

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - NE/S Reisterstown Road, 1083' SE of the c/l of St. Thomas Lane (9921 Reisterstown Road) 3rd Election District 3rd Councilmanic District

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

* Case No. J-8-SPHA

Donald Haga
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the conversion of a single family detached dwelling to a Class A office building, and variances to permit a freestanding sign, not to exceed 15 sq.ft. per side, in the R.O. zone, and to permit an open porch to extend 4.5 feet into the required side yard setback in lieu of the maximum permitted 2.5 feet, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petitions was William P. Monk, Land Planner and Consultant. There were no Protestants.

At a hearing previously held on July 25, 1989, the Petitioner had filed a Petition for Special Exception for a Class B office building on the subject property and a Petition for Variance to permit an open projection (deck) 45 feet in length with a side yard setback of 5.5 feet in lieu of the required 15 feet. The Petitioner had appeared on his own behalf along with an employee who worked for him. No Protestants appeared. At the hearing, the Petitioner questioned the necessity of a special exception for a Class B office building, indicating that in his opinion, his project could be considered a Class A office building. In either case, Petitioner had difficulty arguing his case and was given an opportunity to continue the hearing to seek the assistance of Counsel and/or a Consultant with

experience in zoning. Subsequently, through the assistance of Mr. Monk, the Petitioner filed the instant Petitions for Special Hearing and Variance requests.

Testimony at the continued hearing held on November 28, 1989 indicated that the subject property, known as 9921 Reisterstown Road, consists of 20,900 sq. ft. zoned R.O., and is improved with a two story brick dwelling. Said property was purchased by the Petitioner in August 1988 with the intention of converting the structure into an office building. Testimony indicated that the building as it exists today, other than a change in the deck structure on the side, is the same as when built in 1960. Further, an affidavit presented as Petitioner's Exhibit 5, indicated that in 1960, Robert and Florence Maslin constructed the existing dwelling and used same as their residence until its sale in 1988 to Petitioner.

Testimony indicated that the subject property is located across from the St. Thomas Shopping Center, zoned B.L., that the property across the street on the west side is zoned M.L.-I.M. Adjacent to and immediately north of the subject site is a parcel of land zoned R.O., which is currently used for residential purposes, and on the south side is a strip zoned R.O., improved with five buildings originally used as single family homes, but now enjoying mixed uses as both residential and office space.

Petitioner contends the proposed use of the subject property meets the definition for a Class A office building as there will be no external changes other than that which has been done to the deck. Originally, the deck was approximately 5.5 feet by 45 feet long. However, after purchasing the property, Petitioner removed the deck, due to its structurally unsound condition, and replaced same with a wider deck, approximately 11.5 feet by 45 feet, to permit access to the existing rear parking lot. Numerous

photographs of the subject property and surrounding area were introduced by Petitioner to support his request. Petitioner also presented testimony regarding the sufficiency of the landscaping on the side adjoining the deck.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Testimony indicated that the sign proposed is necessary in order to provide adequate notice to visitors to the site. Petitioners testified that Reisterstown Road is a heavily travelled route and due to the fact that the subject building is situated far back from the road, the proposed sign is necessary for prompt identification. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding uses.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

- 3 -

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, as hereinafter modified, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. In the opinion of the Deputy Zoning Commissioner, the size of the proposed sign is greater than necessary to provide adequate notice to visitors to the site, and as such, a sign variance shall be granted in accordance with that set forth below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing and the Petition for Zoning Variance, as modified below, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of January, 1990 that the Petition for Special Hearing to approve the conversion of a single family detached dwelling to a Class A office building, and the Petition for Zoning Variance to permit an open porch to extend 4.5 feet into the required side yard setback in lieu of the maximum permitted 2.5 feet, and, to permit a freestanding sign, not to exceed 10 sq.ft. per side, in the R.O. zone in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at

- 4 -

PETITION FOR SPECIAL EXCEPTION

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

CLASS B office building

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

Contract Purchaser:	Legal Owner(s):	WAR NW/44
DONALD HAGA (Type or Print Name)	DONALD HAGA (Type or Print Name)	26
Signature	Signature	E.D. 310
9921 REISTERSTOWN ROAD Address	(Type or Print Name)	DATE 7-27-89
BALTIMORE, MD. 21117 City and State	Signature	200 RF
Attorney for Petitioner:	Name	1000- RF
N/A (Type or Print Name)	Address	DO G
Signature	City and State	
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted	
City and State	DONALD HAGA	
Attorney's Telephone No.:	9921 REISTERSTOWN ROAD Address	363-8111
	BALTIMORE, MD. 21117 Address	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 17 day of May, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25 day of July, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ECO-101

(over)

this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The sign variance granted herein is limited to a sign for building identification purposes only and not to provide a directory of its tenants. Prior to the issuance of any sign permits, and/or within forty-five (45) days of the date of this Order, whichever occurs first, Petitioner shall submit to the Deputy Zoning Commissioner for final approval a design plan of the proposed sign. Landscaping around the base of the sign shall be incorporated into the design and maintained by Petitioner.

3) Landscaping shall be provided for the subject site in a manner deemed appropriate by the Baltimore County Landscape Planner and may exceed that required by the Baltimore County Landscape Manual. A landscape plan shall be submitted for approval by the Landscape Planner and a copy of the approved plan forwarded to the Zoning Commissioner's Office for inclusion in the case file.

3) Petitioner shall protect and maintain in good condition the existing landscape buffer on both sides and to the rear of the subject site.

4) Petitioner shall comply with all requirements of the Zoning Plans Advisory Committee as set forth in the comments submitted and made a part of this file.

5) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

January 4, 1990

Mr. Donald Haga
9921 Reisterstown Road
Owings Mills, Maryland 21117

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
NE/S Reisterstown Road, 1083' SE of the c/l of St. Thomas Lane
(9921 Reisterstown Road)
3rd Election District - 3rd Councilmanic District
Donald Haga - Petitioner
Case No. 90-8-SPHA

Dear Mr. Haga:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

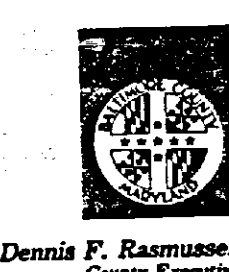
ANN M. NASTAROWICZ
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. William P. Monk
100 W. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel

File



Dennis P. Rasmussen
County Executive

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Pat Keller
Deputy Director of Planning

FROM: Ann M. Nastarowicz
Deputy Zoning Commissioner

SUBJECT: Petitions for Special Hearing and Zoning Variance
NE/S Reisterstown Road, 1083' SE of the c/l of St. Thomas Lane
(9921 Reisterstown Road)
3rd Election District - 3rd Councilmanic District
Donald Haga - Petitioner
Case No. 90-8-SPHA

Enclosed please find a copy of the decision rendered in the above-captioned matter. As you can see, the restrictions call for landscaping which may exceed that required by the Baltimore County Landscape Manual. Your comments dated July 20, 1989 indicated that your office is Manual. In the process of completing a comprehensive study of the area and that at such time as a final landscape plan is developed, more detailed comments will be made. Accordingly, by copy of this letter to Avery Harden, Landscape Planner, I am requesting that he contact you for your input upon receipt of the required landscaping plan.

Thank you for your assistance in this matter. In the meantime, should you have any questions on the subject, please feel free to call me.

AMN:bjs

cc: Avery Harden
Case File

ORDER RECEIVED FOR FILING

Date 1/10/90
By J. Robert Haines

- 5 -

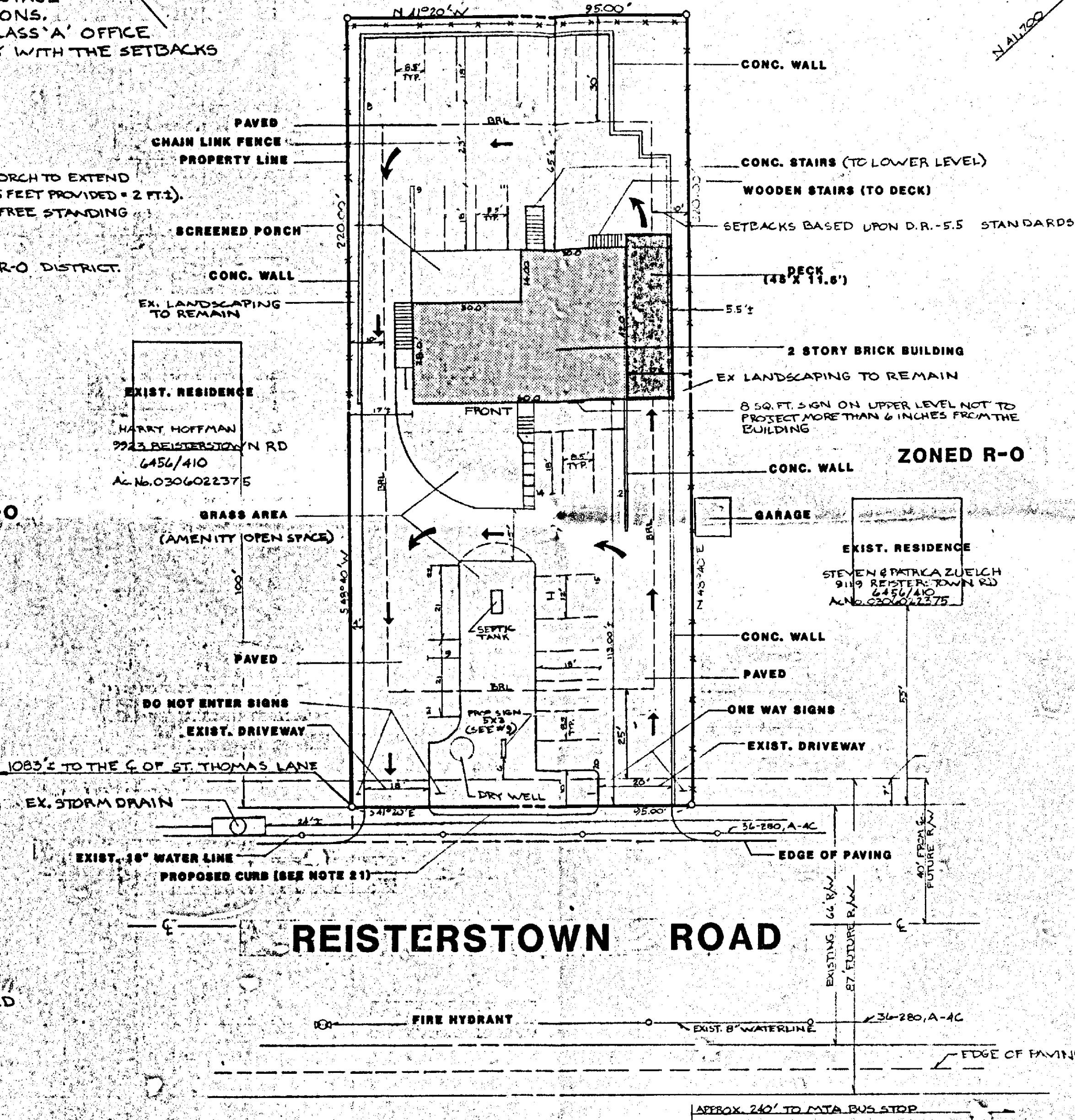
PLAT TO ACCOMPANY VARIANCE AND SPECIAL HEARING

NOTES:

- 1) ZONING: EXISTING - R-O PROPOSED - N/A
- 2) LOT AREA: 20,900 # (GROSS), 20,235 # (NET BASED UPON SHA DEDICATION)
- 3) EXISTING USE: RESIDENTIAL
- 4) PROPOSED USE: CLASS 'A' OFFICE BUILDING
- 5) BUILDING AREA: 5,760 # (ADJUSTED GROSS FLOOR AREA) - SEE SHEET 2 OF 2 FOR FLOOR PLAN LAYOUT AND SQUARE FOOTAGE COMPUTATIONS.
- 6) BUILDING SETBACKS: REQUIRED PROVIDED FRONT: 25' 113' INTERIOR SIDE: 10' 17' REAR: 30' 65' STREET CORNER SIDE: N/A THESE SETBACKS ASSUME A CLASS 'A' OFFICE BUILDING WHICH MUST COMPLY WITH THE SETBACKS IN A D.R.-5.5 DISTRICT.
- 7) PARKING: SEE # 26 REQUIRED - 22 SPACES PROVIDED - 22 SPACES (INCLUDES ONE HANDICAP SPACE)
- 8) UTILITIES: SEWER - PRIVATE WATER - PUBLIC
- 9) VARIANCES: 1) TO OBTAIN A VARIANCE FROM SECTION 1-8.02 (B)(X) TO ALLOW A TORCH TO EXTEND 2 FEET INTO THE REQUIRED SIDEYARD (7.5 FEET REQ. - 5.5 FEET PROVIDED - 2 FT.) 2) TO OBTAIN A VARIANCE FROM SECTION 203.3 (C)(1) TO ALLOW A FREE STANDING SIGN IN A R-O DISTRICT.
- 10) SPECIAL EXCEPTION/CONDITIONAL USE: SPECIAL HEARING FOR A CLASS 'A' OFFICE BUILDING IN A R-O DISTRICT.
- 11) A CLASS 'A' OFFICE BUILDING ASSUMES THAT NO MORE THAN 25% OF THE TOTAL ADJUSTED GROSS FLOOR AREA MAY BE OCCUPIED BY MEDICAL OFFICES. TOTAL ADJUSTED GROSS FLOOR AREA = 5,760 # (5,760 # - 25% = 4,320 # PERMITTED)
- 12) SUBSEVER SHED: 67
- 13) WATER SHED: 27
- 14) CENSUS TRACT: 4037.10
- 15) ELECTION DISTRICT: 3
- 16) DEED REFERENCE: 2922/498
- 17) ACCOUNT No.: 0302059770
- 18) TAX MAP: 67 GRID: 292
- 19) COUNCILMANIC DISTRICT No. 3
- 20) ALL BUILDINGS WITHIN 100' OF THE PROPERTY HAVE BEEN SHOWN.
- 21) A WAIVER TO CRG MEETING WAS APPROVED ON OCTOBER 24, 1988 (NO. W-88-157).
- 22) A WAIVER TO ROAD IMPROVEMENTS ALONG REISTERSTOWN ROAD WILL BE FILED IN AUG. 1989.
- 23) MAX. F.A.R.: 33 (BASED ON GROSS AREA OF SITE EXCLUDING R/W)
- 24) ALL OUTDOOR LIGHTING WILL BE DIRECTED AWAY FROM THE ADJACENT RESIDENTIAL HOUSES.
- 25) AVERAGE DAILY TRIPS/ADT: OFFICE: 5,760 # 12.3/1,000 # = 70.8 TRIPS AMENITY OPEN SPACE: REQUIRED (NOT APPLICABLE FOR CLASS 'A' OFFICE BUILDING) PROVIDED 16.2% (NOT WITHIN SETBACKS OR BUFFER AREAS)
- 26) PARKING COMPUTATIONS: A) OFFICE (MEDICAL) - LOWER LEVEL ONLY = 1,440 # 4.5 SPACES/1,000 # = 4.45 SPACES = 7 SPACES B) OFFICE (GENERAL) - 1ST & 2ND FLOORS = 2,100 # PER FLOOR = 4320 # (INCLUDES 120 # IN BASEMENT) 3.3 SPACES/1,000 # = 14.25 SPACES = 15 SPACES TOTAL REQUIRED = 22 TOTAL PROVIDED = 22 TRANSIT ADJUSTMENT (5%) = 22 - 1.1 = 20.9 SPACES 21 SPACES REQUIRED
- 27) THE APPLICANT AGREES NOT TO ENCLOSE THE PORCH WHICH SERVES THE 2ND FLOOR OFFICE SUITES (SOUTH SIDE OF BUILDING).

NOTE: BOUNDARY & OUTLINE BASED UPON A PLAN PREPARED BY RUSSELL R. KLAGE, PROFESSIONAL LAND SURVEYOR (9-14-88).

ZONED R-O
WOODS
GARY & PHYLLIS BAESE
15 OLIVE LANE
7721/350
AC. No. 0314095050



REISTERSTOWN ROAD

ST. THOMAS SHOPPING CENTER
ZONED BL

SHEET OF 2

PRELIMINARY SITE PLAN
9921 REISTERSTOWN ROAD
BALTIMORE COUNTY, MARYLAND

SCALE: 1"=20'	DRAWN BY: CFB	DATE: 7-21-1989	REVISION: 1
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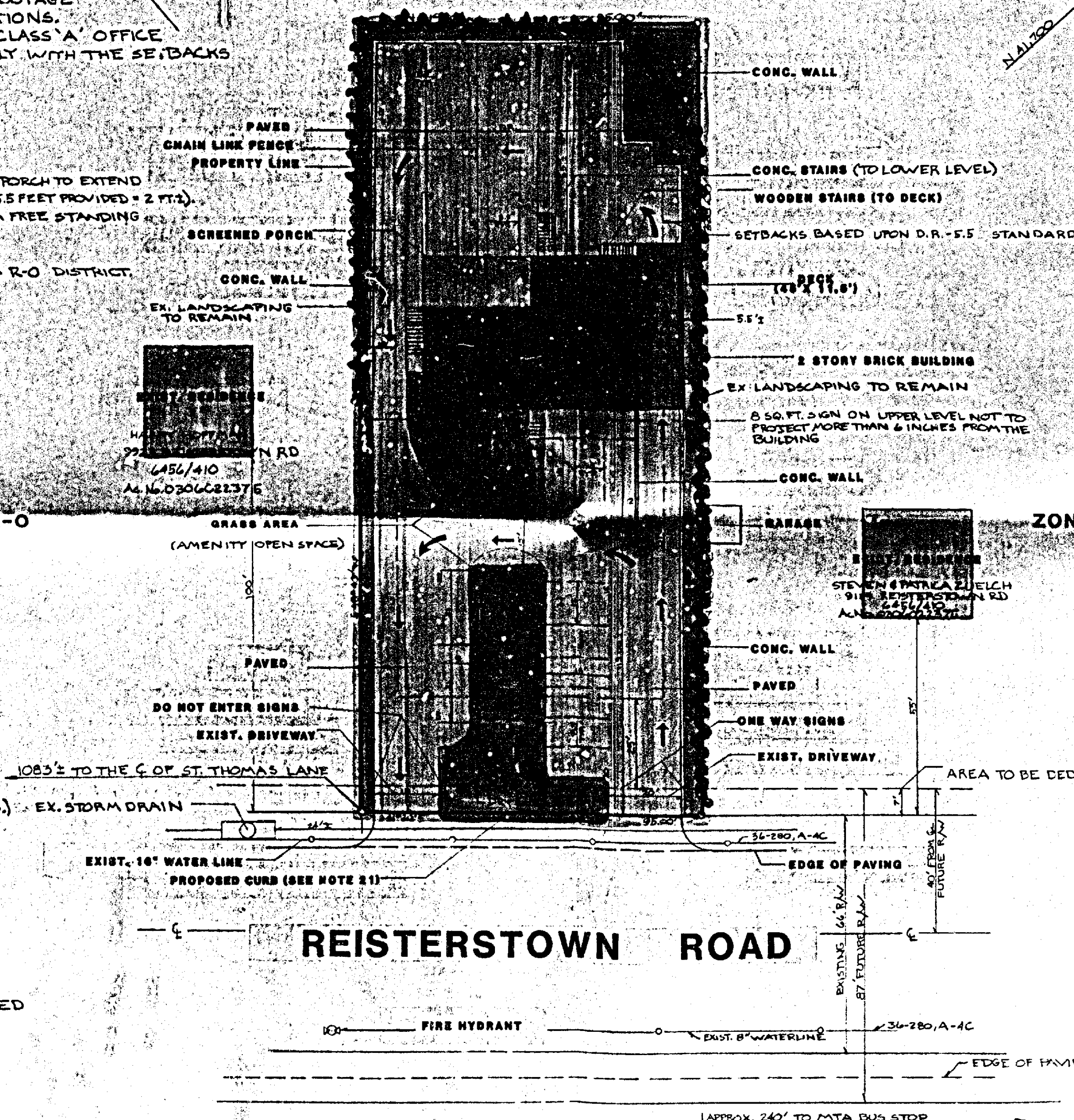
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NOTE: BOUNDARY & OUTLINE BASED UPON A PLAN PREPARED BY RUSSELL R. KLAGE, PROFESSIONAL LAND SURVEYOR (9-14-88).

ZONED R-O
WOODS
GARY & PHYLLIS BAESE
15 OLIVE LANE
7721/350
AC. No. 0314095050



REISTERSTOWN ROAD

ST. THOMAS SHOPPING CENTER
ZONED BL

PETITIONER'S
EXHIBIT

SHEET 1 OF 2

PRELIMINARY SITE PLAN
9921 REISTERSTOWN ROAD
BALTIMORE COUNTY, MARYLAND

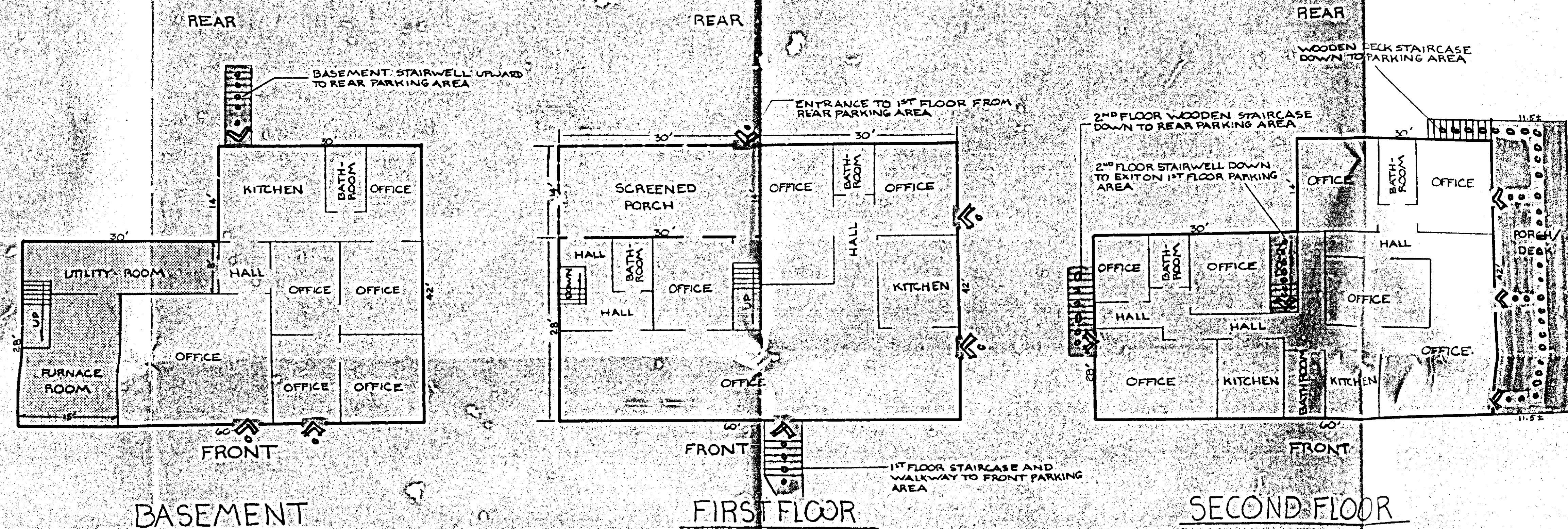
SCALE: 1"=20'	DRAWN BY: CFB	DATE: 7-21-1989	REVISION: 1
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NOTES:

- 1) ZONING:
EXISTING-
PROPOSED-
- 2) LOT AREA:
- 3) EXISTING USE:
- 4) PROPOSED USE:
- 5) BUILDING AREA:
- 6) BUILDING SETBACKS: REQUIRED PROVIDED
FRONT-
INTERIOR SIDE-
REAR-
STREET CORNER SIDE-
- 7) PARKING:
REQUIRED-
PROVIDED-
- 8) UTILITIES:
SEWER-
WATER-
- 9) VARIANCES:

10) SPECIAL EXCEPTION/CONDITIONAL USE:

FLOOR PLAN LAYOUT



SQUARE FOOTAGE COMPUTATIONS
 2,100 # GROSS FLOOR AREA
 - 540 # NOT CONSIDERED AS ADJUSTED GROSS
 1,560 # ADJUSTED GROSS FLOOR AREA

SQUARE FOOTAGE COMPUTATIONS
 2,100 # ADJUSTED GROSS FLOOR AREA

SQUARE FOOTAGE COMPUTATIONS
 2,100 # ADJUSTED GROSS FLOOR AREA

- TOTAL ADJUSTED GROSS FLOOR AREA = 5,760 #
- MAXIMUM AREA TO BE ADJUSTED FOR DOCTORS OFFICES = 1,440 # (25%)

INDICATES AREA NOT CONSIDERED AS PART OF ADJUSTED GROSS FLOOR AREA (540 #)

PRELIMINARY SITE PLAN

9921 REISTERSTOWN ROAD
BALTIMORE COUNTY, MD

PREPARED BY:
WILLIAM P. MONK, INC.
100 W. PENNSYLVANIA AVENUE
SUITE 305
TOWSON, MARYLAND 21204
(301) 494-8931

PREPARED FOR:
CAPITOL STRUCTURES, INC.
9921 REISTERSTOWN RD.
BALTIMORE, MARYLAND

PELATIONERS
EXHIBIT 1B

SHEET 2 OF 2

SCALE: 1"=10'	DRAWN BY: BFB	DATE: 8-8-89	REVISED:
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PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 301.2 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission and/or Deputy Zoning Commissioner should approve the conversion of a single family detached dwelling to a Class A office building.

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

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

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

Contract Purchaser: (Type or Print Name) Signature Address City and State

Legal Owner(s): (Type or Print Name) Signature Address City and State

Attorney for Petitioner: (Type or Print Name) Signature Address City and State

Attorney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1989, at _____ o'clock _____ M.

ESTIMATED LENGTH OF HEARING (1/2HR) (over) AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO WEEKS ALL OTHER DATE 5-3-89

RECEIVED FROM: _____

FOR: _____

Address: _____

City and State: _____

Attorney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1989, at _____ o'clock _____ M.

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Attorney's Telephone No.: _____

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Attorney's Telephone No.: _____

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RECEIVED FROM: _____

FOR: _____

Address: _____

City and State: _____

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 300.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission and/or Deputy Zoning Commissioner should approve the conversion of a single family detached dwelling to a Class A office building.

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

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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

Contract Purchaser: (Type or Print Name) Signature Address City and State

Legal Owner(s): (Type or Print Name) Signature Address City and State

Attorney for Petitioner: (Type or Print Name) Signature Address City and State

Attorney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1989, at _____ o'clock _____ M.

ESTIMATED LENGTH OF HEARING (1/2HR) (over) AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO WEEKS ALL OTHER DATE 5-3-89

RECEIVED FROM: _____

FOR: _____

Address: _____

City and State: _____

Attorney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1989, at _____ o'clock _____ M.

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RECEIVED FROM: _____

FOR: _____

Address: _____

City and State: _____

ZONING DESCRIPTION 3rd ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point on the northeast side of Reisterstown Road at a distance of 1083.13 feet, more or less, measured southeasterly from the center of St. Thomas Lane:
1) Thence binding along the northeast side of Reisterstown Road South 41° 20' East 95 feet;
2) Thence leaving Reisterstown Road North 48° 40' East 220 feet;
3) Thence North 41° 20' West 95 feet;
4) Thence South 48° 40' West 220 feet to the place of beginning.
Containing 20900 square feet or 0.480 of an acre of land, more or less.

This description is intended for zoning purposes only and not for conveyance of title.

(Tax Map No. 67, Parcel No.269)

Russell A. Klages
Registered Land Surveyor
Maryland #8689
March 2, 1989

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1989, at _____ o'clock _____ M.

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RECEIVED FROM: _____

FOR: _____

Address: _____

City and State: _____

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: July 2, 1989
Posted for: Special Exception Variance
Petitioner: Donald Hage
Location of property: 9921 Reisterstown Road, 1083' SE c/l of St. Thomas Lane
Location of Sign: In front of 9921 Reisterstown Road
Remarks: _____
Posted by: J. Robert Haines Date of return: July 2, 1989
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 5, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 29, 1989.
THE JEFFERSONIAN
OWINGS MILLS TIMES,
S. Zebe Orlean
Publisher

PO 13634
reg M30977
as 870-8-XA
price \$78.60

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 2, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 2, 1989.
J. Robert Haines
Zoning Commissioner
OWINGS MILLS TIMES,
S. Zebe Orlean
Publisher

OWINGS MILLS TIMES,
S. Zebe Orlean
Publisher

OWINGS MILLS TIMES,
S. Zebe Orlean
Publisher

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Mr. Donald Hage
9921 Reisterstown Road
Baltimore, Maryland 21117

Re: Petitions for Special Exception and Zoning Variance
CASE NUMBER: 90-8-SPHA
NES Reisterstown Road, 1083' SE c/l of St. Thomas Lane
9921 Reisterstown Road
3rd Election District - 3rd Councilmanic
Petitioner(s): Donald Hage
HEARING: TUESDAY, NOVEMBER 28, 1989 at 11:00 a.m.

Dear Mr. Hage:

Please be advised that \$147.32 is due for advertising and posting of the above captioned property.

DATE 11-24-89

Account: R-0016150
Number: 482

DATE 11/28/89

Public Hearing Fees: _____

Advertising: _____

Posting: _____

Signage: _____

Signage: _____

Signage: _____

Signage: _____

Signage: _____

Signage: _____

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

October 17, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Exception and Zoning Variance
CASE NUMBER: 90-8-SPHA
NES Reisterstown Road, 1083' SE c/l of St. Thomas Lane
9921 Reisterstown Road
3rd Election District - 3rd Councilmanic
Petitioner(s): Donald Hage
HEARING: TUESDAY, NOVEMBER 28, 1989 at 11:00 a.m.

Variance: To allow a free standing sign (not to exceed 15 square feet per side) in the R3 zone to allow an open porch to extend 4 feet into the required side yard in lieu of the permitted 2 feet.

Special Hearings: The conversion of a single family detached dwelling to a Class A office building.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE: (If "Phase II" of the "Shen Emergency Plan" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Mr. Donald Hage
9921 Reisterstown Road
Baltimore, Maryland 21117

Re: Petitions for Special Exception and Zoning Variance
CASE NUMBER: 90-8-XA
NES Reisterstown Road, 1083' SE c/l of St. Thomas Lane
9921 Reisterstown Road
3rd Election District - 3rd Councilmanic
Petitioner(s): Donald Hage
HEARING SCHEDULED: TUESDAY, JULY 25, 1989 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$128.60 is due for advertising and posting of the above referenced property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SERIES RETURNED ON THE DAY OF THE HEARING OR THIS ORDER SHALL BE VOIDED. DO NOT REMOVE THE SIGN AND POST SERIES FROM THE PROPERTY UNTIL THE DATE OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above fee for each such set not returned.

Very truly yours,
J. Robert Haines
Zoning Commissioner

cc: File

WILLIAM MONK, INC.

LAND USE PLANNING - ENVIRONMENTAL PLANNING - ZONING

October 10, 1989

Mrs. Ann Mastarowicz
Deputy Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Case #90-8-XA
9921 Reisterstown Road
Baltimore County, MD

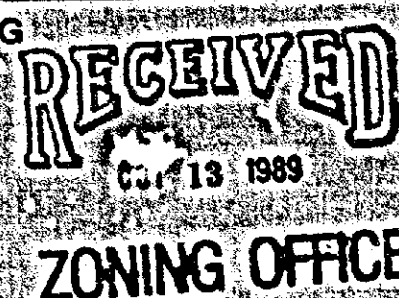
Dear Ann:

I've spoken to Owen and know that you are experiencing a tremendous backlog in scheduling cases. As you are aware, we refilled in early August and have yet to receive a date. We have been patient and will maintain that same posture, although my client is experiencing significant hardship. Any help would be most appreciated.

Cordially,

William P. Monk

P.S. I'd offer my office space to the Red Cross if I thought it would help.



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

June 12, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Exception and Zoning Variance
CASE NUMBER: 90-8-XA
NES Reisterstown Road, 1083' SE c/1 of St. Thomas Lane
9921 Reisterstown Road
3rd Election District - 3rd Council District
Petitioner(s): Donald Haga
HEARING SCHEDULED: TUESDAY, JULY 25, 1989 at 2:00 p.m.

Special Exceptions Class "B" Office Building.
Variances To allow a 45 foot long open projection with a side setback of 5 1/2 feet in lieu of the required 15 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Donald Haga
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 18, 1989

Donald Haga
9921 Reisterstown Road
Owings Mills, MD 21117

RE: Petition for Special Exception and
Variance
9921 Reisterstown Road
Filed 1/24/89; Item No. 313

Dear Mr. Haga:

As you were informed on January 24, 1989, the date of your appointment and my letter dated March 13, 1989, your petition needs revisions and additions to the site plans. This petition was accepted on condition that corrections would be made in a timely manner. To date, no revisions have been received by this office. If the requested revisions and additions are not received within 15 days, the petition will be dismissed and the fees not refunded.

If you have any questions, you may call John Sullivan of the Development Control Office at 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JJS:scj

cc: File

Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204
494-3211

P. David Fields
Director

October 24, 1988

Mr. and Mrs. Donald G. Haga
3719 Niner Road
Finksburg, MD 21048

Re: Reisterstown Road - 9921
W-88-257

Dear Mr. and Mrs. Haga:

We have reviewed your waiver application for the above property and have determined that a waiver for the CRG (sewering/process) would be within the scope, purpose and intent of the Development Regulations of Baltimore County and is therefore approved. However, waiver of the CRG Plan has been DENIED. This development shall comply with all other applicable laws, rules and regulations of Baltimore County (Section 22-51).

Should you have any questions, please contact Gary Kerns, Chief, Current Planning and Development at 494-3335 or Pat Keller, Deputy Director of Planning at 494-3211.

NOTE: This waiver approval letter shall be presented by the applicant when applying for a building permit.

Sincerely yours,

P.D. Fields
David Fields, Director
Office of Planning and Zoning

DF:rh

cc: Robert E. Covahey, Acting Chief
Robert Bowling
File

IMPORTANT NOTICE

TO: PETITIONER
FROM: ZONING COMMISSIONER
SUBJECT: PETITION FOR ZONING VARIANCE

The following information is provided to you as a forerunning and it is not to be considered complete legal advice.

First, and most importantly, you must understand that the hearing you have requested is a quasi-judicial hearing and you are responsible for meeting the burden of proof required by the Baltimore County Zoning Regulations. A judicial hearing is an adversary process, and therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence and cross-examine witnesses. Either the Zoning Commissioner or the Deputy Zoning Commissioner will rule on the evidence and testimony to determine whether or not the variance will be granted.

You must understand that you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation.

Second, it is strongly recommended that you read and understand the requirements of Section 307 of the Baltimore County Zoning Regulations, provided below.

Fourth, no employee of the Baltimore County Zoning Office may provide legal advice to anyone. The representation and opinions of any employee are not to be construed as definitive of any case. Only the decision of the Zoning Commissioner and Deputy Zoning Commissioner is dispositive of any matter after the statutory required public hearing.

Section 307 requires the Zoning Commissioner to grant variances from height and area regulations when strict compliance would result in practical difficulty or unnecessary hardship, but only if in strict harmony with the spirit and intent of the regulations and then only in such a manner as to grant relief without substantial injury to the public health, safety, and general welfare.

The Court of Special Appeals in *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 22 Md. App. 29, stated:

"To prove undue hardship for a use variance the following three criteria must be met:

- (1) APPLICANT MUST BE UNABLE TO SECURE A REASONABLE RETURN OR MAKE ANY REASONABLE USE OF HIS PROPERTY HEREIN, FINANCIAL HARDSHIP OR OPPORTUNITY FOR GREATER PROFIT IS NOT KNOWN.
- (2) THE DIFFICULTIES OR HARDSHIP IS PECULIAR TO THE SUBJECT PROPERTY IN CONTRAST WITH OTHER PROPERTIES IN THE ZONING DISTRICT.
- (3) HARDSHIP HAS NOT THE RESULT OF APPLICANT'S OWN ACTIONS.

To prove practical difficulty for an area variance the following criteria must be met:

- (1) WHETHER STRICT COMPLIANCE WITH REQUIREMENT WOULD UNREASONABLY PREVENT THE USE OF THE PROPERTY FOR A PERMITTED PURPOSE OR HINDER CONFORMANCE UNNECESSARILY HARDSHIP.
- (2) WHETHER THE CHART WOULD DO SUBSTANTIAL INJUSTICE TO APPLICANT AS WELL AS OTHER PROPERTY OWNERS IN DISTRICT OR WHETHER A LESSER RELAXATION THAN THAT APPLIED FOR WOULD GIVE SUBSTANTIAL RELIEF.
- (3) WHETHER RELIEF CAN BE GRANTED IN SUCH FASHION THAT THE SPIRIT OF THE ORDINANCE WILL BE OBSERVED AND PUBLIC SAFETY AND WELFARE SECURED."

This Notice is not to be considered legal advice.

Even though there may not be opposition in a given case, your request may be denied. This information is provided by J. Robert Haines, Zoning Commissioner, as a public service.

SECTION 307 - VARIANCES

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations and from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unnecessary hardship. No increase in residential density beyond that otherwise allowable by "a" Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of the regulations and then only in such a manner as to grant relief without substantial injury to the public health, safety, or general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.

September 1, 1989

Ms. Ann Mastarowicz
Deputy Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

Re: 9921 Reisterstown Road, Owings Mills, MD 21117

Dear Ms. Mastarowicz:

I am over the age of 18 years and competent to testify and have personal knowledge of the facts set forth herein.

This is to certify that the above residence was built and occupied by my father, Robert S. Maslin, Jr. and his wife Florence B. Maslin in approximately 1960. From that time until the sale of the house in 1988, the home was occupied by them as sole owners and residents. At no time was the property used for rental purposes (residential or commercial).

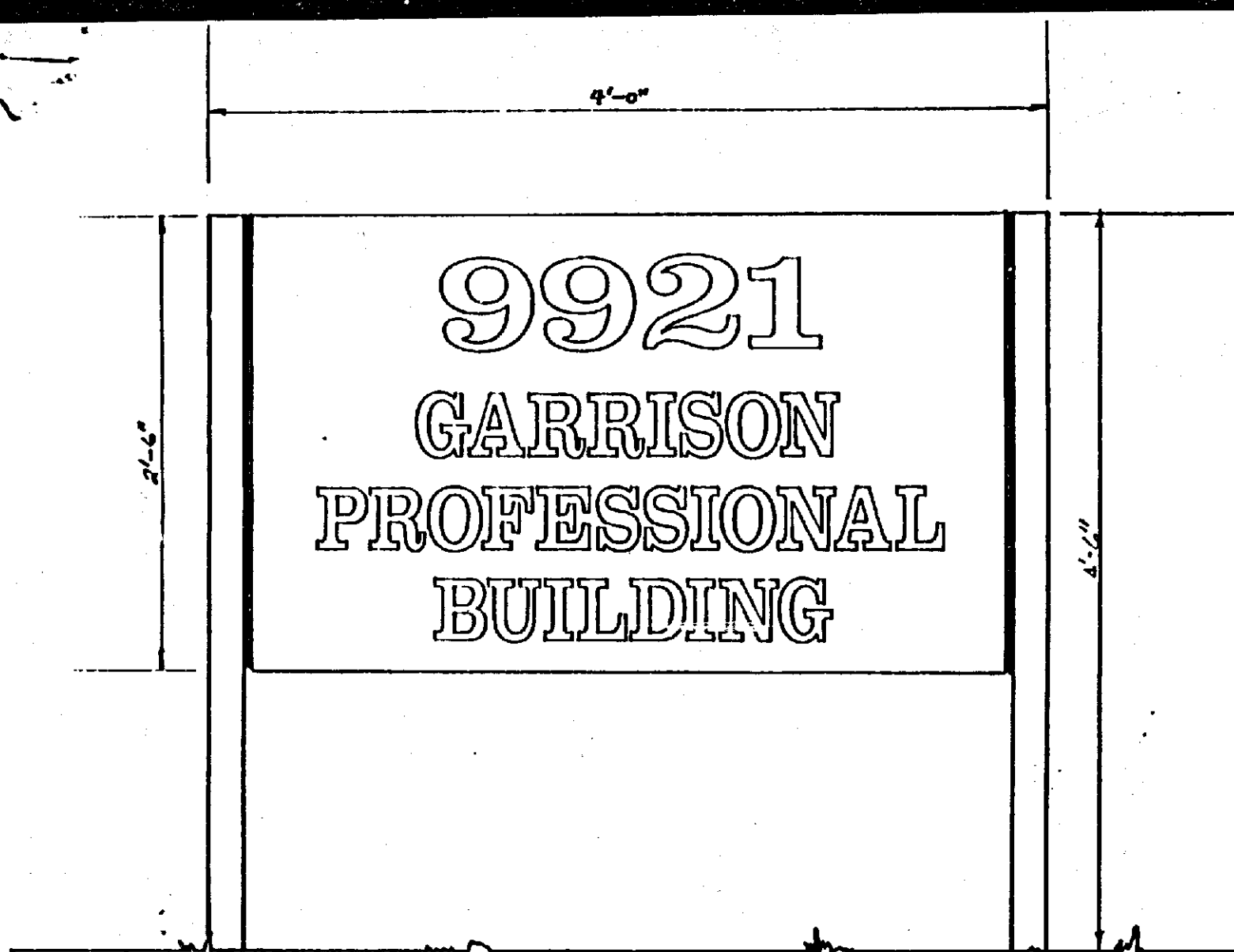
I hereby solemnly declare and affirm under the penalties of perjury that the above statement is true and correct to the best of my personal knowledge.

Sincerely,

Robert S. Maslin, III
Guardian for Florence B. Maslin
under the Circuit Court for Baltimore County

Referral M. Richardson
NOTARY PUBLIC

Petitioner's
Exhibit
5



Note:
Landscaping around the base of the sign to be provided per the approved landscape plan

The proposed lettering is not to be raised

The proposed sign is not to be illuminated

JORY & COMPANY
INCORPORATED

BY TRACER & COMPANY, INCORPORATED
CONTRACT DESIGN & CONSTRUCTION
400 WEST BALTIMORE STREET
BALTIMORE, MARYLAND 21201

BY MARYLAND CONTRACTORS
CHANGES & REVISIONS
1001 2ND FLOOR

4/11/90
approved
AW
DRC

Capitol Structures, Inc.

GENERAL CONTRACTOR
9921 REISTERSTOWN ROAD BALTIMORE, MARYLAND 21117
(301) 383-8111

March 27, 1990

Baltimore County Zoning Commissioner
Office of Planning & Zoning
111 West Chesapeake Avenue, Room 109
Towson, Maryland 21204

Attn: Ann M. Mastarowicz, Deputy Zoning Commissioner

Dear Ms. Mastarowicz:

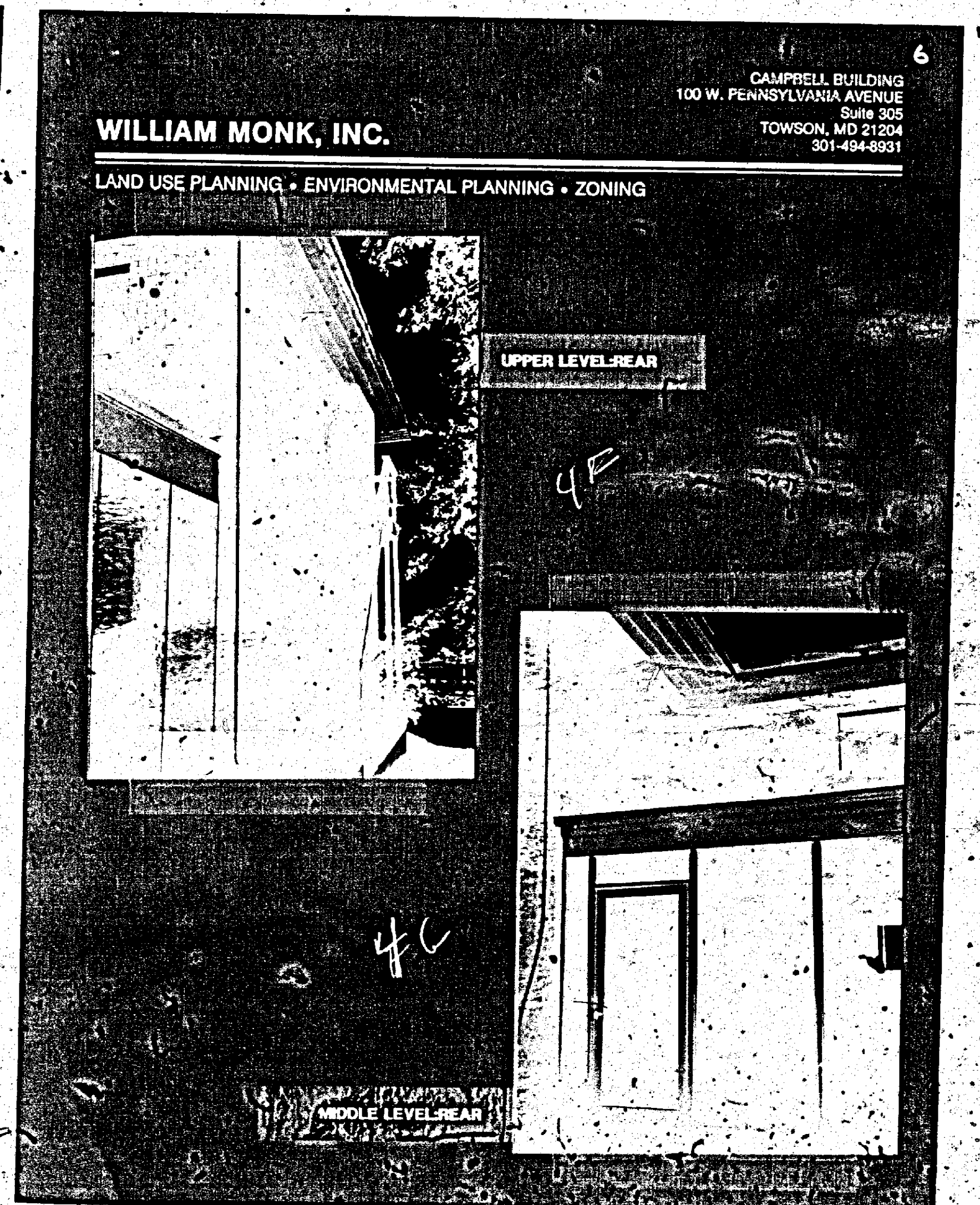
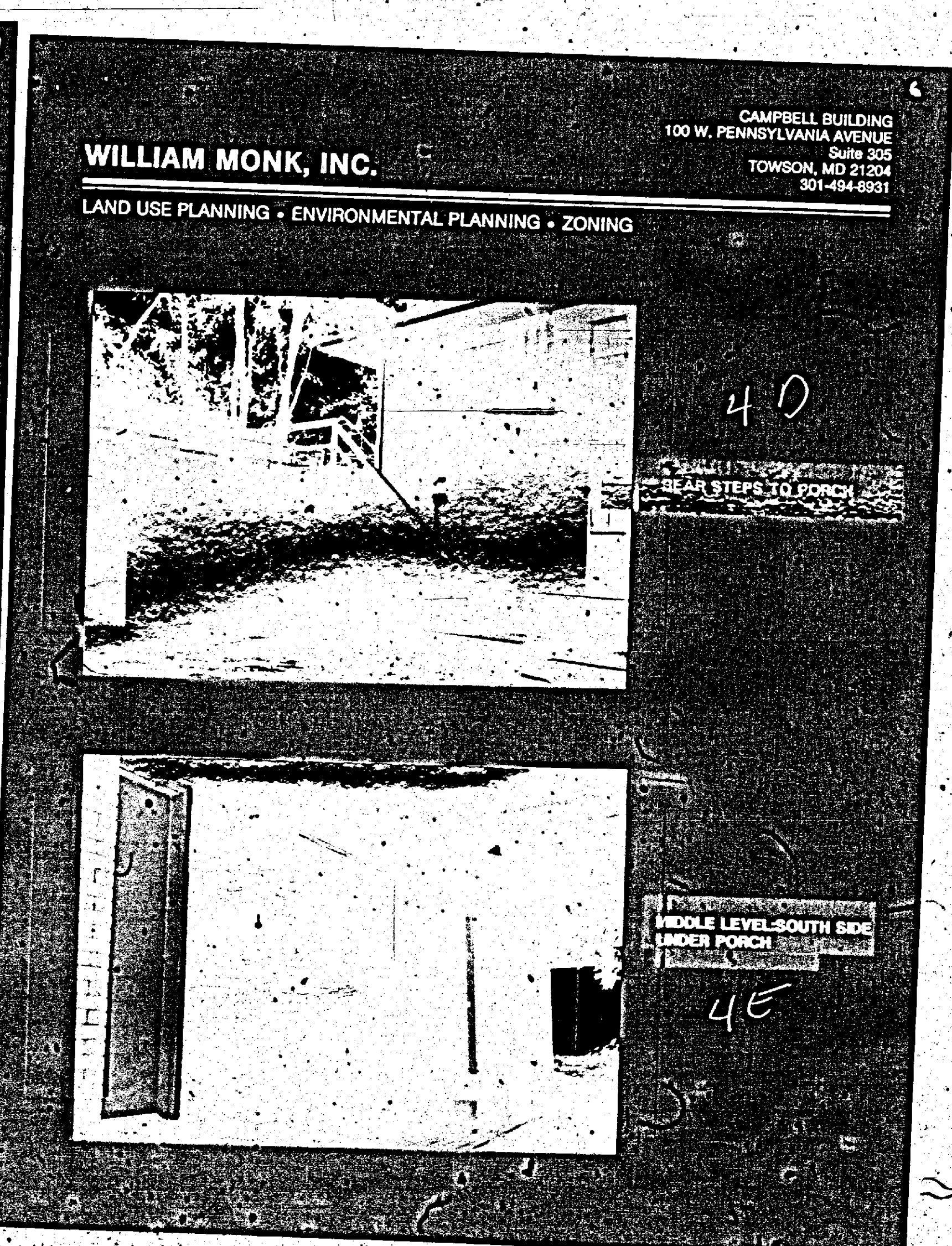
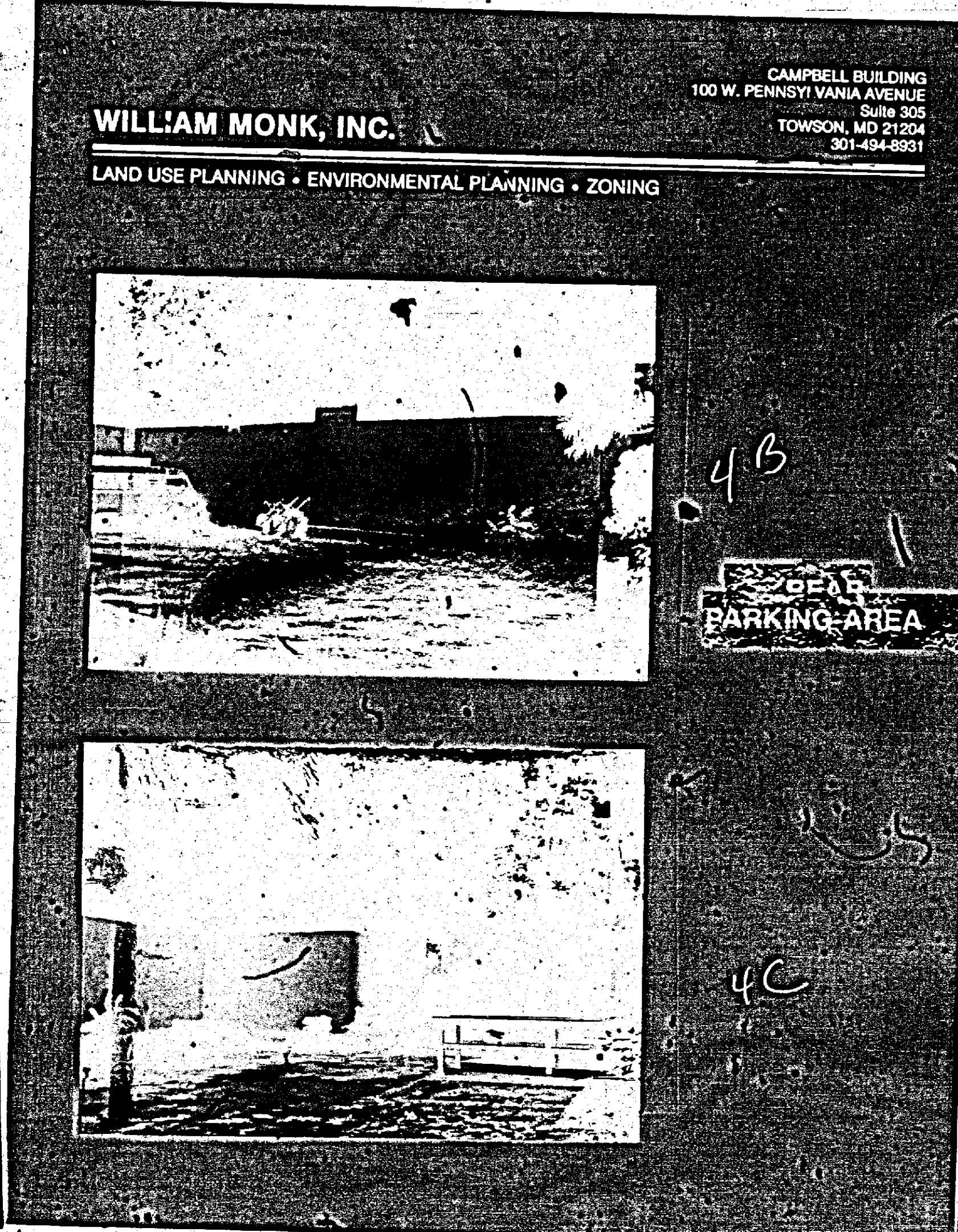
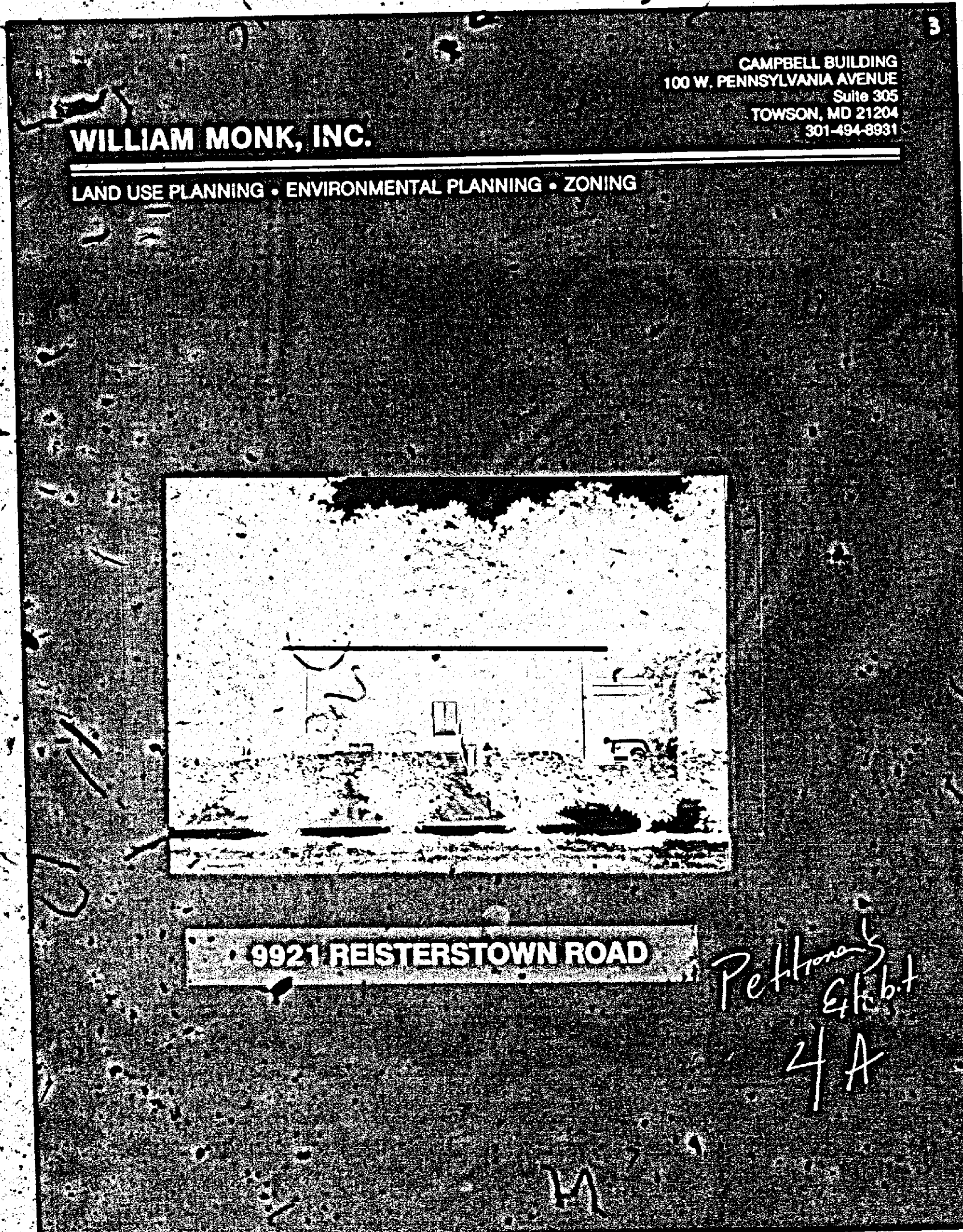
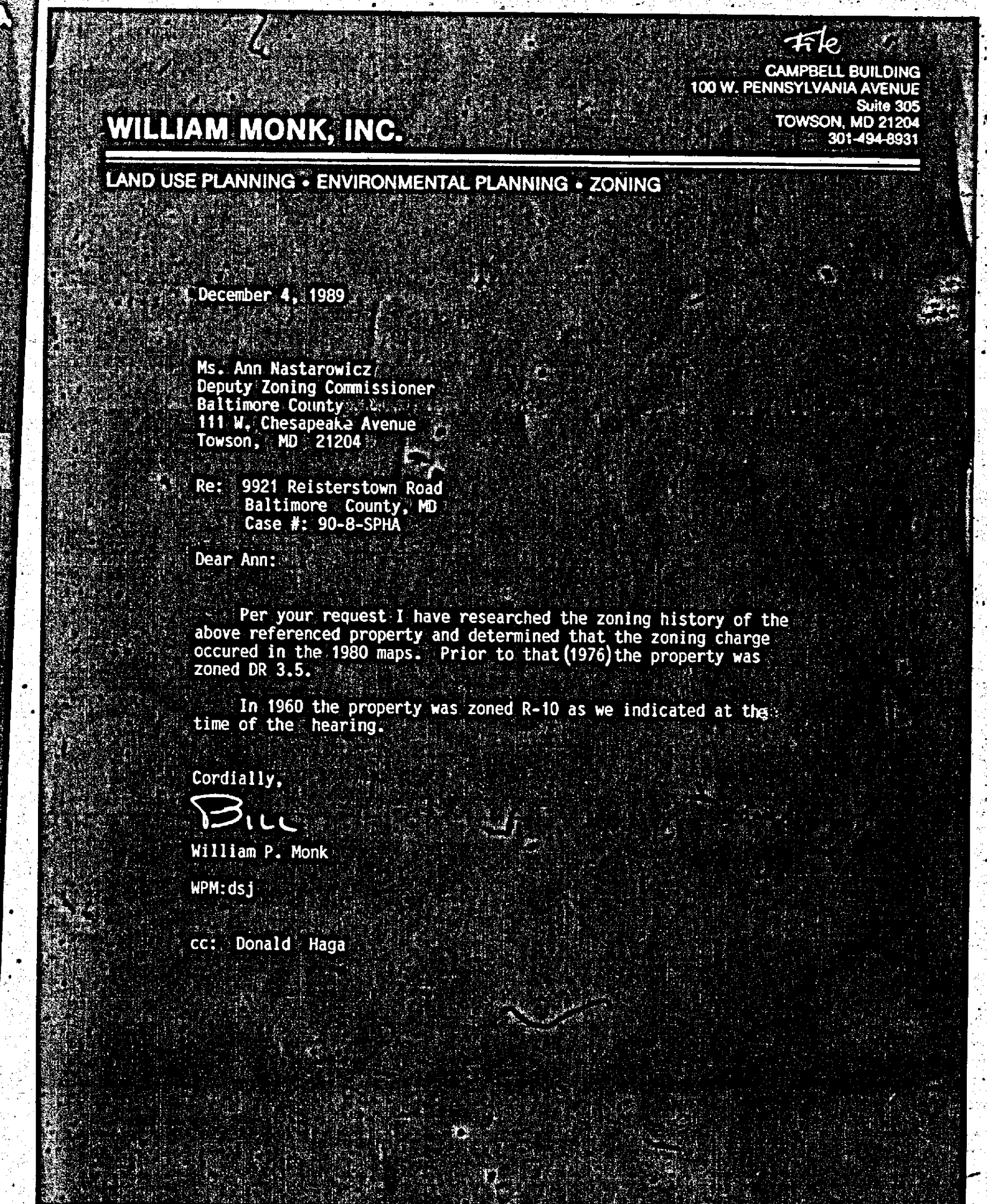
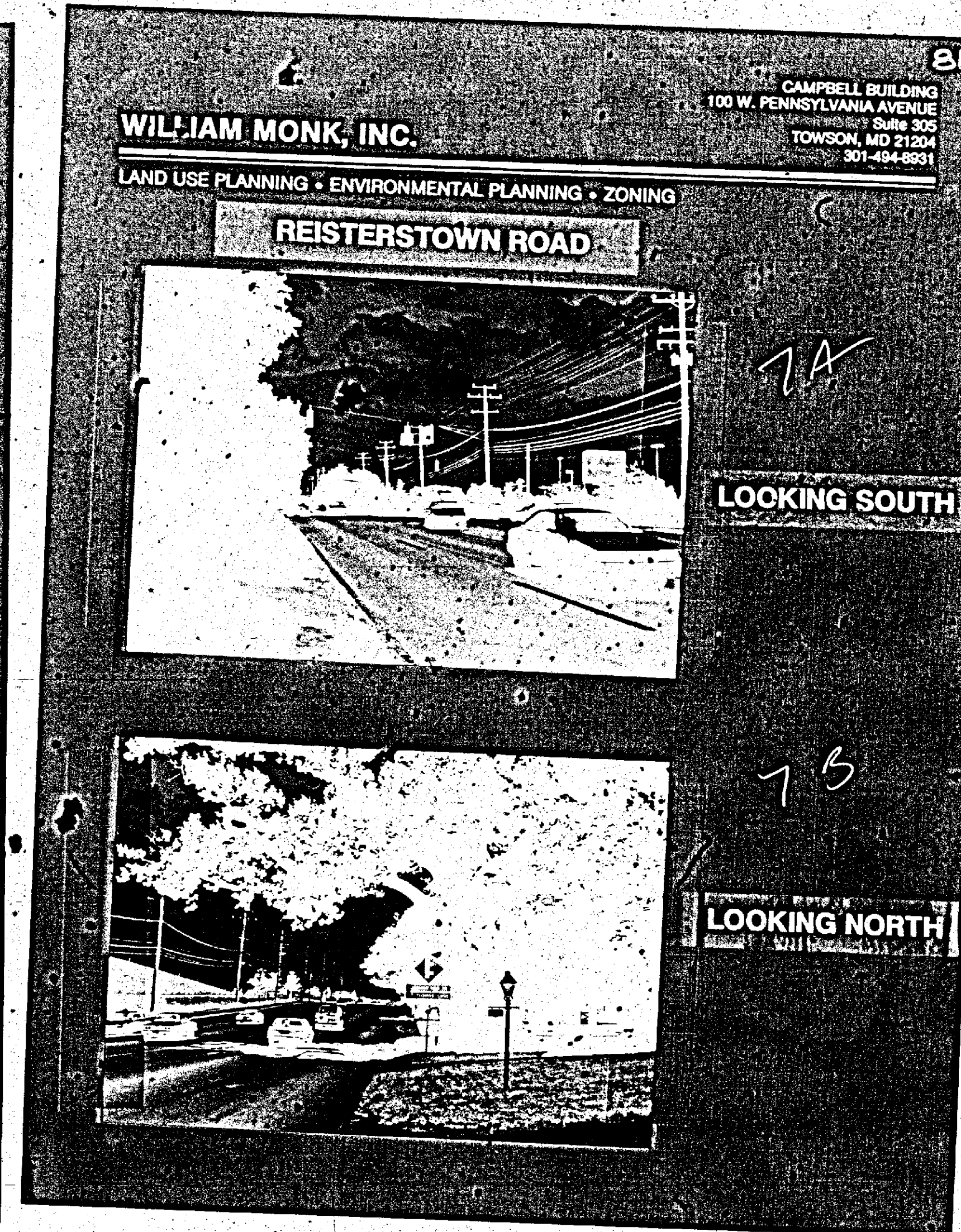
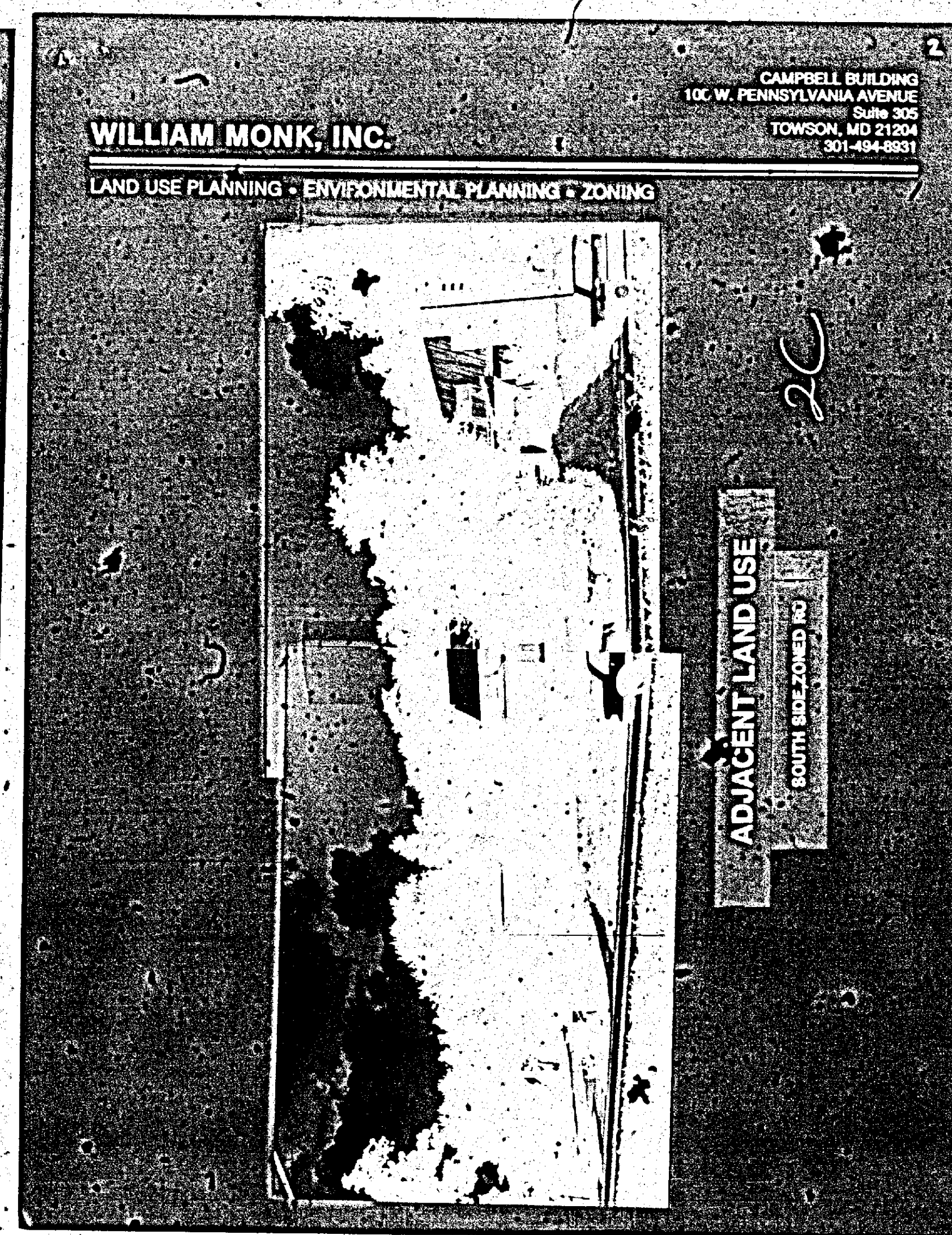
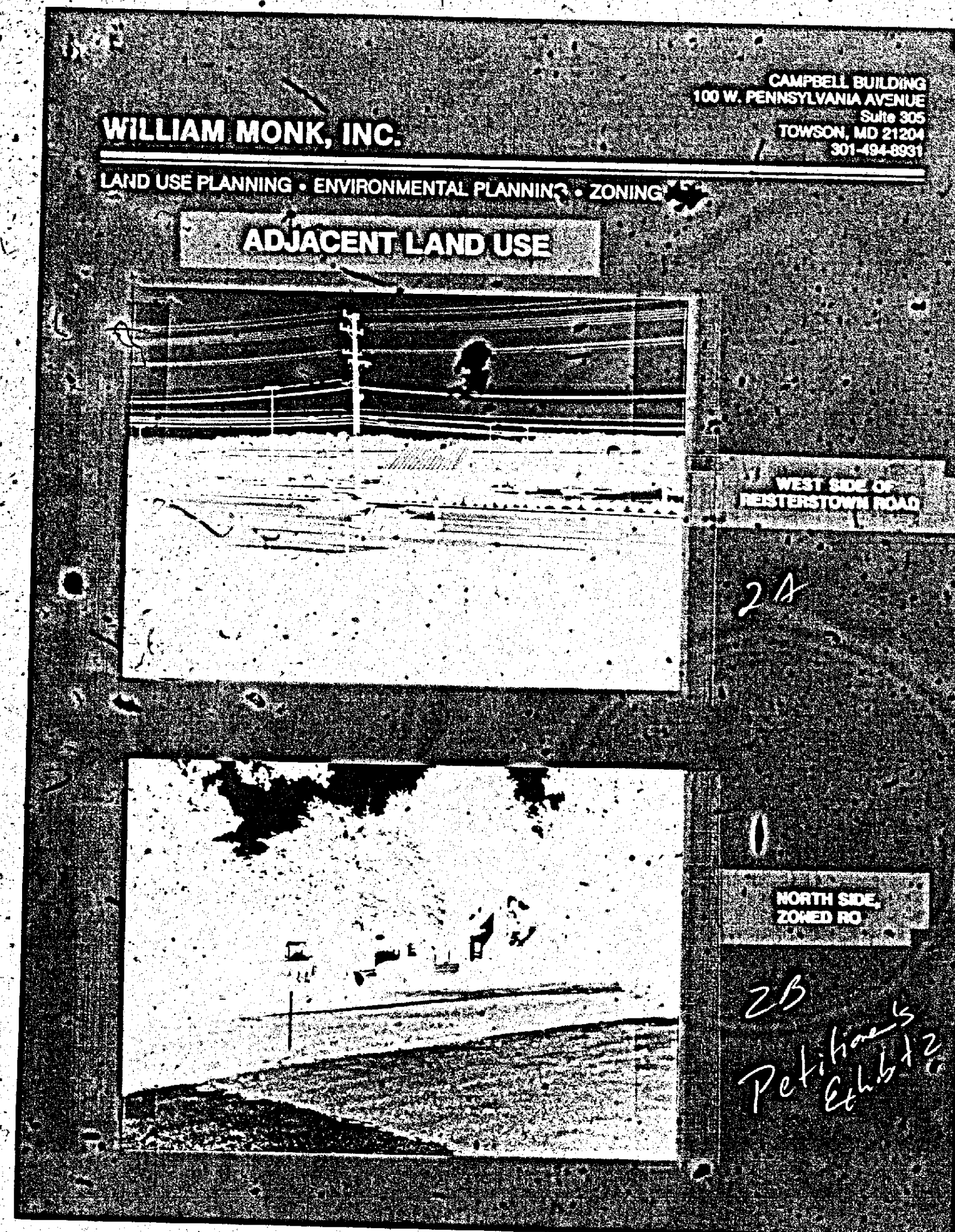
In accordance with our building permit #B045509 for 9921 Reisterstown Road, we would like to submit the enclosed submittal for a sign permit. The dimensions are in agreement with the size specifications (not to exceed 10 square feet per side), and the listing only includes the name of the building.

If there is anything else you need, please don't hesitate to contact me.

Sincerely,

Donald Haga
Donald Haga
President

DH/mrf
Enclosure



WILLIAM MONK, INC.
LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

CAMPBELL BUILDING
100 W. PENNSYLVANIA AVENUE
TOWSON, MD 21204
301-494-8931

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WILLIAM MONK, INC.
LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

CAMPBELL BUILDING
100 W. PENNSYLVANIA AVENUE
TOWSON, MD 21204
301-494-8931

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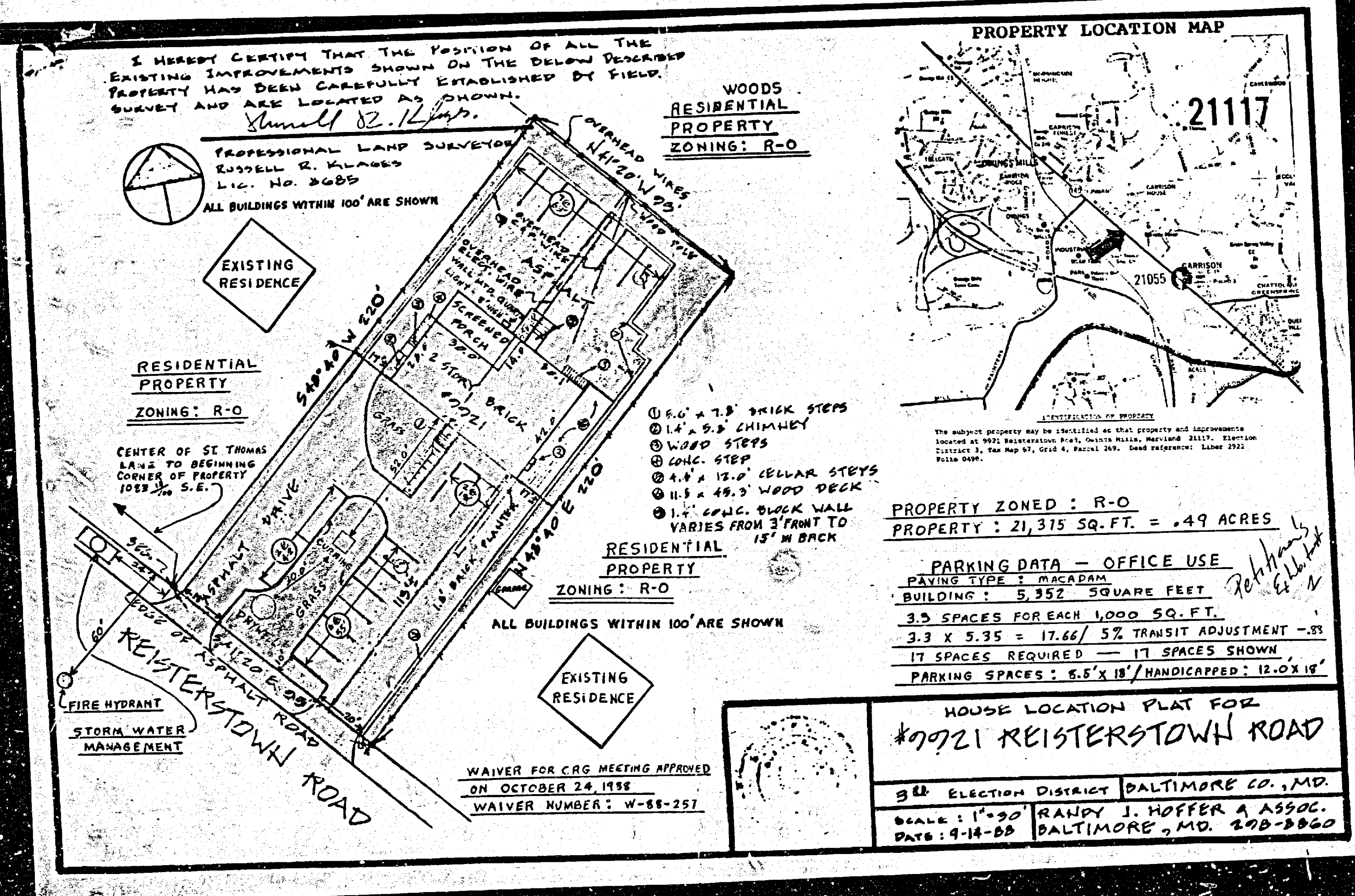
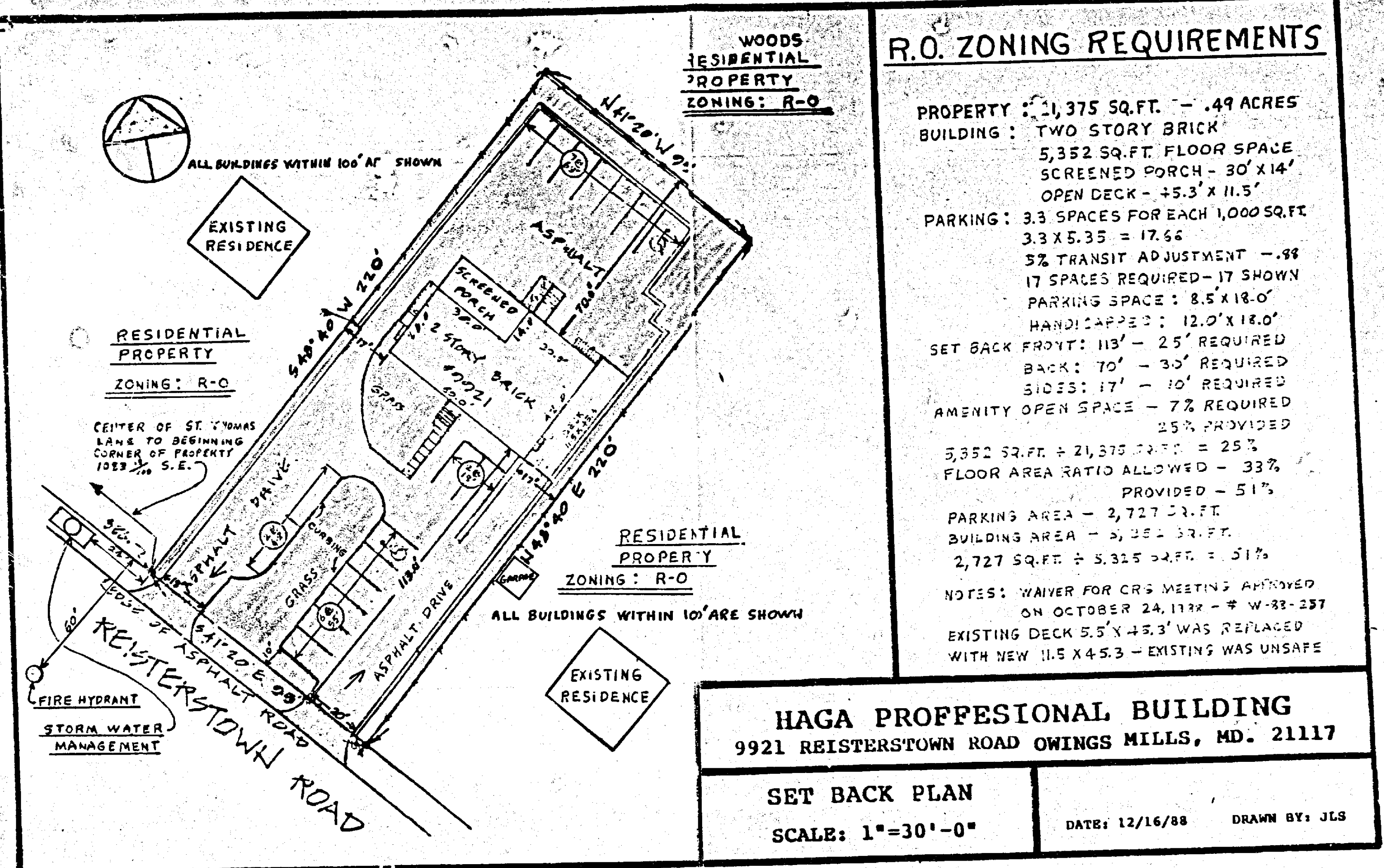
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Baltimore County
Fire Department
Towson, Maryland 21204-5538
494-4300

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Hammann
County Executive

Re: Property Owner: Donald Haga

Location: NCS Reisterstown Road, 1,083' SE centerline of St. Thomas Lane
(8921 Reisterstown Road)
Item No.: 313

Zoning Agenda: May 16, 1989

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of 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.

REVIEWER: *[Signature]* 5/1/89
Special Inspection Division

Noted and
Approved: *[Signature]*
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 1, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for May 16, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 468, 469, 470, 471, 474, 475, 476, 478, 480, 481, 482, 485, and 486.

For Item 253 the previous County Review Group Comments still apply.

For Item 468 contact the State Highway Administration for right-of-way requirements for Reisterstown Road.

For Item 467 contact the State Highway Administration for the necessary improvements for Reisterstown Road.

For Item 472 the previous County Review Group Comments for Festival at Woodholme still apply.

For Item 473 the building being in a reversible slope easement must be addressed prior to approval.

For Item 477 the previous County Review Group Comments still apply.

For Item 479 the previous County Review Group Comments still apply.

For Item 483 contact the State Highway Administration for right-of-way requirements on Park Heights Avenue.

For Item 484 the previous County Review Group Comments still apply.

[Signature]
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

JUN 02 1989

Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204
494-3211

P. David Fields
Director



Dennis F. Hammann
County Executive

October 24, 1988

Mr. and Mrs. Donald G. Haga
3719 Niner Road
Pinksburg, MD 21048

Re: Reisterstown Road - 9921
W-88-257

Dear Mr. and Mrs. Haga:

We have reviewed your waiver application for the above property and have determined that a waiver for the CRG (meeting/proceeds) would be within the scope, purpose and intent of the Development Regulations of Baltimore County and is therefore approved. However, waiver of the CRG Plan has been DENIED. This development shall comply with all other applicable laws, rules and regulations of Baltimore County (Section 22-51).

Should you have any questions, please contact Gary Kerns, Chief, Current Planning and Development at 494-3335 or Pat Keller, Deputy Director of Planning at 494-3211.

NOTE: This waiver approval letter shall be presented by the applicant when applying for a building permit.

Sincerely yours,

[Signature]
P.D. Fields
David Fields, Director
Office of Planning and Zoning

DF:rh

cc: Robert E. Covahey, Acting Chief
Robert Bowling
File

CRG WAIVER: 9921 Reisterstown Road
Zoning Case #90-8-SPHA

NE/S Reisterstown Road, 1,083' S of St. Thomas Lane

Plan Comments for 3/16/90

The design plan of the proposed sign showing required landscaping per restriction #2 must be submitted to and approved by the Deputy Zoning Commissioner.

In order to utilize the transit adjustment listed in plan note 26.B, compliance must be documented with 5409.6.2.1 which requires that the pedestrian access of the building must be located within 1,000' walking distance of a M.T.A. route with scheduled peak-period headways of 20 minutes or better.

Include all required Class "A" office building checklist information on the plan (attached) and document approval of the 18' foot wide entrance by the S.H.A. is required on the plan as the Z.O.C. comments dated 6/26/89 required 20 feet. Enlarge the vicinity map to 1"=1,000 square feet or greater and clearly show the site outline.

Zoning approval of this plan requires compliance with the above comments.

[Signature]
JOHN L. LEWIS
PLANNING & ZONING ASSOCIATES III

JLL:scj

