counsel.....
SUBJECT.....Bruce L. Lazerow, et ux, Petitioners - Zoning Case No. 92-131-X.....

The above case is set in for August 3rd. The questions include whether or not the proposed office is permitted (or whether it is really commercial) and what problem is posed by the petitioners.

Please call or write soon as you have had a chance to review it.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

PMZ:sh



Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of failure to meet the requirements of Section 502.1 of the Baltimore County Zoning Regulations and that the proposed use would be detrimental to the users in common of the right of way serving their individual residences with access to a public road, as well as the health, safety, and general welfare of the community, the special exception should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of April, 1983, that the Petition for Special Exception for an office of a professional person (optometrist) as an accessory use in an R.C.3 (Resource Conservation - Rural-Residential) Zone is hereby DENIED.

[Signature]
Zoning Commissioner of
Baltimore County

4. Declarant reserves unto itself, its successors and assigns, the right to grant an easement, right-of-way, license or license to any persons, individuals, body corporate or municipality to install and maintain pipe lines and power lines, with appurtenances necessary thereto, for public utilities or quasi-public utilities, or to grant such other licenses or permits as may be deemed necessary for the improvement of the development on, over, through, upon and across any and all of the roadways and in, over, through, upon and across each and every Lot in the easement areas shown on the Plat aforesaid, and Declarant reserves unto itself, its successors and assigns, the right to dedicate any and all of said roadways.

5. No trailers, recreational vehicles, boats or other large equipment may be maintained on the Lots at any time unless properly housed in an appropriate storage shed, which has been approved by the Committee as to appearance and location on the Lot prior to erection of same. No outbuildings of any sort shall be permitted except by prior written approval of the Committee. No outbuilding, basement or garage may be used as a residence, either temporarily or permanently.

6. No noxious or offensive trade or activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to a neighborhood. Before, as well as after, construction of a dwelling the owner shall maintain the Lot in a reasonable manner such as mowing, removing fallen branches, trees and other debris of any kind or same may be accomplished by Declarant at owner's expense.

7. No live poultry, hogs, cattle, horses, ponies or other similar livestock shall be kept on any Lot. A maximum of two (2) dogs and two (2) cats are permitted to be kept by each owner, provided that they are properly housed and cared for and are restricted to the Lot owner's property.

8. A. Owners of Lots shall be responsible for providing driveway access to their respective Lots from the paved portion of the County road abutting the owner's Lot. All driveways shall be paved with a hard durable surface such as macadam, tar and chip, concrete or other similar material. Paving shall be completed one (1) year from the date of commencement of construction of the dwelling on the Lot.

B. The owners of Lots 3 and 4 of Section One, Dell-Wood, shall each be charged with the maintenance and repair of the common driveway serving said Lots as set forth on the Plat of Section One, Dell-Wood, and each shall be responsible for and pay fifty percent (50%) of the cost of such maintenance and repair. The owners of each of Lot 9 and Lots 19 through 23, inclusive, of Sections One and Two, Dell-Wood, shall be charged with the maintenance and repair of the common driveway serving said Lots as set forth on the Plat of Section Two, Dell-Wood, and each shall be responsible for and pay the cost of such maintenance and repair in the following portions: Lot 9 - 8%, Lot 19 - 13%, Lot 20 - 13%, Lot 21 - 15%, Lot 22 - 17%, Lot 23 - 17%, and Lot 24 - 17%. In the event the owners of Lots included in the above two groups of Lots desire to maintain, repair or improve their respective driveways, then, the nature, type and extent of such maintenance, repair and improvements shall be determined by majority vote of the owners of the Lots having a right to use the driveway and the costs thereof shall be borne according to the percentages set forth above.

9. No Lot, or portion thereof, shall be sold, leased, conveyed, or otherwise transferred by Declarant to another if each such transferee intends to construct, erect or build a

dwelling for private residential purposes on such Lot, or portion thereof, unless and until such Lot, or portion thereof, shall have a well which meets the following yield test for domestic use:

a. All wells drilled for domestic use shall be tested for yield as provided below.

(1) The pump and related equipment shall be placed in the well and the static water level measurement recorded.

(2) Pumping shall begin at a high rate of withdrawal (8 gpm) until the water level drops to a point, close to the bottom of the well.

(3) When the water level reaches this point, the pump rate shall be adjusted so that the water level remains constant (i.e., pumping out any water which is flowing into the well).

(4) The pump rate and water level should be checked every fifteen minutes and recorded.

b. The criteria for approval shall be a minimum yield of 1 gallon per minute for 6 hours continuous pumping after the well has been pumped out as provided in a.(2) above.

c. As some wells may exceed the minimum standard, the pump test can be terminated early as provided below.

(1) Any well which cannot be pumped out after 3 hours pumping at a high rate as provided in a.(2), will be considered acceptable.

(2) Any well which yields an average of 4 gallons per minute or greater for 3 hours continuous pumping, after the well has been pumped out as provided in a.(2), will be considered acceptable.

10. No signs of any kind shall be placed or displayed on Lots except "For Sale" signs of Declarant or its agents unless approved in writing by Declarant. This restriction shall terminate on December 31, 1981.

11. No more than seven thousand (7,000) square feet of wooded area on any Lot may be cleared for any purpose without the express written authorization of the Committee.

12. No Lot shall be split, divided, or sub-divided for sale, resale, gift, transfer or otherwise after acquisition from the Declarant. With respect to any of said Lots while owned by the Declarant, the Declarant expressly reserves the right to further subdivide, to alter property lines, to alter setback lines and to otherwise revise the Lots in any respect, subject to applicable Baltimore County regulations and requirements.

13. The Declarant, for itself and its successors and assigns, reserves the right to waive such portion of these protective covenants placed on the Lots as the Declarant deems necessary or in the best interest of the development as determined by the Declarant. All waivers shall be in writing and a copy thereof shall be filed with the Committee and a copy thereof shall be available to all Lot owners upon request. The Declarant also reserves the right to change building setback lines and to alter L lines between Lots owned by Declarant. The rights of Declarant set forth in this paragraph 13 shall not apply to paragraphs 8.A. and 9 of this Declaration.

14. Enforcement of these covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant. Invalidation of any one of these covenants by judgment or Court order shall in no way effect any other provisions which shall remain in full force and effect.

15. Any failure by any party entitled to enforce any of the covenants, restrictions and agreements herein contained shall in no event be deemed a waiver of the right to do so thereafter as to the same breach, or as to one occurring prior or subsequent thereto.

16. These covenants are to run with the land and shall be binding, as to the Lots, the Declarant and all persons claiming by, through or under it for a period of twenty (20) years from the date of recording, after which they shall be automatically extended for successive periods of ten (10) years, unless at the expiration of said twenty (20) year period or renewal period, an instrument, signed by more than fifty per cent (50%) of the then owners of the Lots (not including mortgagees or ground rent owners), has been recorded agreeing to change said covenants in whole or in part.

AS WITNESS, the execution of this Declaration by Dell-Wood Partnership, the Declarant.

WITNESS:

James W. McKee, Partner

ATTEST:

FAIRWIND INVESTMENT COMPANY,
PARTNER

[Signature]
James W. McKee, Secretary

[Signature]
John A. Evans, President

-5-

6204 043

THIS DECLARATION OF RIGHT-OF-WAY, Made this day of August, 1980, by Dell-Wood Partnership, a Maryland General Partnership (hereinafter called "Declarant").

WHEREAS, the Declarant is the owner in fee simple of Lot Nos. 10, 11, and 13 (hereinafter sometimes called the "Lots"), as shown on the plat entitled "First Amended Plat of Section One, Dell-Wood," dated March 3, 1980, and recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. 46, Folio 21; and

WHEREAS, The Declarant is desirous of establishing a Right-of-Way for the mutual benefit of the Lots as hereinafter stated and to provide for the maintenance and repair of said Right-of-Way.

NOW, THEREFORE, it is covenanted and agreed for the mutual benefit of the Lots as hereinafter stated, the following Right-of-Way is hereby created, subject to the maintenance provisions as hereinafter provided in Paragraph B.

(A) The owners of Lots 10, 11, and 18 shall have the right to use in common a Right-of-Way twenty feet (20') wide, extending for ten feet (10') on either side of the center line, described as follows:

"BEGINNING FOR THE SAME at a point on the eastern right-of-way line on Falls Road said point being common to Lots 10 and 18 and running thence binding on a common line with Lots 10 and 18 the following course, and distance: North 85° 30' 15" East 148.82 feet, ending at Lot 11."

(B) The cost of maintenance and repair of the Right-of-Way hereinabove described, including, but not limited to, the cost of mowing the grass shoulders and snow removal, shall be borne equally by the owners of Lots 10, 11, and 18. At such times as the owners of said Lots maintain and/or repair the Right-of-Way, the type and nature of said maintenance and repairs shall be determined by majority vote of the owners of Lots 10, 11, and 18 and the cost shall be borne equally among said owners.

PETITIONER'S
EXHIBIT 5

6204 044

The rights, privileges, obligations and responsibilities created in this Declaration of Right-of-Way shall run with the Land, be binding as to the said Lots and be enforceable against the said Lots.

WITNESS the execution of this Declaration by Dell-Wood Partnership, the Declarant.

WITNESS:

[Signature]
James W. McKee, Partner

STATE OF MARYLAND, TO WIT:

I HEREBY CERTIFY that on this 15th day of August, 1980, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared James W. McKee, a partner of Dell-Wood Partnership, Declarant, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and

official seal.

[Signature]
Notary Public

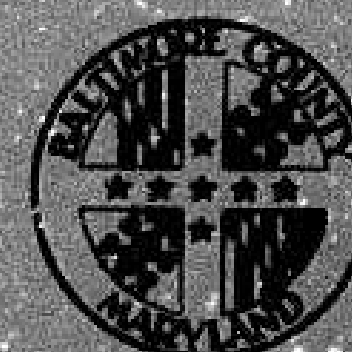
NOTED
By Commission. Expires: July 1, 1982

Rec'd for record SEP 10 1980 at 11:20
Per Elmer H. Kahline, Jr., Clerk
Mail to Dell-Wood
Receipt No. 700

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Newton A. Williams, Esquire
Solon, Plumbhoff & Williams, Chartered
204 West Pennsylvania Avenue
Towson, Maryland 21204

cc: McKee & Assoc.,
1717 York Road
Lutherville, Md. 21113

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 August, 1980.

[Signature]
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner Bruce L. Latorow, et al.

Petitioner's Attorney Newton A. Williams Reviewed by: *[Signature]*
Nicholas M. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 26, 1982

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204GEO
Nicholas B. Commodari
ChairmanMEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Route Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Police Administration
Industrial DevelopmentNewton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chartered
204 West Pennsylvania Avenue
Towson, Maryland 21204RE: Case #83-131-X (Item No. 53)
Petitioner-Bruce L. Lozerow, et ux
Special Exception Petition

Dear Gentlemen:

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.

In view of your client's proposal to located an optometrist office in his residence, this hearing is required. As indicated in my previous conversations, if this petition is granted, no sales of any kind are permitted on the premises.

Particular attention should be afforded to the comments of the Department of Permit and Licenses. If further explanation is required, you may contact Mr. Ted Burnham at 494-3987.

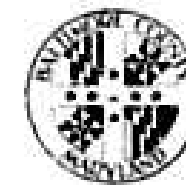
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comments that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*Nicholas B. Commodari*NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NEC:mh

Enclosures

cc: McKee & Assoc., Inc.
1717 York Road
Lutherville, Maryland 21093BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204HARRY J. DISTEL, P.E.
DIRECTOR

October 22, 1982

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204Re: Item #53 (1982-1983)
Property Owner: Bruce L. & Hyll W. Lozerow, O.D.
E/S Falls Rd. 180' N. from centerline of
Ridge Road
Acres: 2.006 District: 8th

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:

Falls Road (Ms. 21) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards specifications and approval of the State in addition to those of Baltimore County.

Baltimore County highway and utility improvements are not directly involved and are as secured by Public Works Agreement 87906, executed in conjunction with the development of Dell-Wood.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 53 (1982-1983).

Very truly yours,

Robert A. Norton
ROBERT A. NORTON, P.E., Chief
Bureau of Public Services

BAR:HAM:WR:SS

cc: Jack Wimbley

V-SW Key Sheet
66 NW 18 Pos. Sheet
NW 17 E Topo
50 Tax Map

Maryland Department of Transportation

State Highway Administration

Lowell K. Brifford
Secretary
M. S. Callender
Administrator

October 6, 1982

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of Oct. 5, 1982
ITEM: #53.
Property Owner: Bruce L. &
Hyll W. Lozerow, O.D.
Location: E/S Falls Road
Route 25, 180' N. from
centerline of Ridge Road
Existing Zoning: R.C. 5
Proposed Zoning: Special
Exception for an office of a
professional person
(Optometrist).
Acres: 2.006
District: 8th

Dear Mr. Hammond:

On review of the site plan of August 27, 1982 and field inspection, the State Highway Administration will require revisions to the plan.

The revised plan must show the existing entrance correctly (south of Ridge Road) not opposite Ridge Road.

The existing C & E pole and pedestal box north of the entrance must be shown.

With the existing entrance shown as 40' in width, the State Highway Administration will require the plan to be revised to show a radius return entrance of 30' in width with 10' radii.

All construction within the State Right of Way must be through permit by Mr. Henry Saunders at 321-3472 of the District #4 office.

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204DONALD J. RUOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

October 25, 1982

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

Dear Mr. Hammond:

Comments on Item #53, Zoning Advisory Committee Meeting of October 5, 1982, are as follows:

Property Owner: Bruce L. & Hyll W. Lozerow, O.D.
Location: E/S Falls Road 180' N. from centerline of Ridge Road
Existing Zoning: R.C. 5
Proposed Zoning: Special Exception for an office of a professional person (optometrist).
Acres: 2.006
District: 8th

The existing dwelling is served by a drilled well and septic system which appears to be functioning properly. The proposed optometrist office to be located in the basement of the dwelling, should not pose any health hazards.

Very truly yours,

Jan J. Forrest
Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/als

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3900TED ZALESKI JR.
DIRECTORMr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 53 Zoning Advisory Committee Meeting are as follows:

Property Owner: Bruce L. & Hyll W. Lozerow, O.D.
Location: E/S Falls Road 180' N. from centerline of Ridge Road
Existing Zoning: R.C. 5
Proposed Zoning: Special Exception for an office of a professional person (optometrist).
Acres: 2.006
District: 8th

The items checked below are applicable:

XA. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

XB. A building and other miscellaneous permits shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required.

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An order or wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-6" of lot lines. A fire wall is required if construction is on the lot line. See Table 101, Item 2, Section 1407 and Table 1402.

F. Requested variance conflicts with the Baltimore County Building Code, Section 1402.

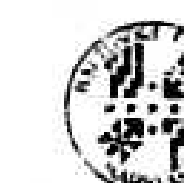
XU. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

X. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

XI. Comments: A minimum one hour occupancy separation between the residential & business uses shall be provided. A minimum 7'-6" clear head room is required exits shall satisfy the codes listed above. Handicapped access shall be provided as required by the State Code & the Baltimore County Building Code.

NOTE: These comments are based on the information provided by the drawings 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 #124 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,

Charles E. Burnham
Charles E. Burnham, Chief
Plans ReviewCEB:raj
FOLN 01-42BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310PAUL H. RENCKE
CHIEF

December 20, 1982

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Bruce L. and Hyll W. Lozerow, O.D.

Location: E/S Falls Road 180' N. from centerline of Ridge Road

Item No.: 53

Zoning Agenda: Meeting of October 5, 1982

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 or _____ 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.

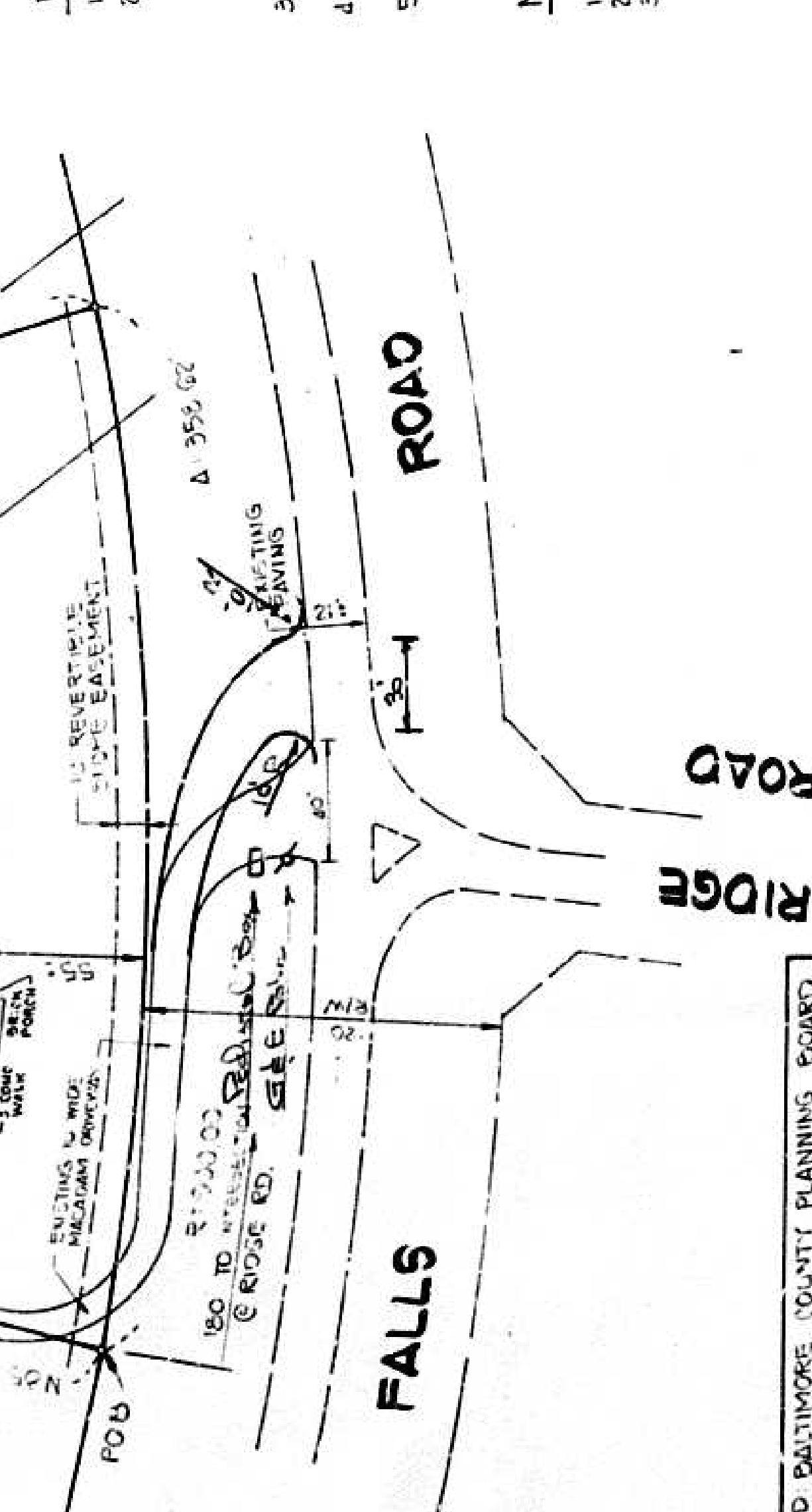
REVIEWED: *Charles E. Burnham* 11/15/82
Planning Group
Special Inspection Division

Noted and Approved: *George M. Wagoner*
Fire Prevention Bureau

JH/ajm

12/2
83-131-X

DA 1 GR 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



STEPHEN E. COLLINS
DIRECTOR

December 13, 1982

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

Re: Zoning Advisory Committee Meeting of October 5, 1982.

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 53, 55, 56, 57, 58, 59, 60, 62, and 63.

Michael S. Fanigan
Michael S. Fanigan
Traffic Engineering Assoc. II

NSG/ccm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

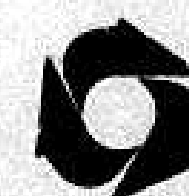
TO: William E. Hammond
Zoning Commissioner
FROM: Norman E. Gerber
Director of Planning and Zoning
SUBJECT: Zoning Petition No. 83-131-X
Bruce L. Lazerow, et ux

Date: November 15, 1982

If granted, it is requested that details of landscaping be submitted to the Division of Current Planning and Development for approval.

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

NEG:JGf:dme



Maryland Department of Transportation

State Highway Administration

Lowell E. Brinkley
Secretary
M. S. Calhoun
Assistant

December 15, 1982

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Re: ZAC Meeting of Oct. 5, 1982
ITEM: #53.
Property Owner: Bruce L. & Hyll W. Loserow, O.D.
Location: E/S Falls Road
Route 25, 180' N. from
centerline of Ridge Road
Existing Zoning: R.C. 5
Proposed Zoning: Special
Exception for an office of a professional person
(Optometrist).
Acres: 2.006
District: 8th

Attention: Mr. N. Commodari

Dear Mr. Hammond:

On review of the revised site plan of December 2, 1982, the State Highway Administration finds the plan generally acceptable.

All reconstruction within the State Right of Way must be through permit by Mr. Henry Saunders at 321-3472 of the Dist. #4 office.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

Bv: George Wittman

cc: Mr. J. Wimble
Mr. H. Saunders (w-attachment)

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
363-7505 Baltimore Metro - 585-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
P.O. Box 717 / 707 North Capitol St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: September 30, 1982

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

Z.A.C. Meeting of: October 5, 1982

RE: Item No: 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63
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,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
August 2, 1983

Newton A. Williams, Esquire
G. Scott Barhight, Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Case No. 83-131-X and
Case No. 82-195-V
Bruce L. Lazerow, et ux

Gentlemen:

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled cases.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Mr. James Norman
Mr. Arthur McComas
Mr. John Reisinger
Mrs. Martha Lessner
Mr. John Stude
John W. Hession, III, Esq.
Dr. and Mrs. Bruce L. Lazerow
Concerned Citizens of Dellwood
Thomas J. Bollinger, Esq.
Mrs. Christine K. Rorke
Mr. A. E. Jahlon
Mr. J. E. Dyer
Mr. N. E. Gerber
Mr. J. G. Howell
Mr. J. H. Thompson

FRANCIS A. SAUER
Attorney at Law

THE SOPHOMAN BUILDING
516 EAST MULBERRY STREET
BALTIMORE, MARYLAND 21202
(410) 758-4230

June 7, 1983

County Board of Appeals
Old Court House
Towson, Maryland 21204

Re: Bruce L. Lazerow, et al
No. 83-131-X
Hearing Date: 8/3/83

Gentlemen:

Please enter my appearance on behalf of the following protestants in the above matter:

- (a) James Norman
12909 Falls Road
Cockeysville, Maryland 21030
- (b) John Reisinger
12819 Falls Road
Cockeysville, Maryland 21030
- (c) Martha Lessner
13024 Heil Manor Drive
Cockeysville, Maryland 21030
- (d) John L. Stude
4 Cormac Court
Reisterstown, Maryland 21136

Very truly yours,

Francis A. Sauer
Francis A. Sauer

FAS/pam
cc: John W. Hession, Esq.
Newton A. Williams, Esq.

Read 6/15/83 - H/SAM

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

Dear Mr. Hammond:

Comments on Item # 53 Zoning Advisory Committee Meeting (Revised)

are as follows:

Property Owner: Bruce L. & Hyll W. Loserow, O.D.
Location: E/S Falls Road 180' N. from centerline of Ridge Road
Proposed Zoning: R.C. 5
Special Exception for an office of a professional person
(Optometrist)

Acres: 2.006
District: 8th

The items checked below are applicable:

- A. All structures shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82 State of Maryland Code for the Building and Code and other applicable Codes.
- B. A building and/or use miscellaneous permits shall be required before beginning construction.
- XX Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer and is/is not required.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistant construction, no openings permitted within 3'-0" of lot lines. A permit is required if construction is on the lot line. See Table 1401, line 2, Section 1407 and Table 1402.
- F. Proposed variance conflicts with the Baltimore County Building Code, Section 1401.
- XX 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. Occupancy for "R-3" Residential and "R-3" and "R-3" mixed uses.
- G. Before this office can comment on the above structure, please have the owner, then the services of a Registered in Maryland Architect or Engineer verify to this office, that the structure for which a proposed change in use is proposed is in conformity with the height/area requirements of Table 905 and the required construction classification of Table 1401.
- XX Comments: The business use shall comply with Section 1405.6.3.

NOTE: These comments reflect only on the information provided by the drawings 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 Ave., 21204.

Very truly yours,
Charles E. Dunham
Charles E. Dunham, Chief
Plans Review

CL:GW

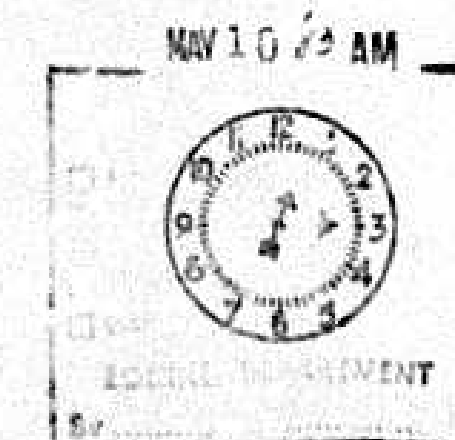
FORM 01-82

PETITION FOR SPECIAL EXCEPTION
R/S of Falls Road, 180' N. of
Ridge Road
8th Election District
BRUCE L. LAZEROW, et ux.,
Petitioner
BEFORE THE
ZONING COMMISSIONER
FOR BALTIMORE COUNTY
Case No. 83-131-X (Item
No. 53)

ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from your decision dated April 15, 1983, denying the Petition for Special Exception in the above-entitled matter, to the County Board of Appeals and forward all papers in connection therewith to said Board for Hearing.



Newton A. Williams
Newton A. Williams

G. Scott Barhight
G. Scott Barhight

Nolan, Plunkhoff & Williams
Nolan, Plunkhoff & Williams, Chartered
204 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 423-7800
Attorneys for Petitioners

I HEREBY CERTIFY that on this 10TH day of May, 1983 a copy of the foregoing ORDER FOR APPEAL was mailed postage prepaid to Mr. James Norman, 12909 Falls Road, Cockeysville, Md. 21030 and to Mr. Arthur McComas, 12405 Falls Road, Cockeysville, Md. 21030 and to Mr. John Reisinger, 12819 Falls Road, Cockeysville, Md. 21030

LAW OFFICES
NOLAN, PLUNKHOFF
& WILLIAMS,
CHARTERED
TOWSON, MD.

STEPHEN E. COLLINS
DIRECTOR

December 13, 1982

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

Re: Zoning Advisory Committee Meeting of October 5, 1982.

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 53, 55, 56, 57, 58, 59, 60, 62, and 63.

Michael S. Fanigan
Michael S. Fanigan
Traffic Engineering Assoc. II

MSF/ccm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William E. Hammond
Zoning Commissioner
FROM: Norman E. Gerber
Director of Planning and Zoning
SUBJECT: Zoning Petition No. 83-131-X
Bruce L. Lazerow, et ux

Date: November 15, 1982

If granted, it is requested that details of landscaping be submitted to the Division of Current Planning and Development for approval.

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

NEG:JGH:dme

Louise E. Seldner
Survey
M. S. Calhoun
Assistant

December 15, 1982

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Re: ZAC Meeting of Oct. 5, 1982
ITEM: #53.
Property Owner: Bruce L. & Hyll W. Lazerow, O.D.
Location: E/S Falls Road
Route 25, 180' N. from centerline of Ridge Road
Existing Zoning: R.C. 5
Proposed Zoning: Special Exception for an office of a professional person (Optometrist).
Acres: 2.006
District: 8th

Attention: Mr. N. Commodari

Dear Mr. Hammond:

On review of the revised site plan of December 2, 1982, the State Highway Administration finds the plan generally acceptable.

All reconstruction within the State Right of Way must be through permit by Mr. Henry Saunders at 321-3472 of the Dist. #4 office.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Wimble
Mr. H. Saunders (w-attachment)

My telephone number is (301) 659-1350
Teletype: r/r for Impaired Hearing or Speech
363-7565 Baltimore Metro — 585-0451 D.C. Metro — 1-800-482-5082 Statewide Toll Free
P.O. Box 717 / 707 North Center St., Baltimore, Maryland 21203 - 0717

TED JALESKI, JR.
DIRECTOR

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

Dear Mr. Hammond:

Comments on Item # 53 Zoning Advisory Committee Meeting (Revised)

are as follows:

Property Owner: Bruce L. & Hyll W. Lazerow, O.D.
Location: E/S Falls Road 180' N. from centerline of Ridge Road
District: 8th
Proposed Zoning: R.C. 5
Special Exception for an office of a professional person (Optometrist)

Acres: 2.006
District: 8th

The items checked below are applicable:

- All structures shall conform to the Baltimore County Building Code 1981/ Council 1981 1-42 State of Maryland Code for the Handicapped and Aged; and other applicable Code.
- A building and/or other miscellaneous permits shall be required before beginning construction.
- Incidental: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
- Incidental: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- An owner will erect within 6' of an adjacent lot line shall be of one hour fire resistance construction, no openings permitted within 3'-0" of lot lines. A firewall is required if construction is on the lot line. See Table 161, line 2, Section 1607 and Table 1602.
- Reported variance complies with the Baltimore County Building Code, Section 1602.
- 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. Occupancy shall be from "R-3" Residential to "R-3" and "Business" mixed uses.
- Before this office can comment on the above structure, please have the owner, then the architect or a Registered Professional 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 161.
- Comments: The business use shall comply with Section 1405.6.3.

NOTE: These comments reflect only on the information provided by the drawings 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 Section) at 111 West Chesapeake Ave., 21204.

Very truly yours,

Charles E. Seldner
Charles E. Seldner, Chief
Plans Section

CL:GW:maw
JGH:JGH

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: September 30, 1982

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

Z.A.C. Meeting of: October 5, 1982

RE: Item No: 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63
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,

Nick Petrovich
Mr. Nick Petrovich, Assistant
Department of Planning

MNP/bp

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
August 2, 1983

Newton A. Williams, Esquire
G. Scott Barnight, Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Case No. 83-131-X and
Case No. 82-195-V
Bruce L. Lazerow, et ux

Gentlemen:

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled cases.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Mr. James Norman
Mr. Arthur McComas
Mr. John Reisinger
Mr. Martha Lessner
Mr. John Stude
John W. Hession, III, Esq.
Dr. and Mrs. Bruce L. Lazerow
Concerned Citizens of Dellwood
Thomas J. Bollinger, Esq.
Mrs. Christine K. Roke
Mr. A. E. Jahn
Mr. J. E. Dyer
Mr. N. E. Gerber
Mr. J. G. Howell
Mr. J. H. Thompson

FRANCIS A. SAUER
Attorney at Law

THE BOPHMAN BUILDING
SIX EAST MULBERRY STREET
BALTIMORE, MARYLAND 21202
(301) 752-4120

June 7, 1983

County Board of Appeals
Old Court House
Towson, Maryland 21204

Re: Bruce L. Lazerow, et al
No. 83-131-X
Hearing Date: 8/3/83

Gentlemen:

Please enter my appearance on behalf of the following protestants in the above matter:

- James Norman
12909 Falls Road
Cockeysville, Maryland 21030
- John Reisinger
12819 Falls Road
Cockeysville, Maryland 21030
- Martha Lessner
13024 Bell Manor Drive
Cockeysville, Maryland 21030
- John L. Stude
4 Cornac Court
Reisterstown, Maryland 21136

Very truly yours,

Francis A. Sauer
Francis A. Sauer

FAS/pas
cc: John W. Hession, Esq.
Newton A. Williams, Esq.

Rec'd 6/8/83 - 11:55 AM

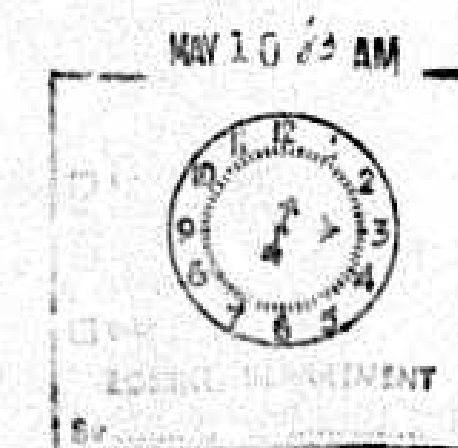
PETITION FOR SPECIAL EXCEPTION
R/S of Falls Road, 180' N. of
Ridge Road
8th Election District
BRUCE L. LAZEROW, et ux.,
Petitioner

BEFORE THE
ZONING COMMISSIONER
FOR BALTIMORE COUNTY
Case No. 83-131-X (Item
No. 53)

ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from your decision dated April 15, 1983, denying the Petition for Special Exception in the above-entitled matter, to the County Board of Appeals and forward all papers in connection therewith to said Board for Hearing.



Newton A. Williams
Newton A. Williams

G. Scott Barnight
G. Scott Barnight

Nolan, Plunhoff & Williams, Chartered
Nolan, Plunhoff & Williams, Chartered
204 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 423-7800
Attorneys for Petitioners

I HEREBY CERTIFY that on this 10TH day of May, 1983 a copy of the foregoing ORDER FOR APPEAL was mailed postage prepaid to Mr. James Norman, 12909 Falls Road, Cockeysville, Md. 21030, and to Mr. Arthur McComas, 12405 Falls Road, Cockeysville, Md. 21030, and to Mr. John Reisinger, 12819 Falls Road, Cockeysville, Md. 21030.

LAW OFFICES
NOLAN, PLUNHOFF
& WILLIAMS,
CHARTERED
TOWSON, MD.

and to Mrs. Martha Lessner, 13024 Heil Manor Drive, Cockeysville, Maryland 21030, and to John W. Hessian, III, Esquire, People's Counsel, Old Court House, Towson, Maryland 21204.

G. Scott Barhight
G. Scott Barhight

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

117611

DATE 5/11/83 ACCOUNT R-01-615-000

AMOUNT \$105.00

RECEIVED FROM Nolan, Plumbhoff & Williams

FOR Appeal fee on Case No. 83-131-X
(Bruce L. Lazerow, et ux)

033*****1050010 8135A

VALIDATION OR SIGNATURE OF CASHIER

MCKEE, & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

1717 YORK RD.

LUTHERVILLE, MARYLAND 21093

Telephone: (301) 252-5670

September 9, 1982

DESCRIPTION OF 2.006 ACRES OF LAND, MORE OR LESS
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point 180 feet North of the intersection of Falls Road and Ridge Road located on the East side of Falls Road and being known as Lot 18, Section 1, of the "First Amended Plat of Dellwood", said plat dated April 22, 1980, and recorded among the Plat Book Records of Baltimore County in Plat Book E.H.K., Jr. 46, folio 21. Containing 2.006 acres of land, more or less. Also being known as 12901 Falls Road.



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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 11, 1983

Mr. James Norman
12909 Falls Road
Cockeysville, Maryland 21030

Re: Petition for Special Exception
E/S of Falls Road, 180' N of Ridge Road
Bruce L. Lazerow, et ux - Petitioners
Case No. 83-131-X

Dear Mr. Norman:

Please be advised that an appeal has been filed by the petitioners' attorneys, Newton A. Williams and G. Scott Barhight, 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:sj

cc: Mr. Arthur McComas
12405 Falls Road
Cockeysville, Maryland 21030

Mr. John Stude
4 Cormac Court
Reisterstown, Maryland 21136

Mr. John Reisinger
12819 Falls Road
Cockeysville, Maryland 21030

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

Mrs. Martha Lessner
13024 Heil Manor Drive
Cockeysville, Maryland 21030

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERS
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

TELEPHONE
(301) 823-7800

May 23, 1983

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM E. HESSIAN, JR.
THOMAS J. PENNER
WILLIAM P. ENGLISHART, JR.
STEPHEN J. NOLAN
G. SCOTT BARHIGHT
ROBERT L. HANLEY, JR.

Mrs. June Holman
County Board of Appeals
Court House
Towson, Maryland 21204

Re: Appeal Of Case No. 83-131-X
Bruce L. Lazerow, Petitioner

Dear Mrs. Holman,

Please schedule a hearing in the above matter at the Board's earliest convenience.

Thank you for your kind attention to this matter.

Very truly yours,

G. Scott Barhight
G. Scott Barhight

GSB/sm

cc: Mr. James Norman
12909 Falls Road
Cockeysville, Md. 21030

Mr. Arthur McComas
12405 Falls Road
Cockeysville, Md. 21030

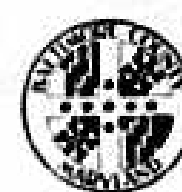
Mr. John Reisinger
12819 Falls Road
Cockeysville, Md. 21030

Mrs. Martha Lessner
13024 Heil Manor Drive
Cockeysville, Md. 21030

John W. Hessian, III, Esquire
People's Counsel
Court House, Rm. 223
Towson, Md. 21204

Set for Wed 9/3/83 10am

Rec'd - 5/23/83 9:15 PM



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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

April 15, 1983

Newton A. Williams, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
E/S of Falls Road, 180' N of Ridge Road -
8th Election District
Bruce L. Lazerow, et ux - Petitioners
NO. 83-131-X (Item No. 53)

Dear Mr. Williams:

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/srl

Attachments

cc: Mr. James Norman
12909 Falls Road
Cockeysville, Maryland 21030

Mr. Arthur McComas
12405 Falls Road
Cockeysville, Maryland 21030

Mr. John Reisinger
12819 Falls Road
Cockeysville, Maryland 21030

Mrs. Martha Lessner
13024 Heil Manor Drive
Cockeysville, Maryland 21030

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

Mr. John Stude
4 Cormac Court
Reisterstown, Maryland 21136

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

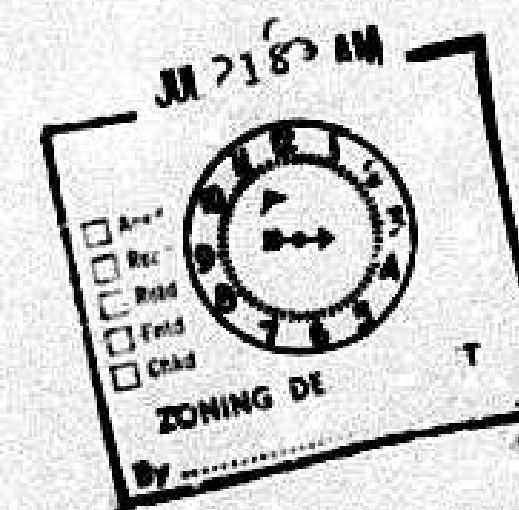
TO: James E. Dyer, Zoning Supervisor Date: July 20, 1983
FROM: Peter Max Zimmerman, Deputy People's Counsel
SUBJECT: Bruce L. Lazerow, et ux, Petitioners - Zoning Case No. 83-131-X

The above case is set in for August 3rd. The questions include whether or not the proposed office is permitted (or whether it is really commercial) and what problem is posed by the panhandle.

Please call us as soon as you have had a chance to review it.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

PMZ:sh



MICROFILMED

PETITION FOR SPECIAL EXCEPTION

8th Election District

ZONING: Petition for Special Exception
LOCATION: East side of Falls Road, 180 ft. North of Ridge Road
DATE & TIME: Tuesday, December 7, 1982 at 10:15 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 Exception for an office of a professional person (optometrist) as an accessory use in an R.C. 5 zone

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

Being the property of Bruce L. Lazerow, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, December 7, 1982 at 10:15 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

November 10, 1982

Newton A. Williams, Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Special Exception
E/S Falls Rd., 180' N of Ridge Rd.
Bruce L. Lazerow, et ux - Petitioners
Case #83-131-X Item #53

TIME: 10:15 A.M.

DATE: Tuesday, December 7, 1982

PLACE: Room 106, County Office Building, 111 West

Chesapeake Avenue, Towson, Maryland

cc: Mr. & Mrs. James Norman
12909 Falls Road
Cockeysville, Md. 21030
(on behalf of Concerned Citizens
of Dellwood)

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY

Mr. & Mrs. Mary W. Ticey, 14 Delwood Ct. Indianapolis, Ind. 21030
 Mr. & Mrs. John P. Schaefer, 2897 Lewis St.
 Hays A. Lewis, 54 Delwood Ct
 Louis Hays
 John Lewis, 5 Delwood Ct.
 Louis Schaefer, 9 Delwood Ct. 21030
 Mr. & Mrs. Mary Ticey, 12905 Fairview ^{Schaefer} 21030
 Mr. & Mrs. Robert Cook, 13 Delwood Ct. 21030
 Mr. & Mrs. Robert W. Schaefer, 11 Delwood Ct. 21030
 Mr. & Mrs. Robert Cook, 15 Delwood Ct. 21030
 Mr. & Mrs. Arthur A. Morris, 11 Delwood Ct. 21030
 George & Helen Lindsay, 21 Delwood Ct. 21030
 Mr. & Mrs. W. W. Branstetter, 12 Delwood Ct. 21030

4. In clause 6 of the Bellwood covenants (first Amendment to Declaration made in August, 1980) it states, "No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood." (b)

Elma Norman
 Sharon Norgaard
 Paula Norgaard
 Nancy C. (Norgaard)
 Elizabeth Flann
 Jane Norgaard 13 Kallwood Court
 Joseph R. (Norgaard)
 Gary Norgaard Dr. 9 Dellwood Ct
 Jean Norgaard
 Mary A. Norgaard 3-A Dellwood Ct
 John E. Norgaard

File

[illegible]

4. In clause 6 of the Bellwood covenants (First Amendment to Declaration made in August, 1980) it states, "No noxious or offensive trade or activity shall be carried out upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood." We

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

2303 Knox Avenue
Reisterstown, Md. 21136
December 5, 1982

Zoning Commissioner
Towson, Md. 21204

Dear Sir:

I would like to express my support for the granting of a special exception to allow Dr. Bruce Lazarov to use his home for an office for his optometry practice.

Such a practice would not detract from the rural character of the neighborhood and, in my opinion, would not create a nuisance. In fact it is a service that would benefit those of us who live in the general area.

Sincerely,

Stephen H. Sirkin
Stephen H. Sirkin

ROELMAN W. IMMINK, M.D.
P.A.S.S. - P.A.S.S. - S. - C
1818 IVY HILL ROAD
COCKEYSVILLE, MARYLAND 21030
Telephone 526-1000

December 3, 1982

TO WHOM IT MAY CONCERN:

The plight of Dr. Bruce Lazarov has come to our attention. We are deeply concerned that, through a mistake by the zoning commission, the previously granted privileges have been retracted. We do not have any objection for Dr. Lazarov conducting his profession at his home office. The nature of his profession, we feel, will not in any way detract from our existing residential area. To our personal knowledge, Dr. Lazarov has conducted his profession at his home in a very inconspicuous and dignified fashion. We strongly feel that Dr. Lazarov should have his previous privileges restored.

Arnelan W. Immink

Arnel C. Immink

Dr. and Mrs. Roelma W. Immink

December 5, 1982

Zoning Commissioner
Towson, Md. 21204

Dear Sir;

We are in favor of Dr. Bruce Lazarov having an Optometric Practice in his home.

We recommend that he be granted a special exception so he can practice optometry in his home.

Mr. & Mrs. Hugh Pellingale

December 5, 1982

Zoning Commissioner
Towson, Md. 21204

Dear Sir;

We are in favor of Dr. Bruce Lazarov having an Optometric Practice in his home.

We recommend that he be granted a special exception so he can practice optometry in his home.

Charles M. Wagoner

12633 Falls Rd
Cockeysville, Md
21030

December 5, 1982

Zoning Commissioner
Towson, Md. 21204

Dear Sir;

We are in favor of Dr. Bruce Lazarov having an Optometric Practice in his home.

We recommend that he be granted a special exception so that he can practice optometry in his home.

Kathy Worley
Kathy Worley
2212 Ridge Rd
Reisterstown, MD 21136

December 5, 1982

Zoning Commissioner
Towson, Md. 21204

Dear Sir;

We are in favor of Dr. Bruce Lazarov having an Optometric Practice in his home.

We recommend that he be granted a special exception so that he can practice optometry from his home.

J. Robert Henry
J. Robert Henry
1829 Beaver Brook Ln.
Cockeysville, Md. 21030

Shawan Road, West
Cockeysville, Maryland 21030

November 29, 1982

Zoning Commissioner for
Baltimore County
Towson, Maryland 21204

Dear Sir:

We wish to express our support for Dr. Bruce Lazarov in his quest to obtain a Special Exception. We believe that Dr. Lazarov should have the right to practice his chosen profession from his home.

Dr. Lazarov's office is convenient for us, as we are a neighbor. Parking is not a problem at his office.

Dr. Lazarov detected the potentially serious growths on our daughter's right and left eyelids. He recommended a highly competent Ophthalmic Surgeon, Dr. Alvin Kronthal, who removed the growths from each eyelid before any permanent damage had occurred. We are thankful that Dr. Lazarov detected these growths in their early stage.

We trust Dr. Lazarov, and look forward to seeing him professionally at his home office.

We recommend that Dr. Lazarov be granted the Special Exception.

Cordially,

Mrs. Margaret Kelbaugh

Margaret R. Kelbaugh
11417 + 11421 Shawan Rd.
Cockeysville, Maryland
666-7456 21030

Rob Miller, One Construction, Inc.
1821 Blaisfield Circle
Lutherville, Maryland 21093

Zoning Commissioner for
Baltimore County
Towson, Maryland 21204

Dear Sir:

I wish to express my support for Dr. Bruce Lazarov in his efforts to obtain a Special Exception, which would allow him to practice his profession from his home.

I have known both Dr. and Mrs. Lazarov for several years. Dr. Lazarov is a professional whose judgement I trust. His office is convenient for us and for my family. I do not have to fight traffic to get to his office. Nor is finding a parking space a problem at his office.

His office is good for the neighborhood, for it promotes stability. As a homeowner, and a taxpayer, I am all in favor of stable neighborhoods, because they stabilize and maintain high property values.

I personally recommend that he be granted the Special Exception.

Cordially,

Rob Miller
Rob Miller, President
One Miller Home Construction, Inc.

November 30, 1982

Zoning Commissioner of Baltimore County
Towson, Maryland 21204

In as much as I cannot attend the meeting on December 7, 1982 at 10:15 a.m. in support of Dr. Lazerow seeking the right to have Optometric practice in his home, I would like to give my support by sending this letter to add to all the others in favor of such a request.

I feel it would be to an advantage to have an Optometrist in the community for the benefit of the local patients as well as the one's who may have to travel to his office for the following reasons:

advantage of the ease of parking
convenience of office directly in the home
office hours more suitable for working people (like myself)
also I feel if the office is in the home and a good practice is established there is more surety of the doctor remaining in the neighborhood
an Optometrist of this caliber and reputation surely would be advantageous to our community

I hope all of these suggestions will be given serious consideration on behalf of Dr. Lazerow and we will have an Optometrist in the neighborhood who is dedicated and caring for his patients.

Sincerely,

Mildred L. Byers
13204 Falls Road
Cockeysville, Maryland 21030

November 24, 1982

Zoning Commission
Baltimore County
Towson, Maryland

Dr. Lazerow has been our family optometrist for the last few years and as such is responsible for the eye care of my wife, children and myself.

We feel that our family would be hard pressed to find another doctor who would be as responsive and considerate of our needs, should Dr. Lazerow be forced to close his office.

Very truly yours,

Stephen A. Blako
Vice President
Finance and Administration

WEBSTER MEN'S WEAR

Executive Offices / 1800 Woodlawn Drive / Baltimore, Maryland 21207 / (301) 944-8811

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Carroll J. Holzer, Esquire
TO: County Solicitor Date: April 14, 1977
THRU: Mr. Randolph B. Rosencrans, County Administrative Officer
FROM: Mr. S. Eric DiNenna, Zoning Commissioner
SUBJECT: Request for Legal Opinion

Attached herewith, please find correspondence from Dr. Steven F. Sopher, dated March 29, 1977.

Would you be so kind as to advise me whether or not an optometrist would be considered a "professional person" and, therefore, fall within the General Use Regulations, Section 1B01.1.A.14.e. of the Baltimore County Zoning Regulations.

S. Eric DiNenna
Zoning Commissioner of
Baltimore County

SED/arl

Attachment

Dr. Steven F. Sopher
7410 Prince George Road
Baltimore County, Md. 21208
March 29, 1977

Dear Mr. DiNenna:

I am in receipt of letter from Mr. Commodore denying my request to open an optometrist's office at my residence: 7410 Prince George Road, Baltimore County, Md. 21208. I was very much disturbed since I have read the Code as relates to my situation and felt that I fell into the category of "other professional persons."

I have correspondence from the Department of Health and Mental Hygiene (Dr. Neil Solomon's office) where I am referred to as "doctor" and relates to those that I administer to as "my patients". This reinforces my position as a "professional person."

I respectfully request that a legal interpretation be obtained from the County Solicitor defining Sections 101 (Home occupation) and 1B01.1.A.14.e (Density residential zones) of the Code as applies to "professional persons."

Your quick reply will be appreciated.

Sincerely,

Dr. Steven F. Sopher

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 434-3351

S. ERIC DINENNA
ZONING COMMISSIONER

December 22, 1977

Dr. Bruce L. Lazerow
7909 Stevenson Road
Pikesville, Maryland 21208

RE: Optometric Practice on
Residential Premises
Stevenson Road - 3rd
Election District

Dear Dr. Lazerow:

Reference is made to your letter of December 1, 1977, requesting information on the above referenced matter.

Please be advised that this office has recently obtained a legal interpretation from the County Solicitor indicating that an optometrist should be considered as a professional person whose offices would be permitted as a matter of right in all Density, Residential (D.R.) Zones, under Section 1B01.1.A.14.e. of the Baltimore County Zoning Regulations.

Therefore, on the basis of this interpretation, this office will process a change of occupancy permit for the proposed use. My only stipulation is that no commodity be kept for sale on the premises. In other words, any eye glasses kept on the premises should be used for the purpose of determining the type of glasses and/or lenses that are to be prescribed; the actual sales of the glasses must take place at a commercially zoned outlet.

If you have any further questions concerning this matter, please feel free to contact this office.

Very truly yours,

S. ERIC DINENNA
Zoning Commissioner

SED/JED/scw
cc: Mr. George J. Martinak, Deputy Zoning Commissioner
Mr. James E. Dyer, Zoning Supervisor

FALLS ROAD COMMUNITY ASSOCIATION, INC.

P.O. BOX 6796
TOWSON, MARYLAND 21204

December 29, 1982

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

Dear Commissioner Hammond:

This letter is in reference to the petition of Bruce L. Lazerow, case #83-131-x for a special exemption to use the property at 7909 Stevenson Road for the accessory use of optometry in an RC-5 zone. The hearing in connection with this case was held on December 7, 1982.

At the time of the hearing our Association had little information relative to the details of the petition. Following the hearing a community meeting was held on December 13, 1982 at which time Dr. Lazerow, by invitation, presented his plans to his neighbors, and a discussion was held. At a meeting of the officers and Board of Directors of the Falls Road Community Association held on December 16, 1982, we covered all of the information we had obtained.

We concluded that the inclusion of Optometry in the professional category under the existing zoning regulations is subject to question. It was the feeling of our Board that services rendered in connection with eye examination and determination and prescription of proper corrective devices do appear to qualify as professional activities. However, the dispensing of optical corrective materials, which is probably the dominant activity, seems to place this petition in a commercial use category. We believe that this view is also reflected in the opinion issued on May 27, 1977 by the Baltimore County Solicitor, J. Carroll Holzer, in connection with a similar case in a different zoning category.

The Board was also concerned that there may be a public safety issue involved due to the access to Falls Road that Dr. Lazerow's patients would be provided from this location. The intersection at Ridge and Falls Roads should be subjected to a traffic review and we have asked the State Motor Vehicle Traffic Division Director at Brooklandwood to do so. We request that you take these issues into consideration in arriving at your decision.

Sincerely,

Peter E. Dans
President

PED/vcl

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna Date: May 27, 1977
FROM: Office of Law
SUBJECT: Request for Legal Opinion-Professional Persons
under Section 1B01.1.A.14.e
Subdivision Regulations

Your question concerns whether an optometrist's office constitutes an accessory use, permitted as of right, under Section 1B01.1.A.14.e. of the Baltimore County Zoning Regulations. That section permits in D.R. Zones,

"Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona fide residence; does not occupy more than 25 per cent of the total floor area of such residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees." (emphasis added) The phrase, "or other professional person," is meant to expand the scope of permitted activities beyond those listed. Otherwise, the regulation would be vulnerable on the ground that it is arbitrary or discriminatory as against other professions or occupations not named, because it would treat the designated professions in terms of traditional accessory uses of residence property, but on the basis of a specifically permitted additional use exercisable only with respect to specific occupations. See generally, 1 Rathkopf, The Law of Zoning and Planning, at 23-16.

An optometrist, as one who examines the eye for defects and faults of refraction and prescribes correctional lenses or exercises, should be considered a "professional person" within the meaning of this section, of the regulations. However, consideration should be given to define the primary accessory use as a professional office use as opposed to an accessory use which is primarily a commercial activity. A primary accessory commercial use would be beyond the scope of the practice of a professional occupation within the meaning of this regulation.

J. Carroll Holzer
County Solicitor

Julius W. Lichter
Assistant County Solicitor

JCH:JWL:bbr

MARYLAND OPTOMETRIC ASSOCIATION

INCORPORATED
3601 Clarks Lane Imperial Apartments, Suite 4A-Baltimore, Maryland 21215 Phone (301) 764-6700

President
HOWARD LEVIN, D.D.
President - Elect
ERIC COHEN, D.D.
Vice - President
MONROE STOKES, D.D.
Vice - President
RICHARD PIEL, D.D.

Treasurer
G. WILLIAM SEABOLD, D.D.
Secretary
RONALD BERGER, D.D.
Administrative Director
WILLIAM S. FISHER, Ph.D.

December 16, 1982

Honorable William E. Hammond
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Sir:

As President of the Maryland Optometric Association, I am writing this letter to further amplify and explain the petition of Bruce L. Lazerow, D.D., for special exemption - that would allow this optometrist to maintain a professional office in his residence (12901 Falls Road, Baltimore County). It is my understanding that a hearing for this special exemption case was scheduled and held on December 7, 1982 at 10:15 a.m. I shall attempt to set forth the position of our professional association.

It has long been precedent for optometrists to maintain professional offices in their homes throughout the state of Maryland. Rarely, has there ever been any question concerning the professional expertise or public need for optometrists to exist in neighborhoods throughout the state. Approximately eighty percent of all people initially seeking eye care do so in optometric offices. Optometrists examine the very young - particularly dealing with school related vision problems - as well as giving vision care to all other segments of the population. They specialize in contact lenses, low vision, treatment for the partially sighted, perceptual and developmental vision, and especially in good basic eye care. Often the elderly and the very young find it difficult to seek eye care out of their immediate neighborhoods. Optometrists over the years have met their needs in their role of family vision specialists.

As you know, optometrists are professionals who are licensed under Section 10-101 et seq. of the Health Occupations Article of the Maryland Code. Optometrists in the state of Maryland are regulated by the Board of Optometric Examiners in Optometry which is appointed by and solely responsible to the Governor of the state of Maryland.

"Synopsis of Education for the Health Professions"
Committee of Presidents of the Health Professions Educational
Associations,
Association for Academic Health Centers, 1976.



Newton Williams and Scott Barhight, Esqs.
James Norman
Arthur McComas
John Reisinger
Martha Lessner
John Stude
Bruce Lazerow
J. Hessian
J. Dyer
W. Hammond
N. Gerber
J. Hoswell

District Fth Date of Posting May 19, 1983
 Posted for: Reppol
 Petitioner: Bruce L. Leggett et al
 Location of property: E/S of Falls Road 1/4 E.O.N of Ridge Road
 Location of Sign: East side of Falls Road, approx. 50' North of Ridge Road.
 Remarks: sign replaced May 24, 1983
 Posted by: M. J. [Signature] Date of return: May 27, 1983
 Number of Signs: 1

Cost of Advertisement, \$ 19.25

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, CG, CA										
Reviewed by: <u>U. Can</u>			Revised Plans: Change in outline or description _____ Yes _____ No							
Previous case: _____			Map # <u>2D</u>							

Iye # 53

District 8th Date of Posting 11-19-82
 Posted for: Afficial Exception
 Petitioner: Bruce L. Langer et al
 Location of property: E/S Falls Road 150' N of Ridge Road
 Location of Signs: on front of 12901 Falls Road approx
60' north of Ridge Road
 Remarks:
 Posted by: [Signature] Date of return: 11-26-82
 Signature
 Number of Signs: 1

RECEIVED
DATE 9/13/82 ACCOUNT 01-662
\$
AMOUNT 100.00
RECEIVED FROM Not on plunk + Williams
Filing for Van Iten #53
FOR for Lutz
\$ 001*****100000 8148A
VALIDATION OR SIGNATURE OF CASHIER

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

Your Petition has been received this 13th day of September, 1983

Filing Fee \$ 100.00 Received: ☒ Check
☐ Cash
☐ Other

Item # 53

William E. Hammond, Zoning Commissioner

Petitioner Bruce L. Lawrence Submitted by Newton Williams

Petitioner's Attorney Same Reviewed by Law

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

consider an office of this type to be offensive as well as an annoyance and nuisance.

5. The paving of a large parking area adjacent to some properties will cause additional water run off whereby having a bad environmental effect.

6. Any decision that would permit the operation of this business would be detrimental and we respectfully request a hearing before the commission if such a decision has been or ever is requested by any occupants of Bellwood.

7. Approval of this office would establish a precedent for any future requests for offices in this community and/or neighboring communities. We are strongly opposed to this and view it as being detrimental to the entire rural/residential Falls Road area.

If any further steps should be taken on our part, we would appreciate being notified. At this point we are placing our complaint in your hands and will be waiting to hear the outcome.

Thank you for your time and anticipated cooperation.

Please Note: Below signatures
3 pieces of 100% of home owners
in Bellwood!

Sincerely,
Concerned Citizens of Bellwood
12901 Falls Road
Cockeysville, Maryland 21032

Handwritten signatures and notes:
1. Mr. & Mrs. L. L. Laster, Jr.
2. Mr. & Mrs. L. L. Laster, Jr.
3. Mr. & Mrs. L. L. Laster, Jr.
4. Mr. & Mrs. L. L. Laster, Jr.
5. Mr. & Mrs. L. L. Laster, Jr.
6. Mr. & Mrs. L. L. Laster, Jr.
7. Mr. & Mrs. L. L. Laster, Jr.
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53. Mr. & Mrs. L. L. Laster, Jr.
54. Mr. & Mrs. L. L. Laster, Jr.
55. Mr. & Mrs. L. L. Laster, Jr.
56. Mr. & Mrs. L. L. Laster, Jr.
57. Mr. & Mrs. L. L. Laster, Jr.
58. Mr. & Mrs. L. L. Laster, Jr.
59. Mr. & Mrs. L. L. Laster, Jr.
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88. Mr. & Mrs. L. L. Laster, Jr.
89. Mr. & Mrs. L. L. Laster, Jr.
90. Mr. & Mrs. L. L. Laster, Jr.
91. Mr. & Mrs. L. L. Laster, Jr.
92. Mr. & Mrs. L. L. Laster, Jr.
93. Mr. & Mrs. L. L. Laster, Jr.
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95. Mr. & Mrs. L. L. Laster, Jr.
96. Mr. & Mrs. L. L. Laster, Jr.
97. Mr. & Mrs. L. L. Laster, Jr.
98. Mr. & Mrs. L. L. Laster, Jr.
99. Mr. & Mrs. L. L. Laster, Jr.
100. Mr. & Mrs. L. L. Laster, Jr.

Dec. 6, 1982

To whom it may concern:

Please consider this written statement a clear reflection of our feelings regarding the request of Mr. Lazerow to be granted a special exception to maintain an office for the practice of Optometry in his residence. We are adamantly opposed to this request on the grounds that if one office is allowed to be maintained a precedent will be set and a snowball effect will ensue.

This area is composed of totally residential neighborhoods, and lots were bought and homes established with this intent.

If Mr. Lazerow is granted a special exception and is allowed to operate a public business at his residence we will consider this act a clear violation of our rights as property owners along the Falls Road Corridor.

Thank you,

Handwritten signature: L. L. Laster, Jr.

Mr. & Mrs. Lewis F. Laster, Jr.

Handwritten signature: L. L. Laster, Jr.

Handwritten signature: L. L. Laster, Jr.

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Handwritten signature: L. L. Laster, Jr.

PROTESTANT'S
EXHIBIT 4

12-2051
Ad and 204
9/1/83

9/1/83

Handwritten note:
L. L. Laster, Jr.
12901 Falls Road
Cockeysville MD 21032

Mr. Arnold Jablon
Young Commission Baltimore County
111 W. Chesapeake Ave
Towson Md 21204



Sir,
It is requested that pictures submitted
on behalf of the Concerned Citizens of Bellwood in connection
with zoning hearing case # 83-131-X (Payrowline) be
returned. They are needed for a pending civil case
case in October 1983. The specific pictures are
those of a road being used and blocked with automobiles
by Mr. Payrow and was submitted by James Norman
in the above zoning hearing held by Mr. Hammond
Thank you for your help
James Norman

Dr. E. R. Werthamer
Professional in Optometry
131 South Broadway
Baltimore, Maryland 21201
Telephone (301) 327-3333

December 6, 1982

Zoning Commissioner of
Baltimore County
Towson, Maryland 21204

Dear Sir:

Most optometrists believe their professional services begin with the patient's complaints and history and finish with the dispensing of any eyewear, if necessary. Those optometrists would feel remiss in their professional duties, if they did not follow their patients' cases through to their logical conclusion.

Not permitting optometrists to dispense eyewear to their own patients would be analogous to a dentist, whose treatment modality in a particular case would be an upper plate, but who is not allowed to fulfill that professional function, because the office is in the home of a homeopathic physician, whose treatment would be a certain medication that he would not be permitted to dispense because of zoning regulations.

I strongly urge the Baltimore County Zoning Board both as an optometrist and a Baltimore County Resident, to permit optometrists to dispense eyewear to their own patients, which is part of their professional functions as outlined by the Board of Examiners in Optometry of the State of Maryland.

Sincerely yours,

Handwritten signature: Egon R. Werthamer
Egon R. Werthamer, O.D.

ERM/pc

PETITIONER'S
EXHIBIT 4



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 484-3361
S. ERIC DINENNA
ZONING COMMISSIONER

January 25, 1978

PETITIONER'S
EXHIBIT 6

RE: Optometric Practice Within
Bona Fide Residence

Dear Dr. Lazerow:

Reference is made to your letter of December 1, 1977, requesting information on the above referenced matter, and my letter of December 22, 1977, which inadvertently made reference to the wrong site.

Please be advised that this office has recently obtained a legal interpretation from the County Solicitor indicating that an optometrist should be considered as a professional person (similar to physicians or dentists), whose offices would be permitted as a matter of right in all Density, Residential (D.R.) Zones, as limited by Section 1B01.1.A.14.e. of the Baltimore County Zoning Regulations (see enclosure). Said use would also be permitted in Resource Conservations (R.C.) Zones and would be limited as aforesaid.

Therefore, on the basis of this interpretation, this office will process a change of occupancy permit for the proposed use or will approve such a use as part of a new residence building application. My only stipulation is that no commodity be kept for sale on the premises. In other words, any eye glasses kept on the premises should be used for the purpose of determining the type of glasses and/or lenses that are to be prescribed; the actual sales of the glasses must take place at a commercially zoned outlet.

If you have any further questions concerning this matter, please feel free to contact this office.

Very truly yours,

Handwritten signature: S. Eric Dinenna
S. ERIC DINENNA
Zoning Commissioner

SED:JED:rmw
Enclosure
cc: Mr. George J. Martinak, Deputy Zoning Commissioner
Mr. James E. Dyer, Zoning Supervisor

Handwritten note:
Nov. 27, 1982
Dear Sir:
Dr. Bruce Lazerow has a very convenient location to us. It's 2 homes to our left. There's probably more like mine than I or 3 cars there at any one time. It will be most beneficial to the work force people. The office will be an asset to our community. My husband is extremely pleased with Dr. Lazerow's treatment of him, in particular. Sincerely,
Mrs. Mrs. Norvill C. Griffin
12923 Falls Rd.
Cockeysville,
Md 21032
Phone # 262-2623

Handwritten note:
Wednesday
Dec. 15, 1982
Dear Sirs:
Having lived in this area for quite some time and being a close neighbor of Dr. Bruce Lazerow, we suggest and strongly recommend that he be allowed to practice Optometry in the confines of his home. This man's moral character and competence as an excellent optometrist is unquestioned. We also believe that an overwhelming majority of the residents of this area side of the same opinion. We would be most grateful to you for forwarding this recommendation.
Very truly yours
Mrs. Jack L. Fenwick
and Brother, James M. Fenwick

GENEVA HILL
1151 FALLS ROAD
COCKEYSVILLE, MARYLAND 21032

November 30, 1982

Zoning Commissioner of Baltimore County
Baltimore County Courthouse
Towson, Maryland 21204

Dear Sir:

I understand that a hearing for a Special Exception will be held soon on the issue of an Optometric office for Dr. Bruce L. Lazerow in his home at 12901 Falls Road. I would like to express my very strong support for the granting of this special exception for the following reasons:

1. It is an enormous convenience for residents of this area to have access to an optometric professional close at hand during evening hours. We have three school-age children, and find it extremely difficult to get them to their annual eye examinations in a far-way office during "normal business hours".
2. It is a vital element of public safety to have someone like Dr. Lazerow in our neighborhood. Last summer I injured my eye while cutting wood at my home, and was able to have professional advice from Dr. Lazerow in less than 5 minutes. My only other alternative was to drive 20 minutes to the emergency room at GWMC, but I couldn't see to drive. For this reason, if for no other, it is in the public interest to find ways to encourage people like Dr. Lazerow to live and work in our community.
3. Dr. Lazerow has taken extensive pains to provide adequate private parking area and comfortable waiting and examining rooms at his home office. His home is the first one on the driveway to his property off Falls Road, so his patients pass no other homes on their way to his office. His office is invisible from outside the home. Neighborhood children should not be at any risk from traffic to his office since it passes through no one else's property. I believe that the provisions he has made for the comfort of his patients and the convenience of his neighbors will make his practice an asset to the neighborhood.

4. Homes in Baltimore County are becoming increasingly more expensive, and if we are to have any hope of balanced neighborhoods we need to find ways to make it possible for people other than the already-affluent to live here. One way to make it possible for young developing professional people to live here is to make it possible for them to practice their profession in their home. This has the obvious advantage of permitting them to develop incremental income, but it also has a substantial federal income tax advantage for expensing a home office.

Because of the substantial advantages to the whole Falls Road and Baltimore County community of having Dr. Lazerow's practice available at his home, I hope you will consider the broad public welfare and not just the verdicts of a few and will grant the Special Exception which he is requesting.

Sincerely yours,

Handwritten signature: Roger A. Horn
Roger A. Horn

WILLIAM E. HAMMOND
ZONING COMMISSIONER

November 22, 1982

Newton A. Williams, Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
E/S Falls Rd., 180' N of Ridge Rd.
Bruce L. Lazerow, et ux - Petitioners
Case #83-131-X Item #53

Dear Mr. Williams:

This is to advise you that \$57.55 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room #13, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

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

No. 113036

DATE 12/27/82 ACCOUNT R-01-615-000

AMOUNT \$57.55

RECEIVED FROM Dr. Bruce L. Lazerow
FOR Advertising & Posting Case #83-131-X

0 DEPOSITED 7/20/83 F202A

VALIDATION OR SIGNATURE OF CASHIER

31957-638177

PETITION FOR
SPECIAL EXCEPTION
In: Towson District
ZONING: Petition for Special
Exception
LOCATION: East side of Falls
Road, 180 ft. North of Ridge
Road
DATE & TIME: Tuesday, De-
cember 7, 1982 at 10:15 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 Exception for an office
of a professional person (optometrist) on
an accessory use in an R.C. 3 zone
All that parcel of land in the Eighth District
of Baltimore County
Beginning for the same at a point 180 feet
north of the intersection of Falls Road and
Ridge Road located on the East side of
Falls Road and being located at Lot 15, Sec-
tion 1, of the "First Annapolis Plan of Sub-
division" said plat dated April 22, 1929, and
recorded among the First Book Records of
Baltimore County in Plat Book E.P.M., Jr.
at Page 21. Containing 3.000 acres of land,
more or less. Also being known as 1801
Falls Road.
Being the property of Bruce L. Lazerow, et
ux, as shown on plat plan filed with the
Zoning Department.
Hearing Date: Tuesday, December 7,
1982 at 10:15 A.M.
Public Hearing: Room 106, County Office
Building, 111 W. Chesapeake Avenue, To-
wson, Maryland.
BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY
28457-130177

CERTIFICATE OF PUBLICATION

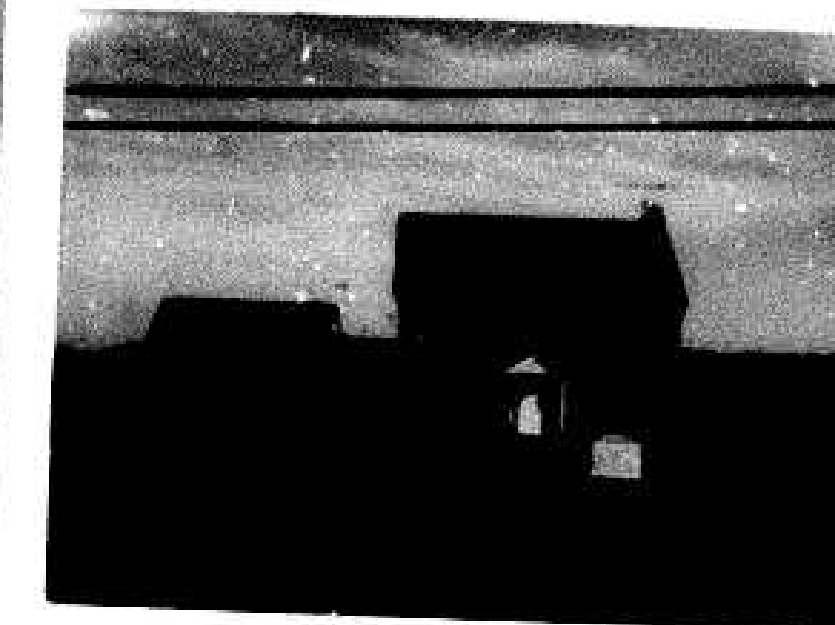
TOWSON, MD. 12/19/1982

THIS IS TO CERTIFY, that the annexed
advertisement was published in THE TOWSON
TIMES, a weekly newspaper distributed in
Towson, Baltimore County, Md., once a
week, for 1 successive weeks,
the first publication appearing on the
17th day of Nov 1982.

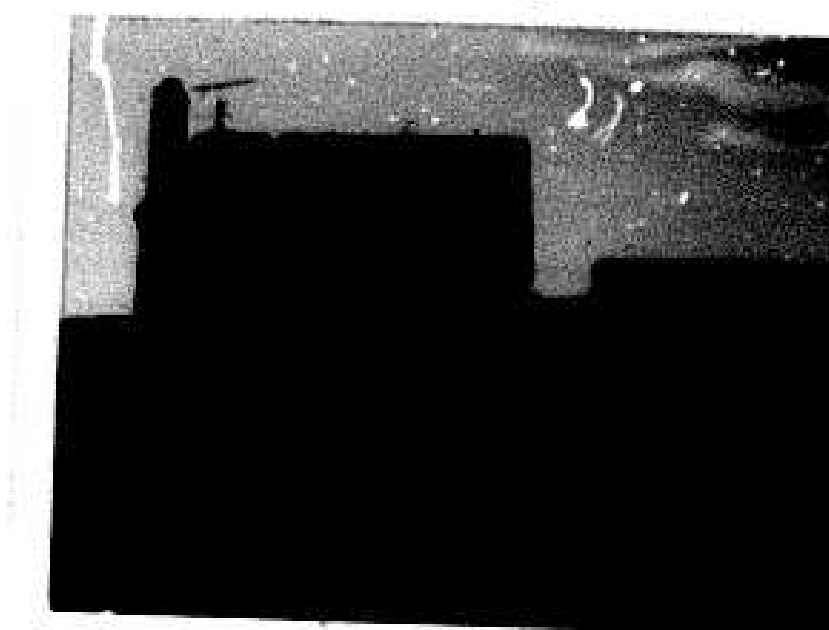
THE TOWSON TIMES

Norman Angell

Cost of Advertisement, \$ 33.30



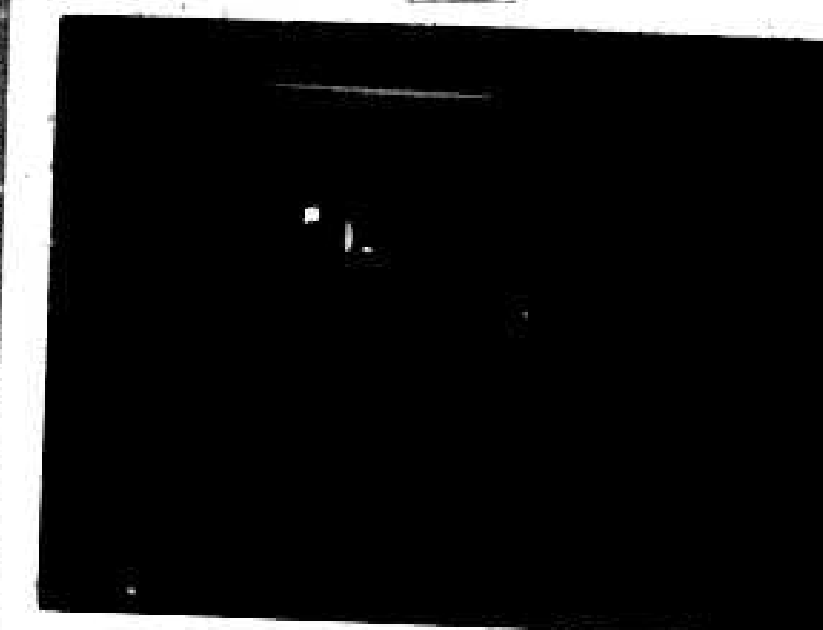
A The Lazerow home.



B. Rear view of the Lazerow home.



C. Rear stairway to home professional office.



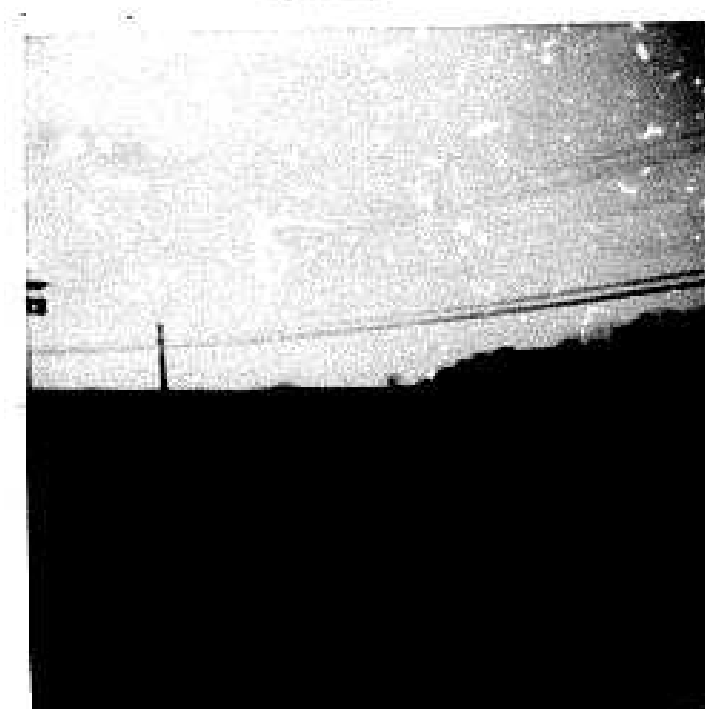
D. Optometrist office, view from driveway.



E. Optometrist office, view looking towards waiting room.



F. Optometrist office, waiting room.



G. Looking SW/ly from Lazerow home down Falls Road.



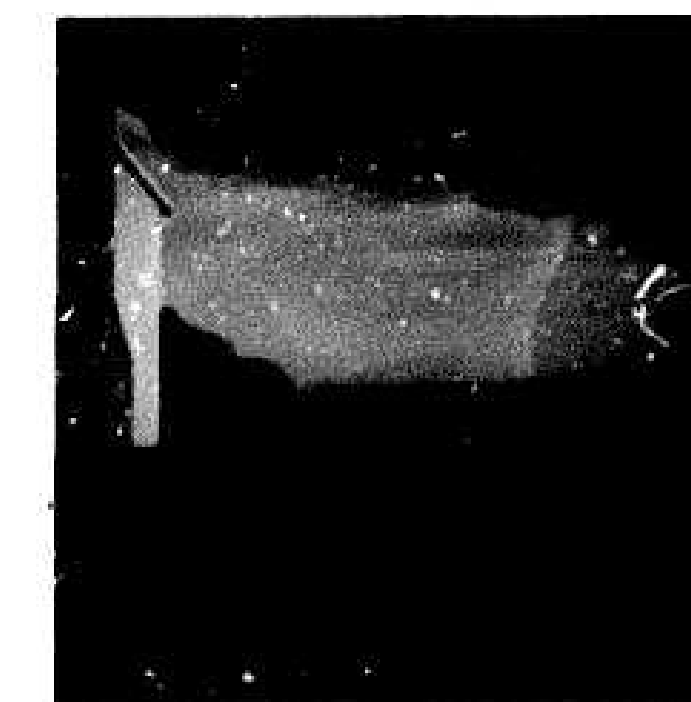
H. Looking W/ly from Lazerow home toward Ridge Road.



I. Looking NW/ly from Lazerow home up Falls Road.



M. View of Norman home from rear of Lazerow home.



N. Looking NE/ly past Lazerow home.



J. Parking lot, looking E/ly past Lazerow home.

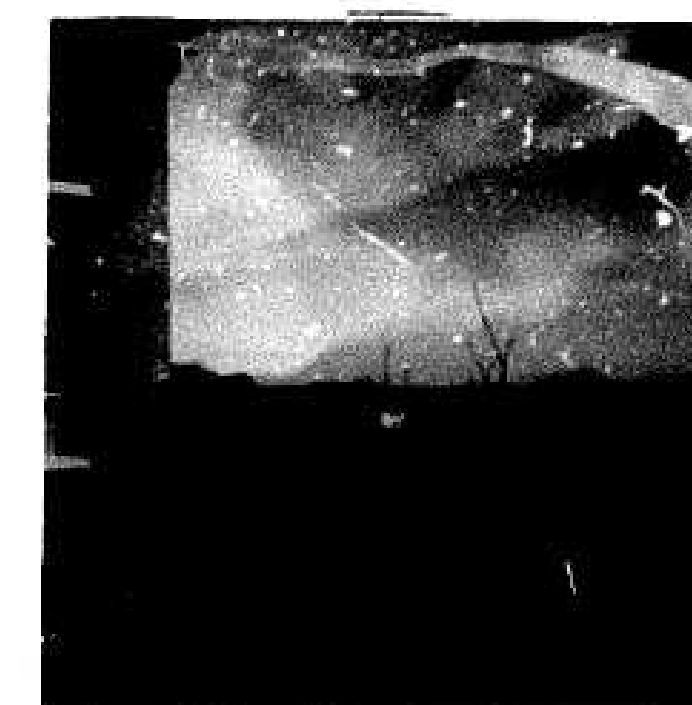


K. Looking NE/ly past Lazerow home Norman home on left.



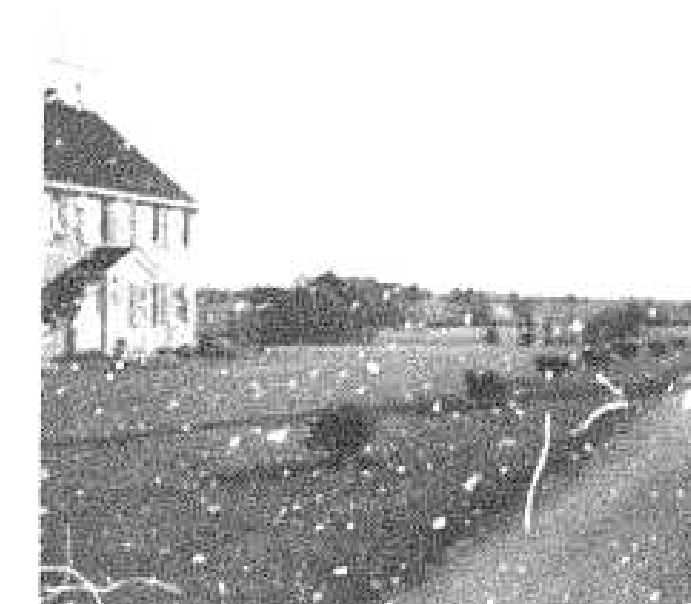
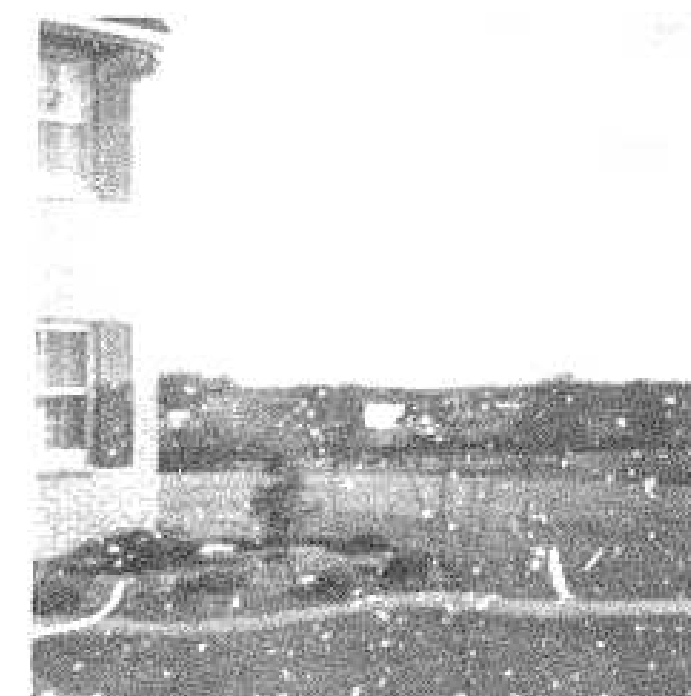
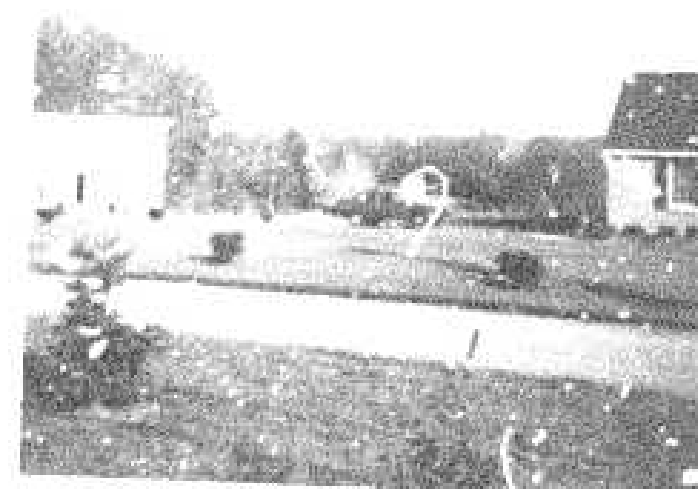
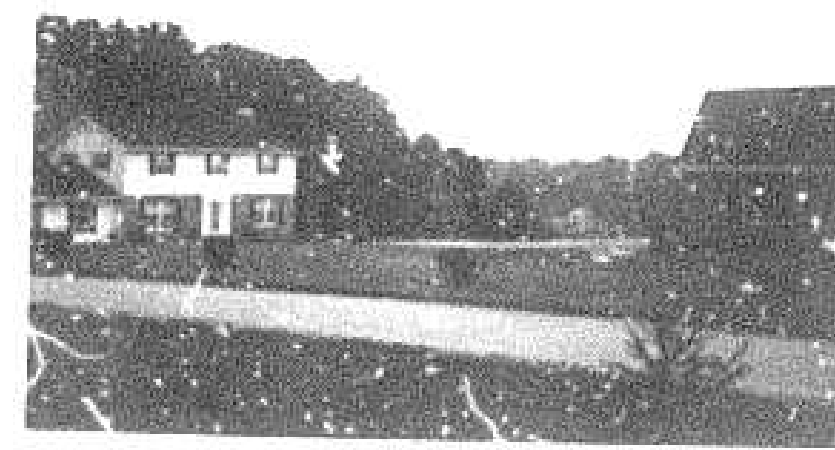
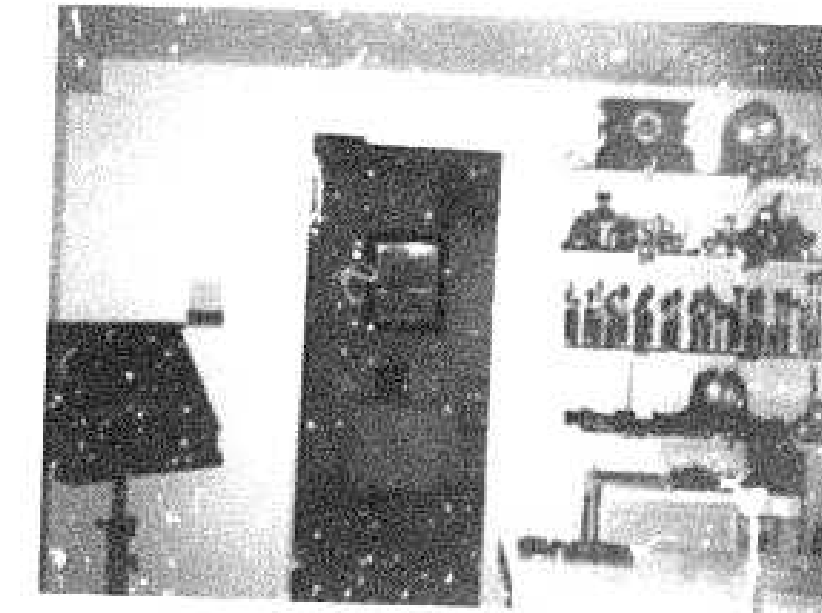
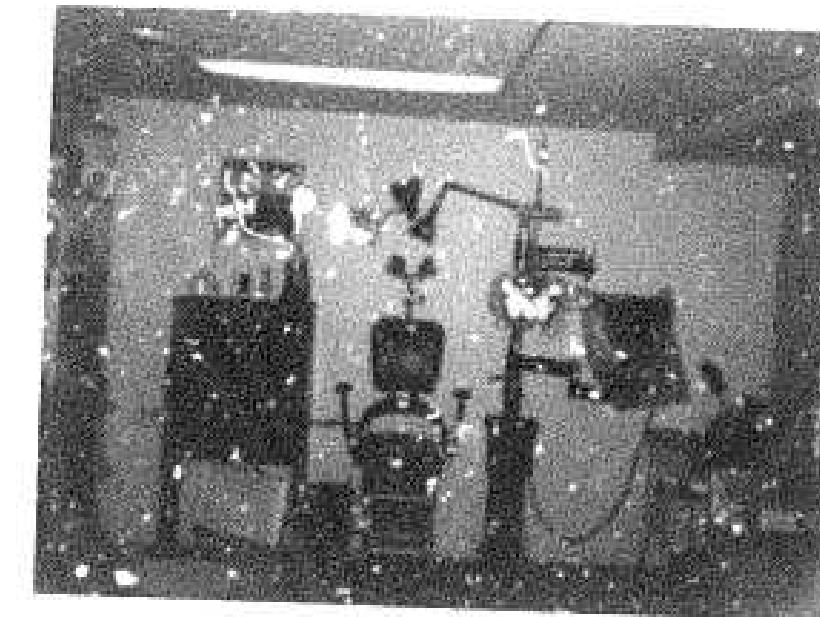
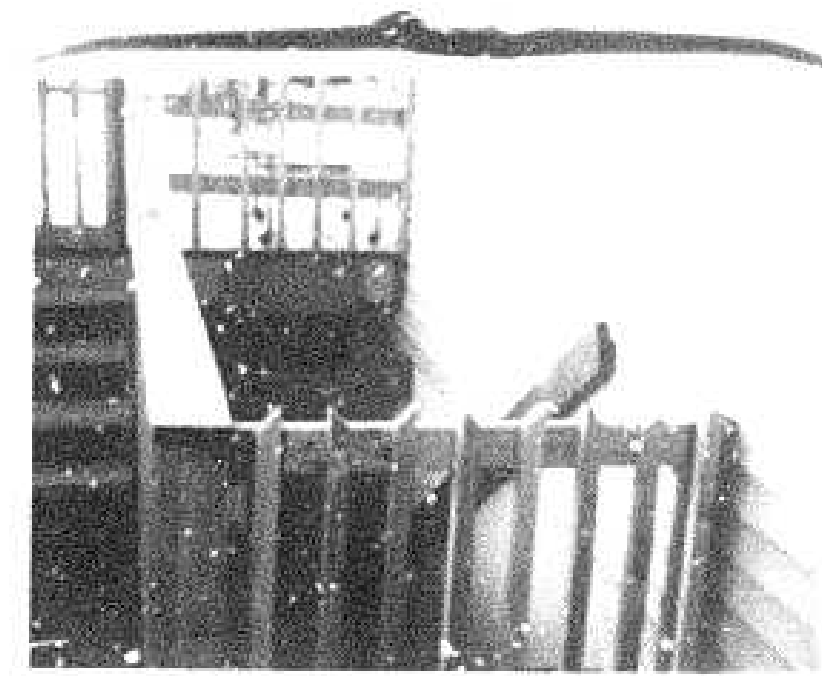
L. E/ly view of Lazerow home across Falls Road and back.

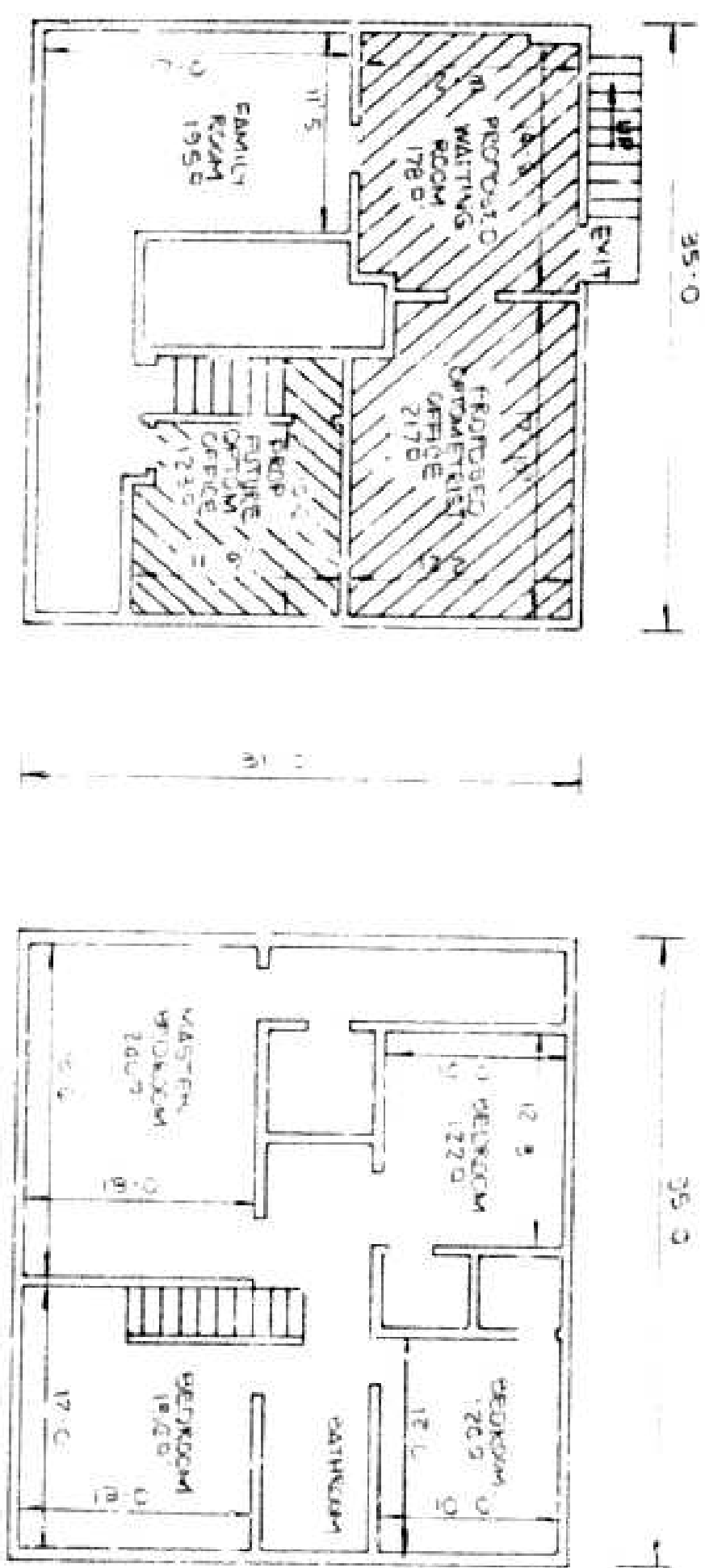
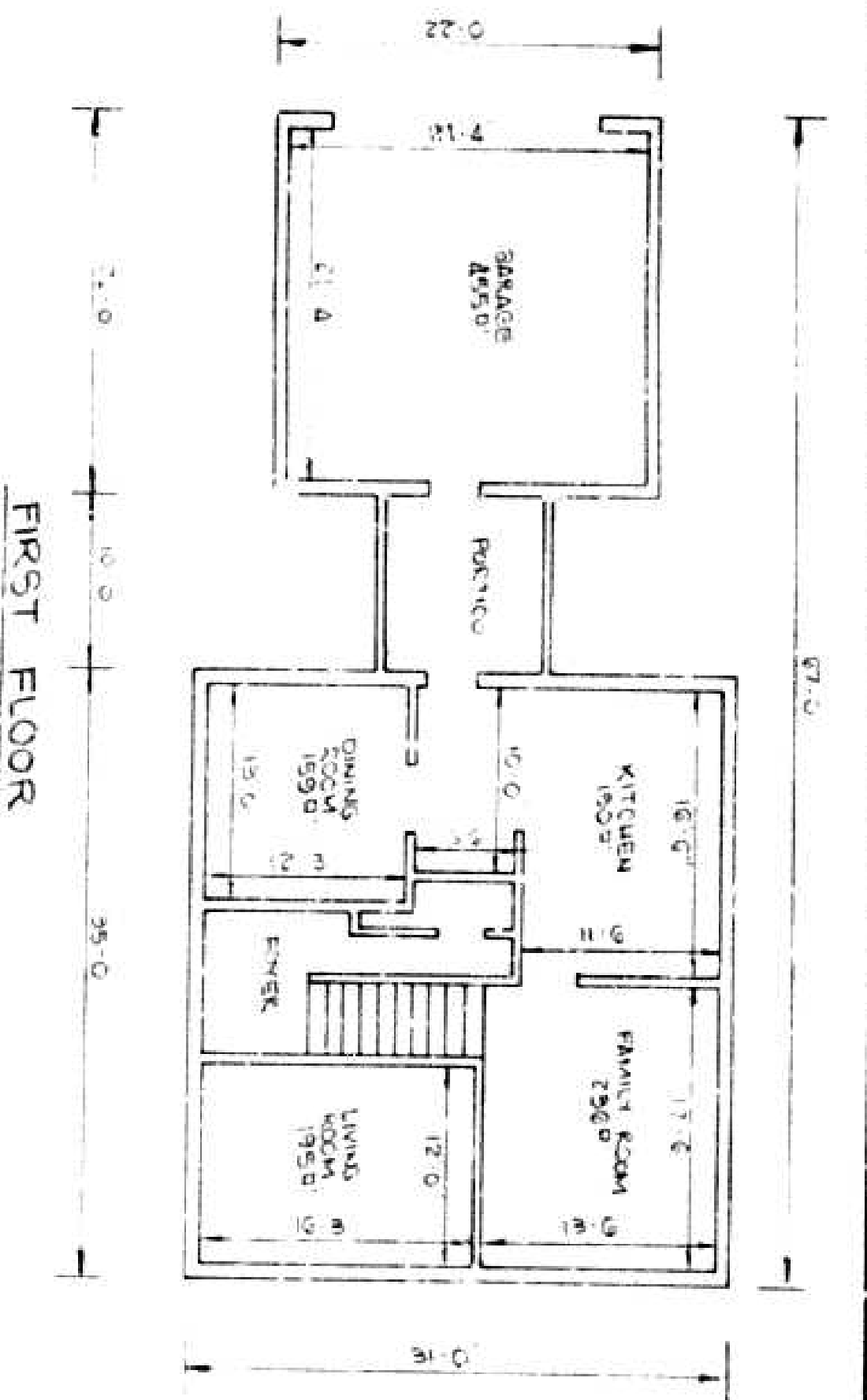
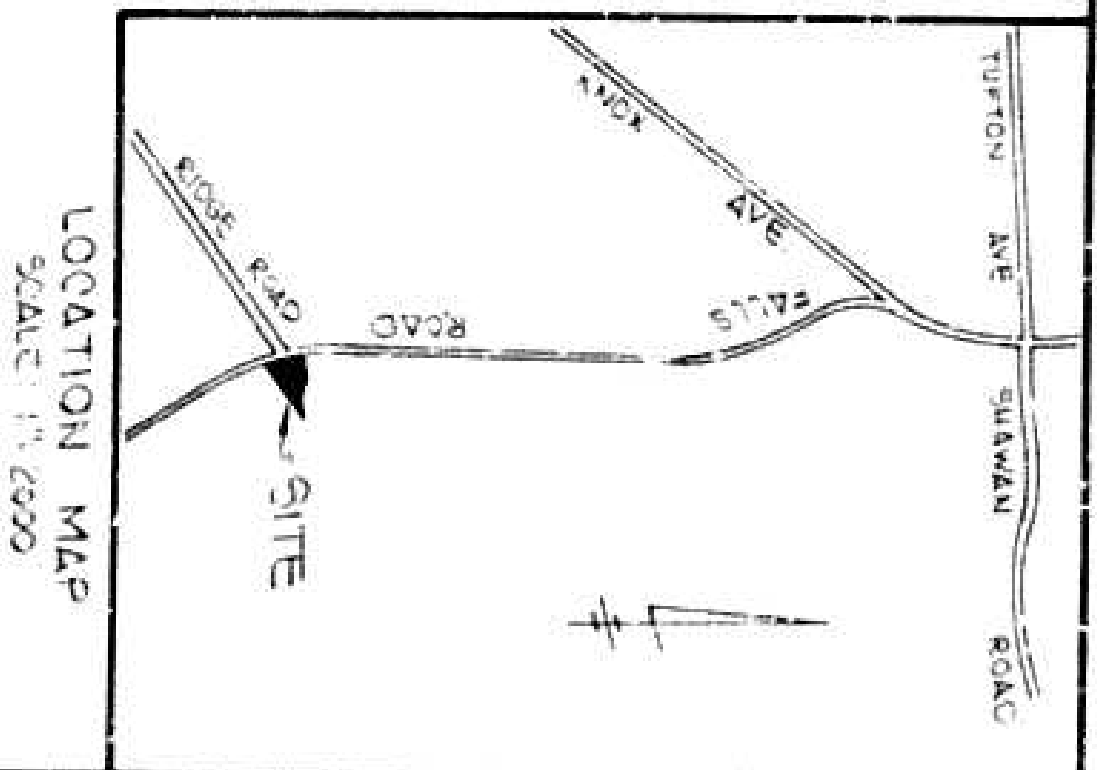
2. Looking SE/ly past Lazerow home.



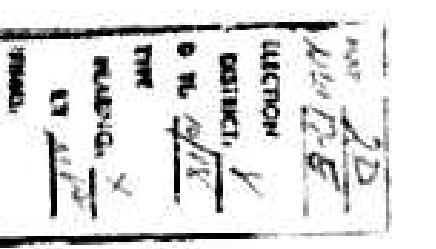
P. Looking SE/ly past Lazerow home.







FLOOR PLANS
SCALE 1/8" = 1'-0"



PLAT TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION
AT
#12901 FALLS ROAD
BALTIMORE COUNTY MD
AUGUST 27, 1982

LOT 1B - SECTION 1
FIRST AMENDED PLAT OF
"DELL-WOOD"
7.462

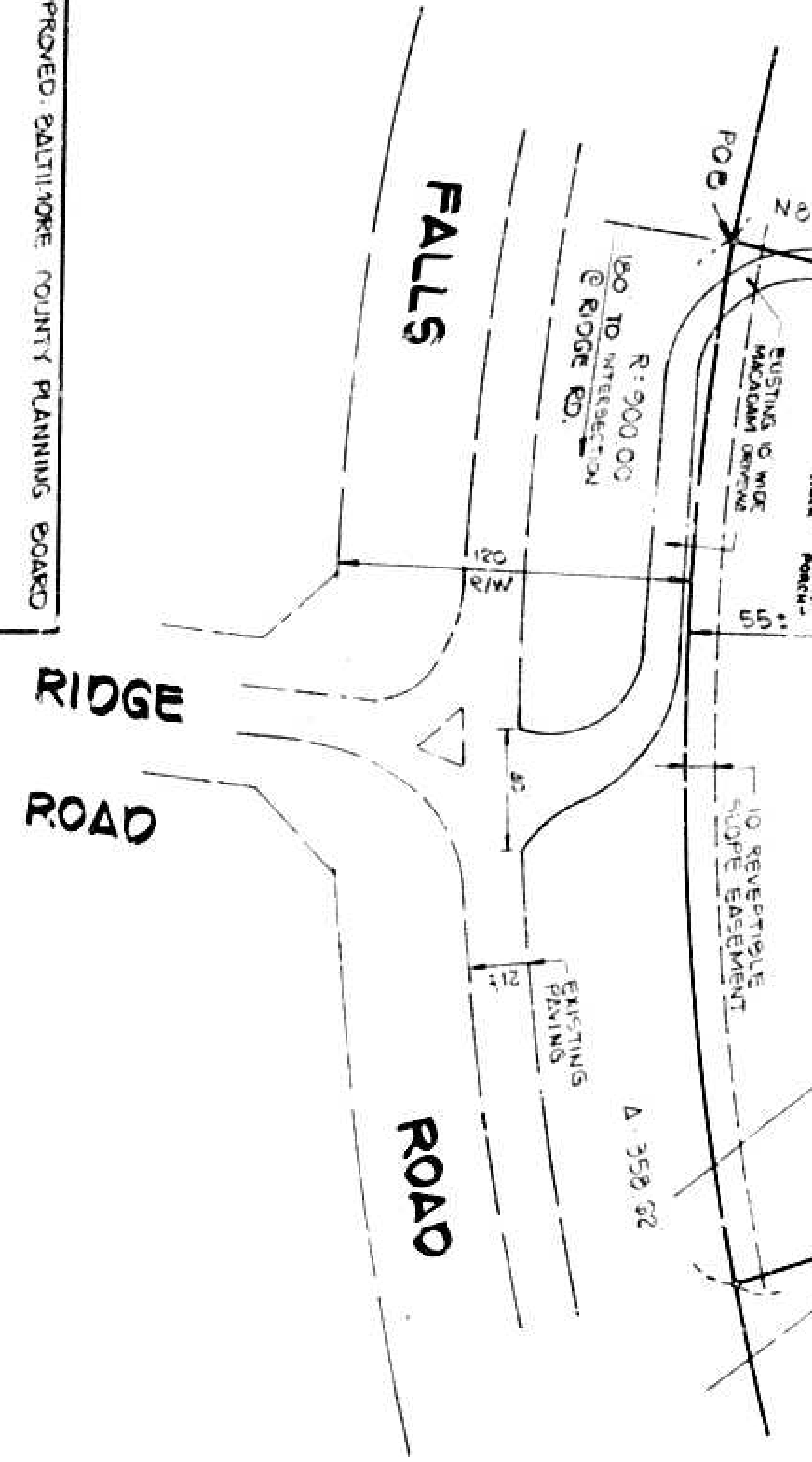
MCKEE & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1117 YORK ROAD - LUTHERVILLE, MD. 21093



NOTES
1. MAX. NO. OF EMPLOYEES: 2
2. NO CHANGES TO EXISTING OR PLANNED
3. PLAT TO ACCOMPANY SPECIAL EXCEPTION
TO FALL 12A, 22, 105, 22
SECTION 1A04, 2B

DATA
1. GROSS AREA OF SITE: 2.000 AC.
2. BUILDING SIZE:
FIRST FLOOR: 1125.0
SECOND FLOOR: 1085.0
TOTAL: 2210.0
3. AREA OF BUILDING TO BE USED FOR PROPOSED OPTOMETRIST OFFICE: 512.0
4. PERCENT OF BUILDING AREA TO BE USED FOR PROPOSED OPTOMETRIST OFFICE: 512.0 / 2210.0 = 23.2%
5. PARKING DATA: (OFF-ON-RESERVED)
NO SPACES REQUIRED (512.0 / 300) = 1.7
NO SPACES PROVIDED: 4

APPROVED: BALTIMORE COUNTY PLANNING BOARD
DATE: _____
DIRECTOR: _____



MCKEE & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1117 YORK ROAD - LUTHERVILLE, MD. 21093

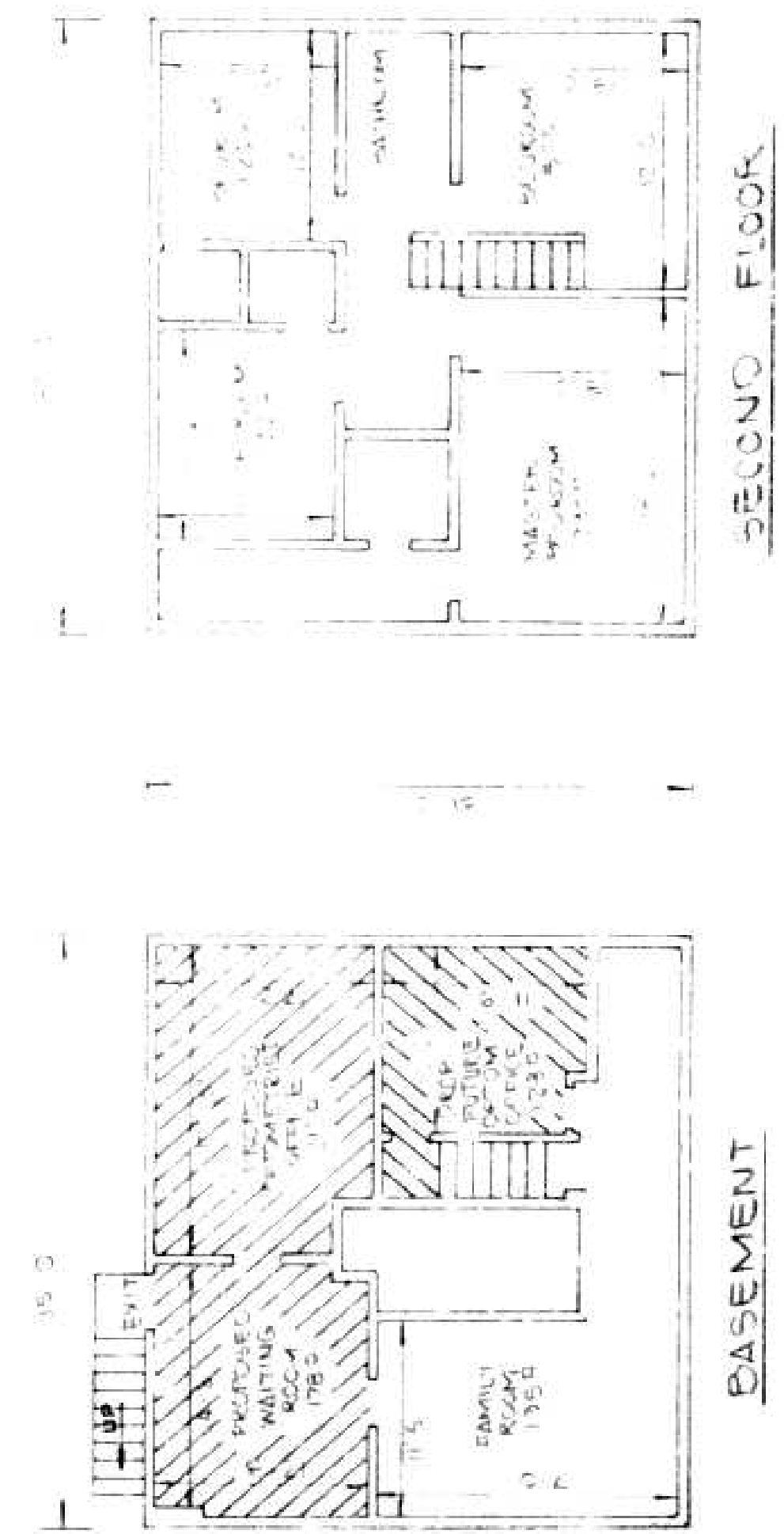
LOT 1B - SECTION 1
FIRST AMENDED PLAT OF
"DELL-WOOD"
7.462

BALTIMORE COUNTY MD
AUGUST 27, 1982
RECEIVED 12 2 82

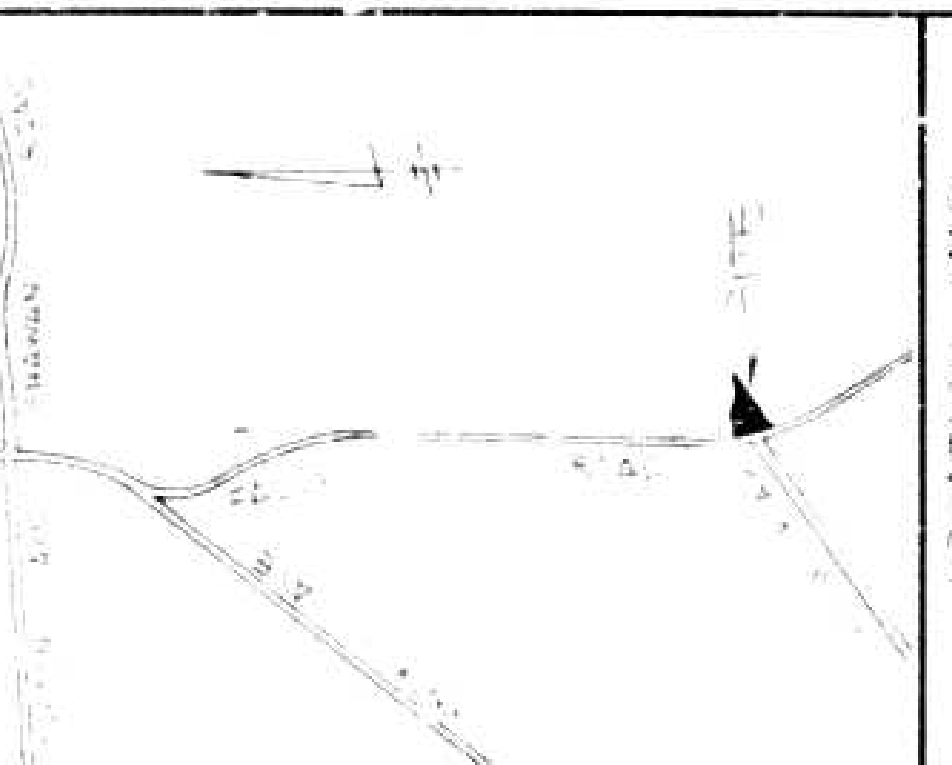
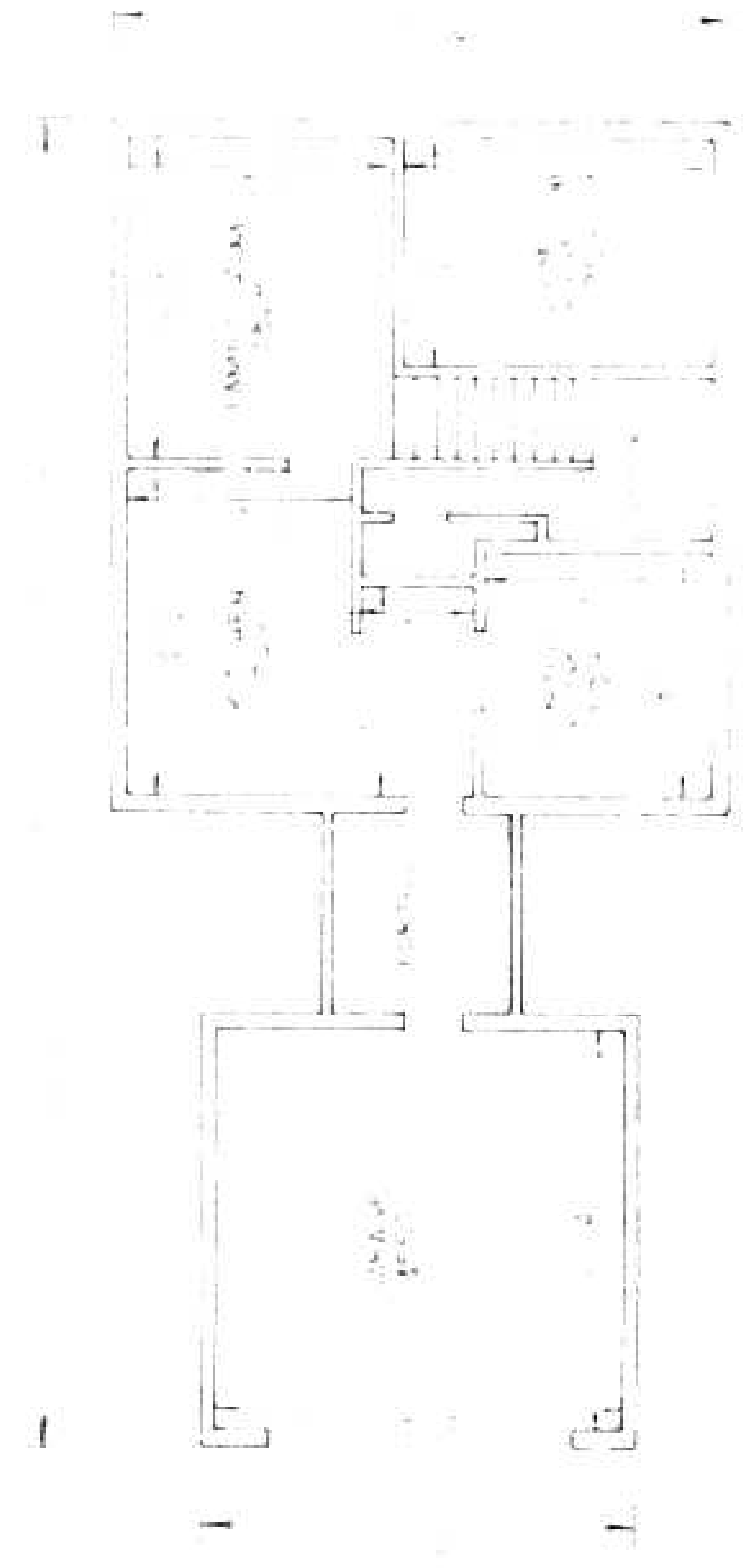
PETITION FOR SPECIAL EXCEPTION
AT
#12901 FALLS ROAD
BALTIMORE COUNTY MD
AUGUST 27, 1982
SCALE 1/8" = 1'-0"

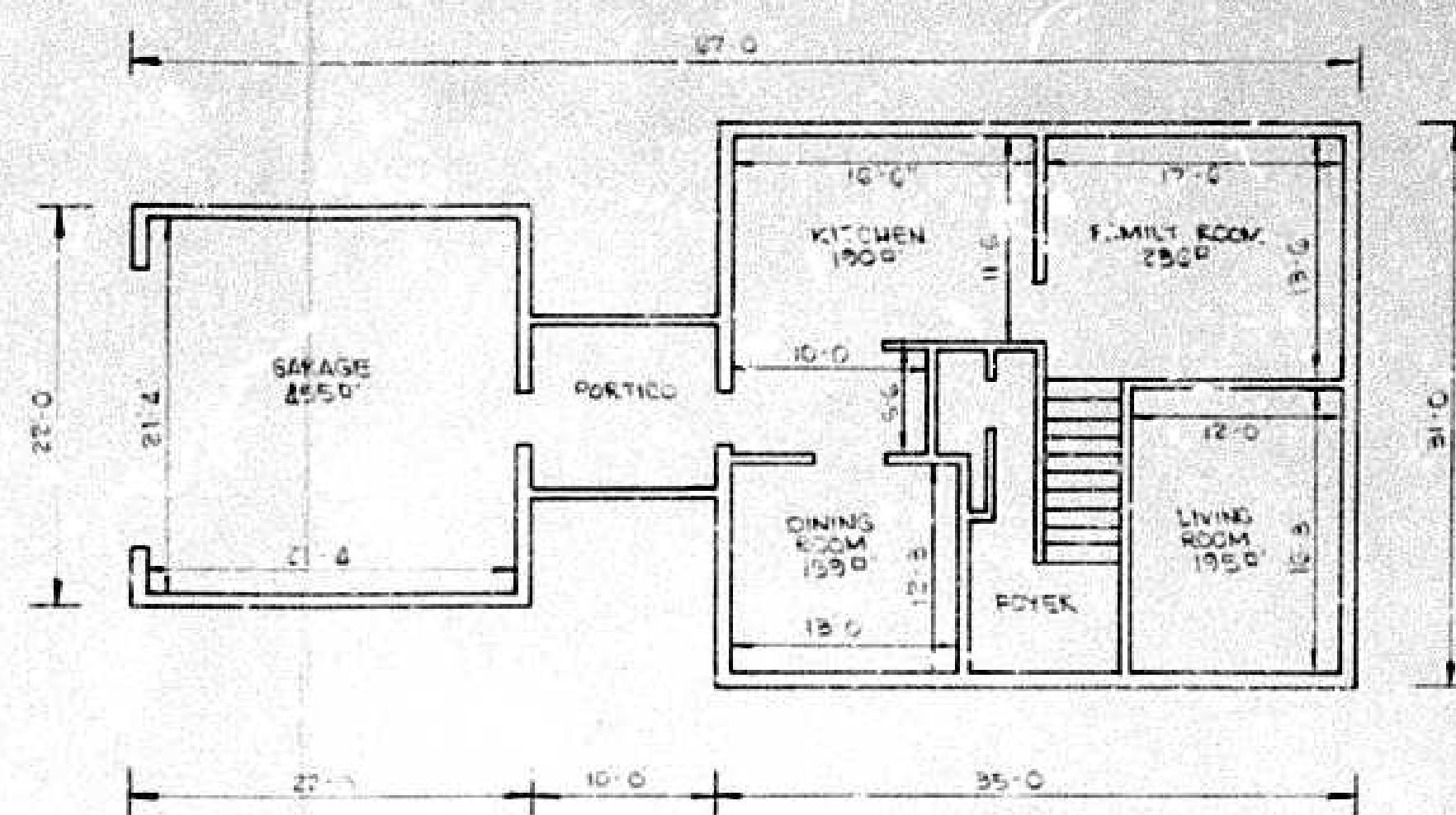
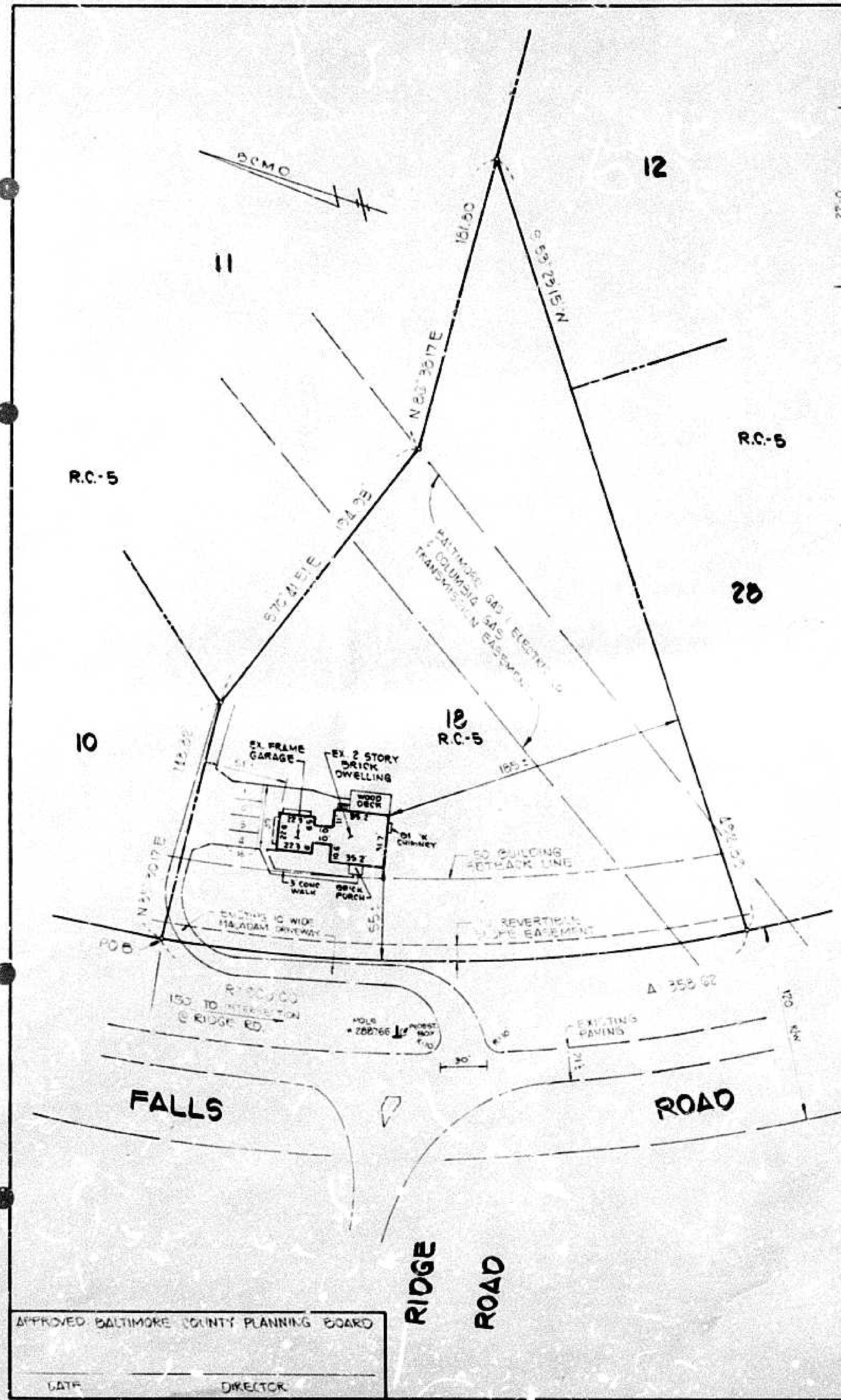
DATA
1. GROSS AREA OF SITE: 2.000 AC.
2. BUILDING SIZE:
FIRST FLOOR: 1125.0
SECOND FLOOR: 1085.0
TOTAL: 2210.0
3. AREA OF BUILDING TO BE USED FOR PROPOSED OPTOMETRIST OFFICE: 512.0
4. PERCENT OF BUILDING AREA TO BE USED FOR PROPOSED OPTOMETRIST OFFICE: 512.0 / 2210.0 = 23.2%
5. PARKING DATA: (OFF-ON-RESERVED)
NO SPACES REQUIRED (512.0 / 300) = 1.7
NO SPACES PROVIDED: 4

FLOOR PLANS
SCALE 1/8" = 1'-0"

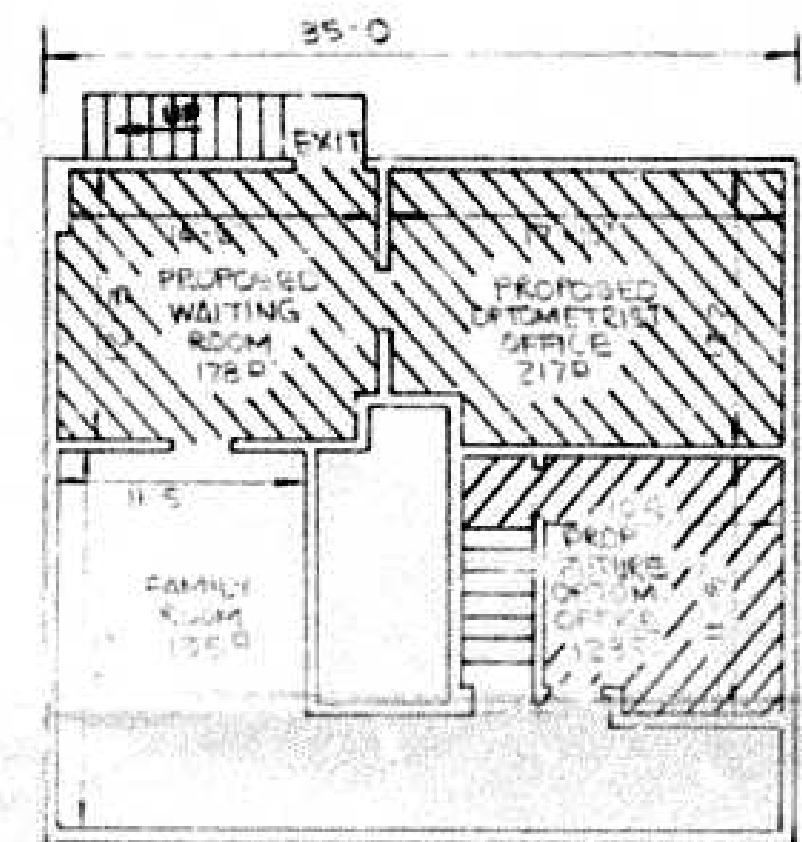


FLOOR PLANS
SCALE 1/8" = 1'-0"

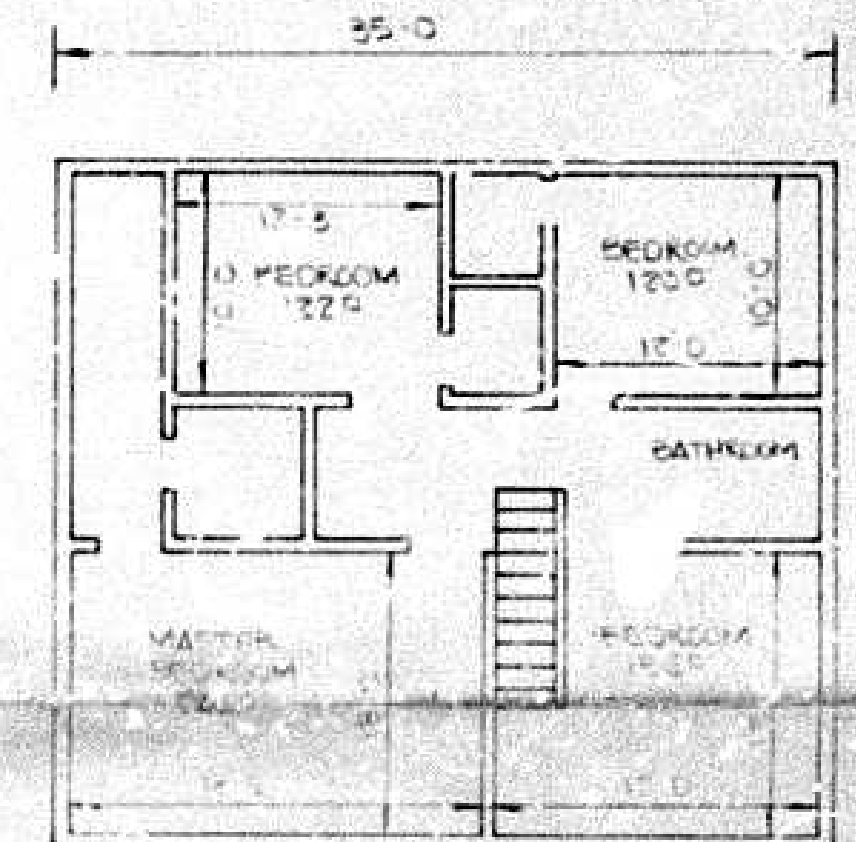




FIRST FLOOR



BASEMENT



SECOND FLOOR

FLOOR PLANS
SCALE 1"=10'

DATA

1. GROSS AREA OF SITE 2.000 AC.
2. BUILDING SIZE

BASEMENT	1135.0
FIRST FLOOR	1135.0
SECOND FLOOR	1135.0
TOTAL	3405.0
3. AREA OF BUILDING TO BE USED FOR PROPOSED OPTOMETRIST OFFICE 515.0'
4. PERCENT OF BUILDING AREA TO BE USED FOR PROPOSED OPTOMETRIST OFFICE $515 / 3405 = 15\%$
5. PARKING DATA (OFFICE) (RESIDENCE)

NO SPACES REQUIRED	(515 - 300) = 214
NO SPACES PROVIDED	4

NOTES

1. MAX. NO. OF EMPLOYEES 2
2. NO CHANGES TO EXTERIOR OF BUILDING PLANNED
3. PLAT TO ACCOMPANY SPECIAL EXCEPTION TO BILL 124-22, 105-52 SECTION 1401.28

PLAT TO ACCOMPANY

PETITION FOR SPECIAL EXCEPTION

*12901 FALLS ROAD

BTH. ELECTION DISTRICT
SCALE 1"=50'

BALTIMORE COUNTY, MD
AUGUST 27, 1982
* REVISED 12-2-82

LOT 18 - SECTION 1
FIRST AMENDED PLAT OF
"OELL-WOOD"
46-21

PETITIONER'S
EXHIBIT

McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1717 YORK ROAD - LUTHERVILLE, MD. 21093

APPROVED BALTIMORE COUNTY PLANNING BOARD
DATE _____ DIRECTOR _____

