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James A. Avirett, Jr.
Joseph S. Makar
David B. McCormick

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Louis W. Klinefelter
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John P. Maddox

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August 1, 2001

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Joseph C. Sowinski
Dennis J. Hasson
William A. Geschrei
Robert J. Krallinger
J. Mark Parker
Douglas A. Kelso
Amitava Podder
R. Gary German

Mr. John Alexander
Baltimore County Zoning Department
111 West Chesapeake Ave.
Towson, Md. 21204

Re: Addendum to the July 18, 2001
Spirit and Intent Letter to Address
Modifications to Existing Zoning Variances
For #835/#837 Oella Avenue
WR&A W.O.: 13313

Dear Mr. Alexander:

At your request we wish to supplement and modify the contents of the referenced July 18th letter with the following information and enclosed revised redlined zoning variance plats. Please refer to that letter for information regarding the proposed additions to unit #835/#837. As we discussed by telephone, Oella, prior to the 1983 CRG, was a 75-acre tract of land with 103 existing dwelling units all on the same parcel without subdivision lines. Charles Wagandt, the current owner, purchased this tract of land, along with the houses, in 1973 from his maternal family's business, W.J. Dickey and Sons, Inc. In addition to developing approximately 140 building lots for new dwellings in Oella, Mr. Wagandt has systematically subdivided the existing dwellings. Most of them required zoning variances, as many of them were constructed very close to Oella Avenue and one other. These variances were obtained, usually for blocks of units in the same locale, and plats were then recorded with new lot lines.

The same is true in our present case. Variances were obtained collectively for all the existing buildings in the business zoned central portion of Oella along with three existing townhouses nearby, #761, #763 and #765. The townhouses were subdivided as a group (Plat Book 51, folio 81, 6-27-82, amended in Plat Book 56, folio 73, 5-4-87) and await subdivision as individual units. Units #802/#804 were subdivided along with the adjoining Oella Avenue, Hollow Road and Glen Avenue road right-of-way (Plat Book 73, folio 6, 8-23-00). The other three existing buildings shown on the enclosed zoning variance plat, #787, #803 and #835/#837 are included in the proposed record plat entitled "Glen Hollow" that Mr. Wagandt is attempting to have approved for recording.

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Wes Daub, P.E.

Enclosures

cc: Charles Wagandt

James A. Avirett, Jr.

File 13313

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Very truly yours,

WHITMAN, REQUARDT AND ASSOCIATES, LLP



Wes Daub, P.E.

Enclosures

cc: Charles Wagandt

James A. Avirett, Jr.

File 13313

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July 18, 2001

**Mr. Arnold Jablon, Esq.
Baltimore County Zoning Department
111 West Chesapeake Avenue
Towson, Maryland 21204**

Re: ***Spirit and Intent*** Letter to Address
Modifications to Existing Zoning Variances
For #835/#837 Oella Avenue

Dear Mr. Jablon:

Please note the enclosed red-lined "Plat For Zoning Variance and Special Hearing" dated December 8, 1992 showing changes to #835/#837 Oella Avenue, "Dutch Hotel." This plat was the primary exhibit for variances granted for setbacks and parking requirements for several existing buildings in the BM-CCC zoning district of Oella, Baltimore County, Case No. 93-197-SPHA. The change noted on the redlined plan is an addition to #835 and a mirror-image addition to #837. These units were shown on the original plat as just #835 Oella Avenue. They are, in fact, two distinct units with an unbroken wall of partition between them; and, historically, they were always used as two residential units. These additions will increase the gross square foot area from 5115 square feet, as shown on the original plat, to 6225 square feet. As you can see from the plat, the new additions partly overlap earlier and smaller additions that have been removed.

The proposed use for these units will be either entirely residential or entirely offices. The more restrictive use, offices, would require 21 spaces, less than the 26 spaces required for retail use as shown on the original plat. Nevertheless, should a future owner wish to employ these units with their proposed additions for retail, requiring 32 spaces, or 6 more than the original, it would still be within the spirit and intent of the variances granted in 1993. This is because the requirement for restaurant spaces is actually 16 per 1000 square feet instead of 20, as shown on the original plat. Instead of needing 45 spaces for 2250 square feet of restaurant in #803 as shown on the original plat, the owner would now only require 36 spaces. This reduction of 9 spaces for a restaurant more than offsets the additional 6 spaces needed for the additions on #835/#837 if they are ever used for retail. #803 Oella Avenue is currently used as offices and never has been used for a restaurant. The reduction in overall spaces granted by the variance from 135 to 63 amounts to a 47% reduction. Forty seven percent of 36 spaces, or 17 spaces,

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Amitava Podder
R. Gary German

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JUL 19 1961

R. Gary German
 STONE G. C. WACIMAY. C 7 23
 WOLFE D. G. C 7 25
 R. STONE G. C. WACIMAY
 and Letter to Address

93-197. SPHET

could easily fit within the portion of parking lot with the full 22-foot wide aisle with parking at 90 degrees, with full-size parking spaces, all of which are 10 feet or more from the right-of-way.

It is important to note that the variance requested for 63 spaces in lieu of 135 was based upon a speculated maximum commercial use of the existing buildings, which is unlikely to ever occur. Furthermore, the number of 63 was, and still is, based upon the optimum use of the limited amount of useable land surrounding these buildings. Much of the land is steeply sloping and impossible to use without extraordinarily expensive high retaining walls. These buildings were originally constructed to benefit the Dickey Mill village community before the wide-scale use of automobiles.

Thank you for your review of these matters. Please do not hesitate to contact our office if you need additional information regarding this project. A copy of the rendered decision of Case No. 93-197-SPHA has been enclosed for your convenience. Please note that the proposed additions for #835/#837 Oella Avenue do not impose a need for more restrictive setback variances than already granted.

Very truly yours,

WHITMAN, REQUARDT AND ASSOCIATES, LLP



Wes Daub, P.E.

Enclosures

cc: Charles L. Wagandt
James A. Avirett, Jr.
File 13313

LONG TERM LEASE FOR
COM. BLDG.
VACANT RES. LOT. NOT
PART OF VILLAGE SETBACK
ON ANY DAY

CHARLES WAGAHNT

110-465-1700

CELLA - WES DAWB

410-235-3450

PLAT - NOT ON REVISED PLAN THAT
EXTING STRUCTURES TO BE RENOVATED
TO WHICH ADDITIONS WILL BE ADDED.

HEARNE CASES. REVIEW-

INCREASE IN SIZE OF ADDITIONAL 1100sqf
REQUIRES A HEARNE

DRC FOR REVISIONS OF PLAN

MIXED USE

SPECIFY %

SUBDIVISION.

W/IN SPIRIT &
THE AREA OF
IN AREA - THE
DRAWN BY

NO MIXED USE -
100% OF

SPECIFY % OF

NO MHT - NO

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No.

DATE

RECEIVED
FROM:

FOR:

ACCOUNT

AMOUNT \$

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CASHIER'S VALIDATION



Engineers
Architects
and
Planners

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C O V E R

S H E E T

TRANSMITTAL

Date: August 6, 2001

Project: #835/#837 Oella Avenue

To: John Alexander

Baltimore County Zoning Department

111 West Chesapeake Ave.

Towson, Maryland 21204

WR&A W.O.: 13313

We Are Sending:

- ☐ Under Separate Cover
- ☒ Herewith
- ☐ By Messenger

The Following Items:

- ☐ Shop Drawings
- ☐ Specifications
- ☐ Estimates
- ☒ Drawings
- ☐

For Your:

- ☐ Information
- ☒ Approval
- ☐ Use
- ☐ File
- ☐

# Copies	Date	Description / Remarks	Action To Be Taken
1	8/1/01	Letter Requesting Spirit and Intent Approval For Office Use of #835/#837 Oella Ave with Redlined Zoning Variance Plats	
1	8/1/01	Letter Requesting Spirit and Intent Approval For Residential Use of #835/#837 Oella Ave with Redlined Zoning Variance Plats	

John: Please review the addendum letter requesting office use of the Dutch Hotel, and, if acceptable, submit to the hearing officer for approval. If for any reason, you believe the office use is flawed and subject to rejection, please then review the addendum letter requesting residential use of the Dutch Hotel and present that to the hearing officer for approval. If you have any questions, please do not hesitate to call our office. Thank you for your attention to these matters.

WHITMAN, REQUARDT AND ASSOCIATES, LLP

Wes Daub, P. E.

Enclosures

cc: Charles Wagandt
James A. Avirett, Jr.
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*JOHN PLEASE
DO THIS ASAP. THIS
INFO. WAS NEEDED
BY YOU FOR CONTD RVW.
JOHN L.*

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Senior Associates:

James O. Armacost, III
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Thomas J. Hannan, Jr.
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Engineers, Architects and Planners

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July 18, 2001

7/20/01
10:48
7/20/01 - ~~10:48~~ JRA
01-2465
JUL 19 2001

Associates:

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Earl L. Swartzendruber, Jr.
William E. Bingley
Herbert W. Lew
Luther E. Bathurst
John D. Emerson
Gary B. Bush
William W. Fitchett, Jr.
William P. Wagner
Gary E. Johnson, Jr.
Walter P. Miller
Daniel J. Seli
Anthony U. Olsen
Gregory D. Mucci
Joseph C. Sowinski
Dennis J. Hasson
William A. Geschrei
Robert J. Krallinger
J. Mark Parker
Douglas A. Kelso
Amitava Podder
R. Gary German

Mr. Arnold Jablon, Esq.
Baltimore County Zoning Department
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: **Spirit and Intent** Letter to Address
Modifications to Existing Zoning Variances
For #835/#837 Oella Avenue

SPRINT C. WAGNER - 07-23
WCS - 07-25
Re: Spirit and Intent Letter

Dear Mr. Jablon:

CASE FILE

93-197-SPHA

Please note the enclosed red-lined "Plat For Zoning Variance and Special Hearing" dated December 8, 1992 showing changes to #835/#837 Oella Avenue, "Dutch Hotel." This plat was the primary exhibit for variances granted for setbacks and parking requirements for several existing buildings in the BM-CCC zoning district of Oella, Baltimore County, Case No. 93-197-SPHA. The change noted on the redlined plan is an addition to #835 and a mirror-image addition to #837. These units were shown on the original plat as just #835 Oella Avenue. They are, in fact, two distinct units with an unbroken wall of partition between them; and, historically, they were always used as two residential units. These additions will increase the gross square foot area from 5115 square feet, as shown on the original plat, to 6225 square feet. As you can see from the plat, the new additions partly overlap earlier and smaller additions that have been removed.

The proposed use for these units will be either entirely residential or entirely offices. The more restrictive use, offices, would require 21 spaces, less than the 26 spaces required for retail use as shown on the original plat. Nevertheless, should a future owner wish to employ these units with their proposed additions for retail, requiring 32 spaces, or 6 more than the original, it would still be within the spirit and intent of the variances granted in 1993. This is because the requirement for restaurant spaces is actually 16 per 1000 square feet instead of 20, as shown on the original plat. Instead of needing 45 spaces for 2250 square feet of restaurant in #803 as shown on the original plat, the owner would now only require 36 spaces. This reduction of 9 spaces for a restaurant more than offsets the additional 6 spaces needed for the additions on #835/#837 if they are ever used for retail. #803 Oella Avenue is currently used as offices and never has been used for a restaurant. The reduction in overall spaces granted by the variance from 135 to 63 amounts to a 47% reduction. Forty seven percent of 36 spaces, or 17 spaces,

could easily fit within the portion of parking lot with the full 22-foot wide aisle with parking at 90 degrees, with full-size parking spaces, all of which are 10 feet or more from the right-of-way.

It is important to note that the variance requested for 63 spaces in lieu of 135 was based upon a speculated maximum commercial use of the existing buildings, which is unlikely to ever occur. Furthermore, the number of 63 was, and still is, based upon the optimum use of the limited amount of useable land surrounding these buildings. Much of the land is steeply sloping and impossible to use without extraordinarily expensive high retaining walls. These buildings were originally constructed to benefit the Dickey Mill village community before the wide-scale use of automobiles.

Thank you for your review of these matters. Please do not hesitate to contact our office if you need additional information regarding this project. A copy of the rendered decision of Case No. 93-197-SPHA has been enclosed for your convenience. Please note that the proposed additions for #835/#837 Oella Avenue do not impose a need for more restrictive setback variances than already granted.

Very truly yours,

WHITMAN, REQUARDT AND ASSOCIATES, LLP



Wes Daub, P.E.

Enclosures

cc: Charles L. Wagandt
James A. Avirett, Jr.
File 13313

LONG TERM LEASE FOR
COM. BLDG.
VACANT RES. LOT. NOT
PART OF VILLAGE SETBACK
ON ANY DAY

CHARLES WAGAHNT

110-465-1700

CELLA - Wes DAWB

410-235-3450

PLAT - NOT ON REVISED PLAN THAT
EXTING STRUCTURES TO BE RENOVATED
TO WHICH ADDITIONS WILL BE ADDED.

HEARNE CASES. REVIEW-

INCREASE IN SIZE OF ADDITIONAL 1100sqf
REQUIRES A HEARNE

DRC FOR REVISIONS OF PLAN

MIXED USE

SPECIFY %

SUBDIVISION.

W/IN SPIRIT &
THE AREA OF
IN AREA - THE
DRAWN BY

NO MIXED USE -
100% OF

SPECIFY % OF

NO MHT - NO

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No.

DATE

RECEIVED
FROM:

FOR:

ACCOUNT

AMOUNT \$

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CASHIER'S VALIDATION



Engineers
Architects
and
Planners

WHITMAN, REQUARDT AND ASSOCIATES, LLP

2315 Saint Paul Street
Baltimore, MD 21218

Phone: (410) 235-3450

Fax: (410) 243-5716

C O V E R

S H E E T

TRANSMITTAL

Date: August 6, 2001

Project: #835/#837 Oella Avenue

To: John Alexander

Baltimore County Zoning Department

111 West Chesapeake Ave.

Towson, Maryland 21204

WR&A W.O.: 13313

We Are Sending:

- ☐ Under Separate Cover
- ☒ Herewith
- ☐ By Messenger

The Following Items:

- ☐ Shop Drawings
- ☐ Specifications
- ☐ Estimates
- ☒ Drawings
- ☐

For Your:

- ☐ Information
- ☒ Approval
- ☐ Use
- ☐ File
- ☐

# Copies	Date	Description / Remarks	Action To Be Taken
1	8/1/01	Letter Requesting Spirit and Intent Approval For Office Use of #835/#837 Oella Ave with Redlined Zoning Variance Plats	
1	8/1/01	Letter Requesting Spirit and Intent Approval For Residential Use of #835/#837 Oella Ave with Redlined Zoning Variance Plats	

John: Please review the addendum letter requesting office use of the Dutch Hotel, and, if acceptable, submit to the hearing officer for approval. If for any reason, you believe the office use is flawed and subject to rejection, please then review the addendum letter requesting residential use of the Dutch Hotel and present that to the hearing officer for approval. If you have any questions, please do not hesitate to call our office. Thank you for your attention to these matters.

WHITMAN, REQUARDT AND ASSOCIATES, LLP

Wes Daub, P. E.

Enclosures

cc: Charles Wagandt
James A. Avirett, Jr.
File 13313

*JOHN PLEASE
DO THIS ASAP. THIS
INFO. WAS NEEDED
BY YOU FOR CONTD RVW.
JOHN L.*

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - E & W/S Oella Avenue near Hollow Road (761, 763, 765, 787, 802, 804 and 835 Oella Avenue) 1st Election District 1st Councilmanic District

* BEFORE THE * ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 93-197-SPMA

Charles L. Magandt * Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and a Petition for Zoning Variance filed by the owner of the subject property, Charles L. Magandt. The Petitioner requests a special hearing to approve business parking on 0.783 acres of D.R. 2 and D.R. 3.5 zoned land, pursuant to Section 409.8.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioner also seeks variance relief from the B.C.Z.R. as follows: From Sections 1B01.2.C.3, 232.2, 232.3, 235.1, 235.2, 235.3, 301.1, 409.4.A, 409.4.C and 409.6.A.2 from the 1970 Revised Edition of the B.C.Z.R. and Sections V.B.6.a, V.B.6.b, V.B.7 and V.B.9 from the 1972 Revised Edition of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a building to street centerline setback of 26 feet in lieu of the required 50 feet, a building to street right-of-way, property line setback of 15 feet in lieu of the required 25 feet, a private space factor of 275 sq.ft. in lieu of the required 500 sq.ft., and a window to street right-of-way, property line setback of 15 feet in lieu of the required 25 feet for Lot 1, Parcel C-2, Short Brick Row, also known as 761 Oella Avenue; to permit a building to street centerline setback of 33 feet in lieu of the required 50 feet, a building to street right-of-way, property line setback of 19 feet in lieu of the required 25 feet, an open porch to street centerline setback of 26 feet in

lieu of the required 37.5 feet, an open porch to street right-of-way, property line setback of 12 feet in lieu of the required 18.75 feet, a private space factor of 250 sq.ft. in lieu of the required 500 sq.ft., and a window to street right-of-way, property line setback of 19 feet in lieu of the required 25 feet for Lot 2, Parcel C-2, Short Brick Row, also known as 763 Oella Avenue; to permit a building to street centerline setback of 28 feet in lieu of the required 50 feet, a building to street right-of-way, property line setback of 10 feet in lieu of the required 25 feet, an open porch to side property line setback of 0 feet in lieu of the required 11.25 feet, a window to property line setback of 2 feet in lieu of the required 15 feet, and a window to street right-of-way, property line setback of 10 feet in lieu of the required 25 feet for Lot 3, Parcel C-2, Short Brick Row, also known as 765 Oella Avenue; to permit a front building line to front property line setback of 8 feet in lieu of the required 15 feet, a front building line to street centerline setback of 25 feet in lieu of the required 40 feet, a side yard abutting a lot in a residential zone setback of 2 feet in lieu of the required 15 feet, a side yard of a corner lot on the street side setback of 0 feet in lieu of the required 10 feet, a rear yard abutting a lot in a residential zone setback of 13 feet in lieu of the required 20 feet, and an aisle width for two-way movement with 90 degree perpendicular parking of 18 feet in lieu of the required 22 feet for Lot 4-A, BMCCC District, also known as 787 Oella Avenue; to permit a front building line to front property line setback of 6 feet in lieu of the required 15 feet, a rear building line to a rear property line (double-frontage lot) setback of 0 feet in lieu of the required 15 feet, a front building line to street centerline setback of 28 feet in lieu of the required 40 feet, a rear building line to street centerline (double-front-

age lot) setback of 12 feet in lieu of the required 40 feet, and a side yard of a corner lot on the street side setback of 0 feet in lieu of the required 10 feet, for Lot 4-B, BMCCC District, also known as 802 Oella Avenue; to permit a front building line to front property line setback of 14 feet in lieu of the required 15 feet, a rear building line to a rear property line (double-frontage lot) setback of 0 feet in lieu of the required 15 feet, a front building line to street centerline setback of 34 feet in lieu of the required 40 feet, and a rear building line to street centerline (double-frontage lot) setback of 12 feet in lieu of the required 40 feet for Lot 4-B, BMCCC District, also known as 804 Oella Avenue; to permit a front building line to front property line setback of 3 feet in lieu of the required 15 feet, a front building line to street centerline setback of 21 feet in lieu of the required 40 feet, and a side yard of a corner lot on the street side setback of 7 feet in lieu of the required 15 feet for Lot 4-C, BMCCC District, also known as 803 Oella Avenue; to permit a front building line to front property line setback of 5 feet in lieu of the required 15 feet, for Lot 4-C, BMCCC District, also known as 835 Oella Avenue; and to permit a driveway width for two-way movement of 16 feet in lieu of the required 20 feet, an aisle width for two-way movement with 90 degree perpendicular parking of 16 feet in lieu of the required 22 feet, and a total number of parking spaces of 63 for the proposed uses in lieu of the required 135, for Lot 4, BMCCC District, also known as 787, 802, 803, 804, and 835 Oella Avenue, all as more particularly described on Sheets 1 and 2 of the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Charles L. Magandt, property owner, and Wesley R. Daub, Registered Professional Engineer. The

Petitioner was represented by Newton A. Williams, Esquire. There were no Protestants.

Testimony indicated that the subject properties, known as 761, 763, 765, 787, 802, 803, 804 and 835 Oella Avenue, are located within the historic district of Oella in western Baltimore County. The Petitioner is attempting to refurbish and renovate the subject properties while retaining as much of the historical character of the original community as possible. Because many of the structures were built in the 19th century, they do not comply with current zoning regulations. Testimony indicated that the requested special hearing and variances are necessary to legitimize a number of existing conditions for the residential lots known as 804 and 802 Oella Avenue, a two-story frame building which at one time was used as a church, an existing three-story building known as the Dutch Hotel, and a number of other residential lots known as Short Brick Row, as more particularly described on a color coded copy of the site plan which was entered into evidence as Petitioner's Exhibit 1. Said color coded site plan depicts all of the variances requested, including parking requirements. As previously stated, Oella is a historical area which is being redeveloped by the Petitioner. This office has entertained several prior Petitions in which the Petitioner was granted numerous variances similar to those requested herein for other properties located within Oella. Evidence presented indicates that the Petitioner has worked closely with the various State and local agencies through the years to insure compliance to the extent possible without compromising the historical character of the existing buildings. Testimony indicated the relief requested would not result in any detriment to the health, safety or general welfare of the surrounding community.

Pursuant to Section 409.8.B.1.e.3 of the B.C.Z.R., the special hearing request to permit business parking on D.R. zoned land must meet the special exception requirements set forth in Section 502.1 of the B.C.Z.R. As previously stated, the renovation of existing structures in historic Oella is an ongoing, timely process, and is being carried out in keeping with the historic character and nature of this community. In view of the slow pace at which the properties are being refurbished, it is the opinion of this Zoning Commissioner, that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and should therefore be granted.

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.

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) 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 variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variances requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of January, 1993 that the Petition for Special Hearing requesting approval of business parking on 0.783 acres of D.R. 2 and D.R. 3.5 zoned land, pursuant to Section 409.8.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

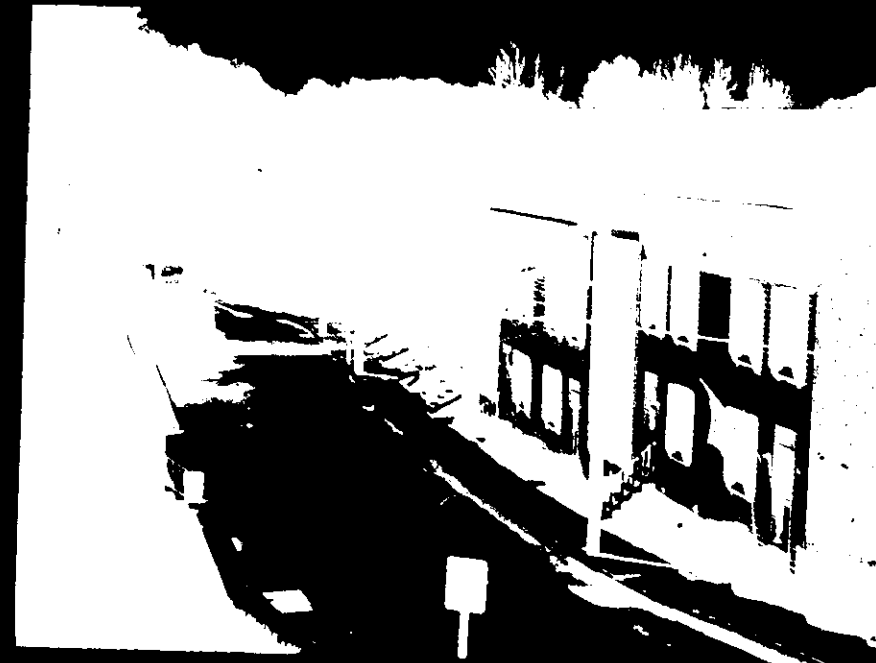
IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from the B.C.Z.R. as follows: From Sections 1B01.2.C.3, 232.2, 232.3, 235.1, 235.2, 235.3, 235.4, 301.1, 409.4.A, 409.4.C and 409.6.A.2 from the 1970 Revised Edition of the B.C.Z.R. and Sections V.B.6.a, V.B.6.b, V.B.7 and V.B.9 from the 1972 Revised Edition of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a building to street centerline setback of 26 feet in lieu of the required 50 feet, a building to street right-of-way, property line setback of 15 feet in lieu of the required 25 feet, a private space factor of 275 sq.ft. in lieu of the required 500 sq.ft., and a window to street right-of-way, property line setback of 15 feet in lieu of the required 25 feet for Lot 1, Parcel C-2, Short Brick Row, also known as 761 Oella Avenue; to permit a building to street centerline setback of 33 feet in lieu of the required 50 feet, a building to street right-of-way, property line setback of 19 feet in lieu of the required 25 feet, an open porch to street centerline setback of 26 feet in lieu of the required 37.5 feet, an open porch to street right-of-way, property line setback of 12 feet in lieu of the required 18.75 feet, a private space factor of 250 sq.ft. in lieu of the required 500 sq.ft., and a window to street right-of-way, property line setback of 19 feet in lieu of the required 25 feet for Lot 2, Parcel C-2, Short Brick Row, also known as 763 Oella Avenue; to permit a building to street centerline setback of 28 feet in lieu of the required 50 feet, a building to street right-of-way, property line setback of 10 feet in lieu of the required 25 feet, an open porch to side property line setback of 0 feet in lieu of the required 11.25 feet, a window to property line setback of 2 feet in lieu of the required 15 feet, and a window to street right-of-way, property line setback of 10 feet in lieu of the required 25 feet

for Lot 3, Parcel C-2, Short Brick Row, also known as 765 Oella Avenue; to permit a front building line to front property line setback of 8 feet in lieu of the required 15 feet, a front building line to street centerline setback of 25 feet in lieu of the required 40 feet, a side yard abutting a lot in a residential zone setback of 2 feet in lieu of the required 15 feet, a side yard of a corner lot on the street side setback of 0 feet in lieu of the required 10 feet, a rear yard abutting a lot in a residential zone setback of 13 feet in lieu of the required 20 feet, and an aisle width for two-way movement with 90 degree perpendicular parking of 18 feet in lieu of the required 22 feet for Lot 4-A, BMCCC District, also known as 787 Oella Avenue; to permit a front building line to front property line setback of 6 feet in lieu of the required 15 feet, a rear building line to a rear property line (double-frontage lot) setback of 0 feet in lieu of the required 15 feet, a front building line to street centerline setback of 28 feet in lieu of the required 40 feet, a rear building line to street centerline (double-frontage lot) setback of 12 feet in lieu of the required 40 feet, and a side yard of a corner lot on the street side setback of 0 feet in lieu of the required 10 feet, for Lot 4-B, BMCCC District, also known as 802 Oella Avenue; to permit a front building line to front property line setback of 14 feet in lieu of the required 15 feet, a rear building line to a rear property line (double-frontage lot) setback of 0 feet in lieu of the required 15 feet, a front building line to street centerline setback of 34 feet in lieu of the required 40 feet, and a rear building line to street centerline (double-frontage lot) setback of 12 feet in lieu of the required 40 feet for Lot 4-B, BMCCC District, also known as 804 Oella Avenue; to permit a front building line to front property line setback of 3 feet in lieu of the required 15 feet, a front build-

LOG CABIN CHRISTMAS

FROM THE BRINK TO A NEW BEGINNING

Every now and again as you travel America's back roads, you come across a little pocket of the past, a place where time seems to linger in winding streets and aged buildings. They are towns that have never been homogenized by bulldozers and tract homes, never been cluttered by rows of fast-food restaurants. Oella, Maryland, is one of them. Set on the banks of the Patuxent River about 10 miles west of Baltimore, Oella is a classic American mill town. It was founded in 1808, as home of the state's first textile company. As was the custom, the mill owners constructed homes for the workers, tucking them here and there among the steep hills that tumble toward the river.



Oella, Maryland, retains the character of its past as it spruces up for the future. Divided by the Patuxent River, which powered the mill, the town features a quaint shopping district and refurbished housing.

Incredibly, when Oella's last textile works closed 60 years later, the mill town was still intact, rough-sheeped and still owned by the mill. Many in Oella thought the plant closing would mean the end of the town. To Charles Wagandt, it looked like a beginning.

Wagandt, whose family has owned the mill since 1887, was determined not to let the village slip into memory. "It was too beautiful and too rich in history," he says. So Wagandt purchased the entire 78-acre tract from his family and began planning its renaissance. His vision: to restore the town's remarkable collection of homes, and to create a community where former mill workers and young professionals could live side by side.

About 100 of the mill's 130 homes still survive. Together, says Wagandt, they represent "a time capsule of unique working-class housing, spanning from about 1808 to 1925." Their styles form a sort of architectural time line, marching from log cabins to stone houses to Victorian cottages and brick rowhouses.

Since water and sewer lines reached the town in 1964, about half the homes have been renovated, and quaint shops and restaurants greet visitors. True to Wagandt's vision, not a single retired mill worker has been displaced from the village. In addition, the town has been listed on the National Register of Historic Places to ensure that its heritage will endure.

Bringing a town back to life brings its own rewards, according to Wagandt. "Sometimes," he says, "I walk out of my office onto a brick sidewalk with flowers alongside, and I look up to the top of a steep hill. I see a magnificent old row of stone houses, and beyond them, beautiful trees, and through the trees to a bright blue sky. It does reach me."

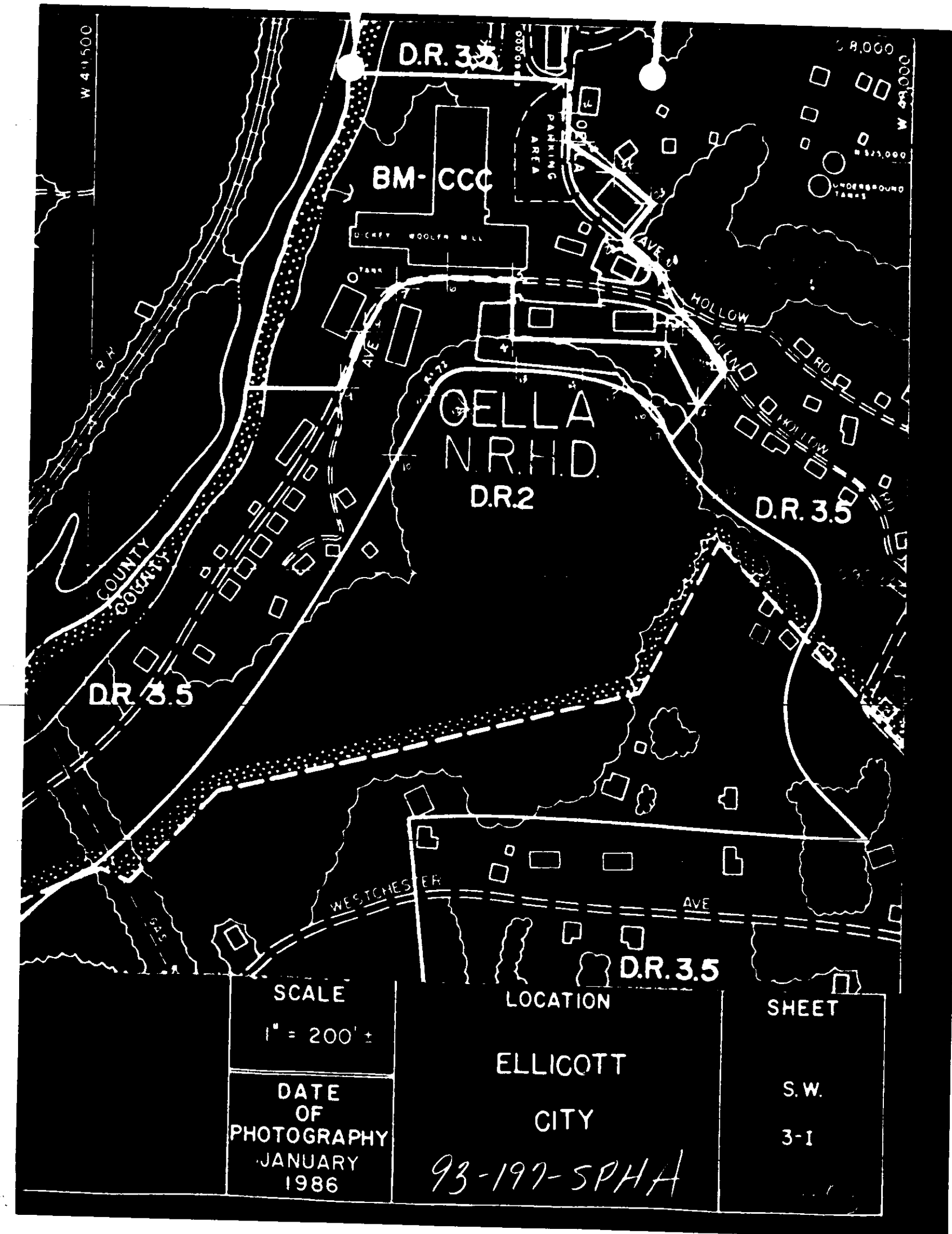
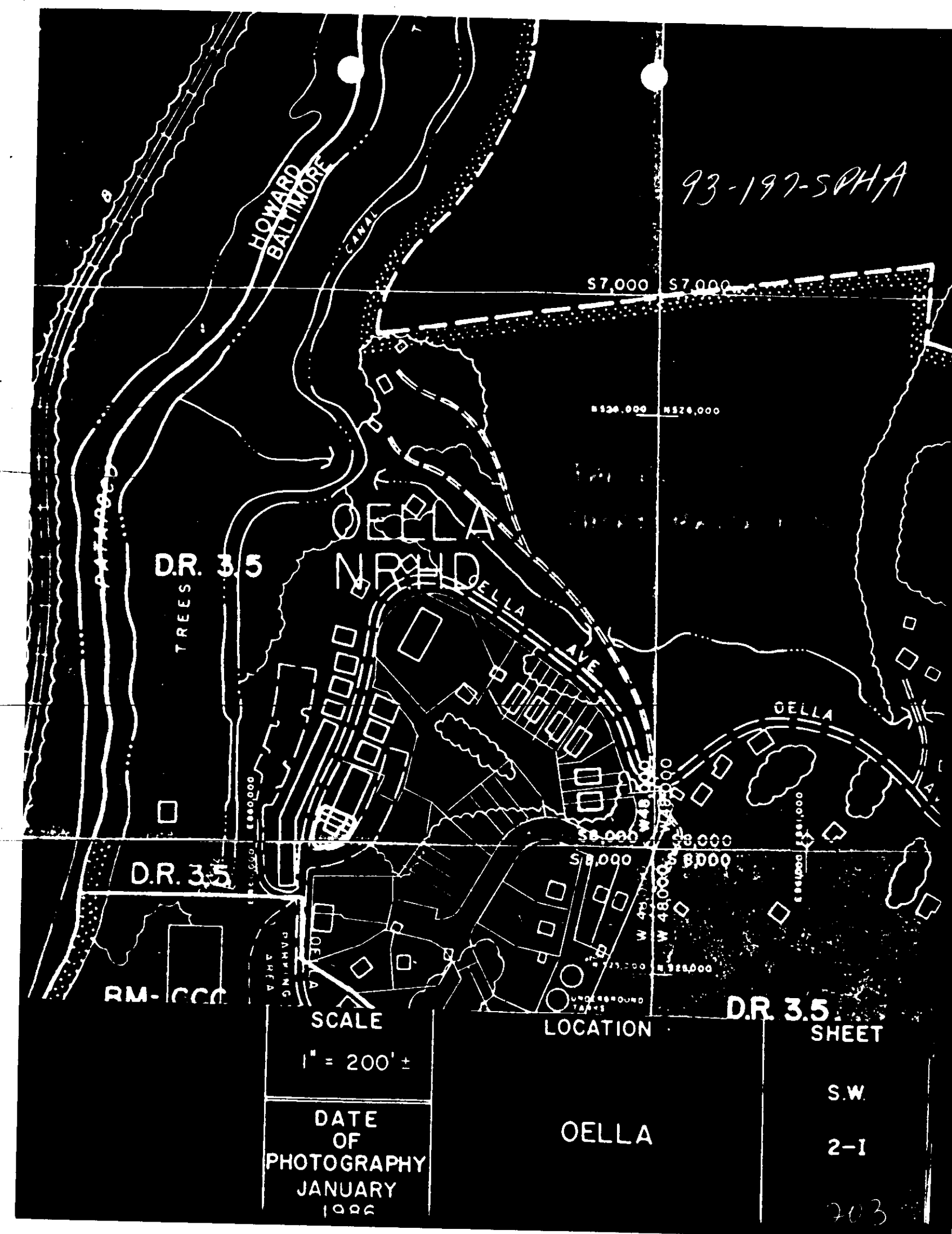
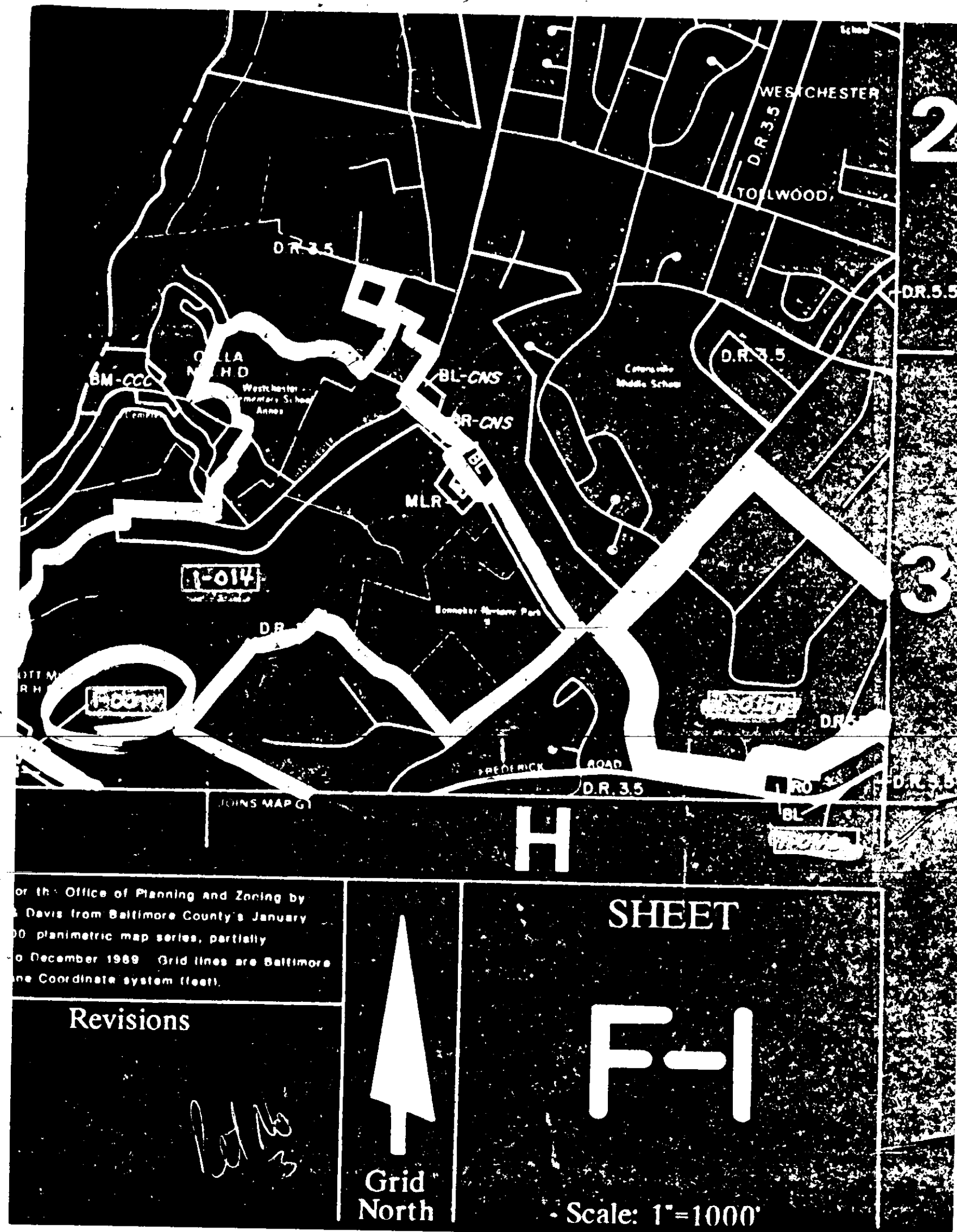
I quickly realized that what we have is much more unique than any fenced back-and-forth with swings. The first thing the girls always tell visitors is that we have deer in the yard.

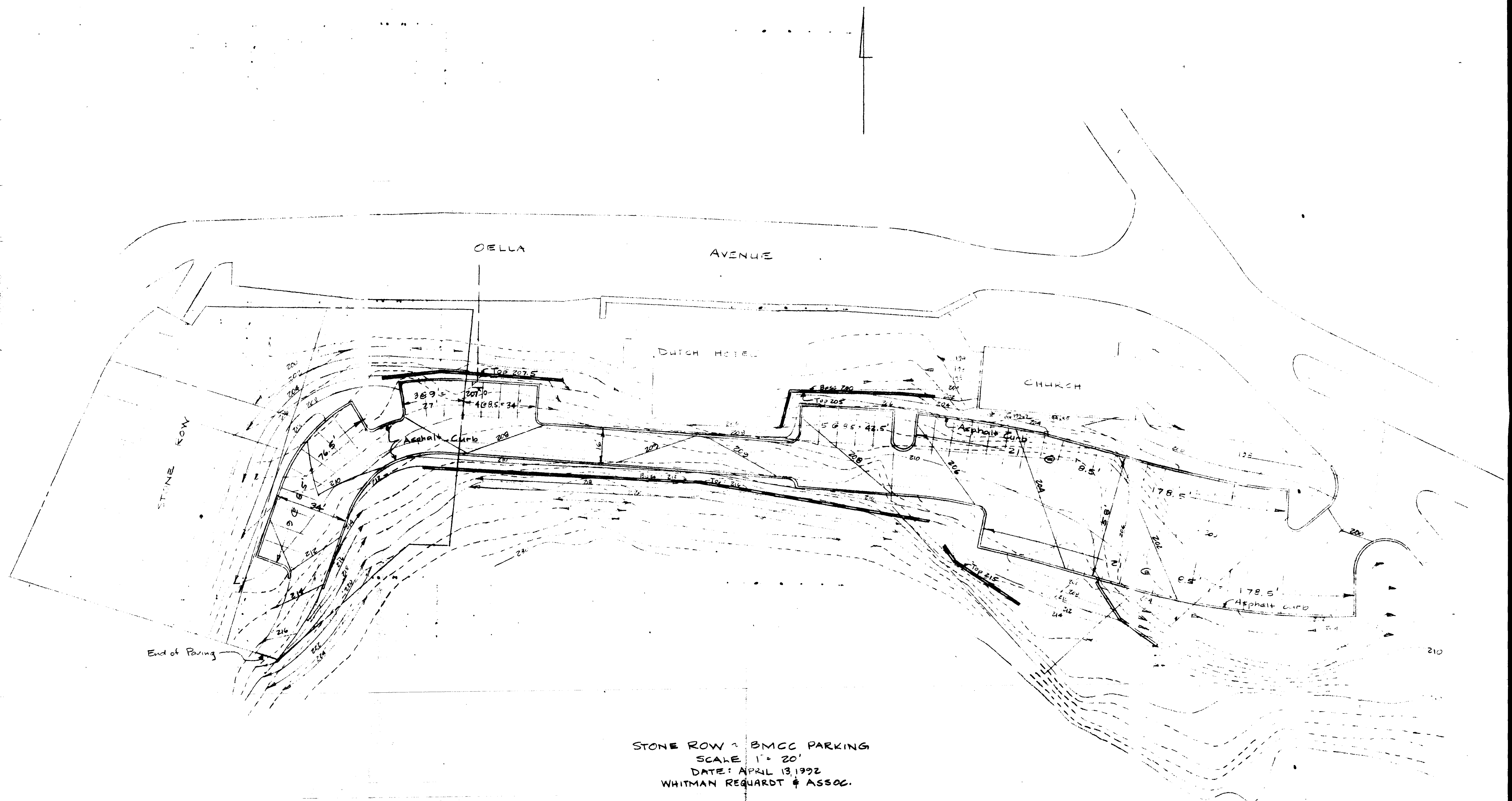
As Christmas approaches, Janet, Randy, and the children have trimmed an outdoor tree with bird feed to bring wildlife closer. Inside, they've decorated with honey ornaments made by the children, family heirlooms, and a gold lame tiddy bear that perches on roof rafters. It's fittingly eclectic, fitting for a house called Spring Promise.

Bright, shiny, yet infused with history, the remodeled log cabin seems destined to welcome many Christmas to come. J

FOR RESOURCES, SEE PAGE 104.

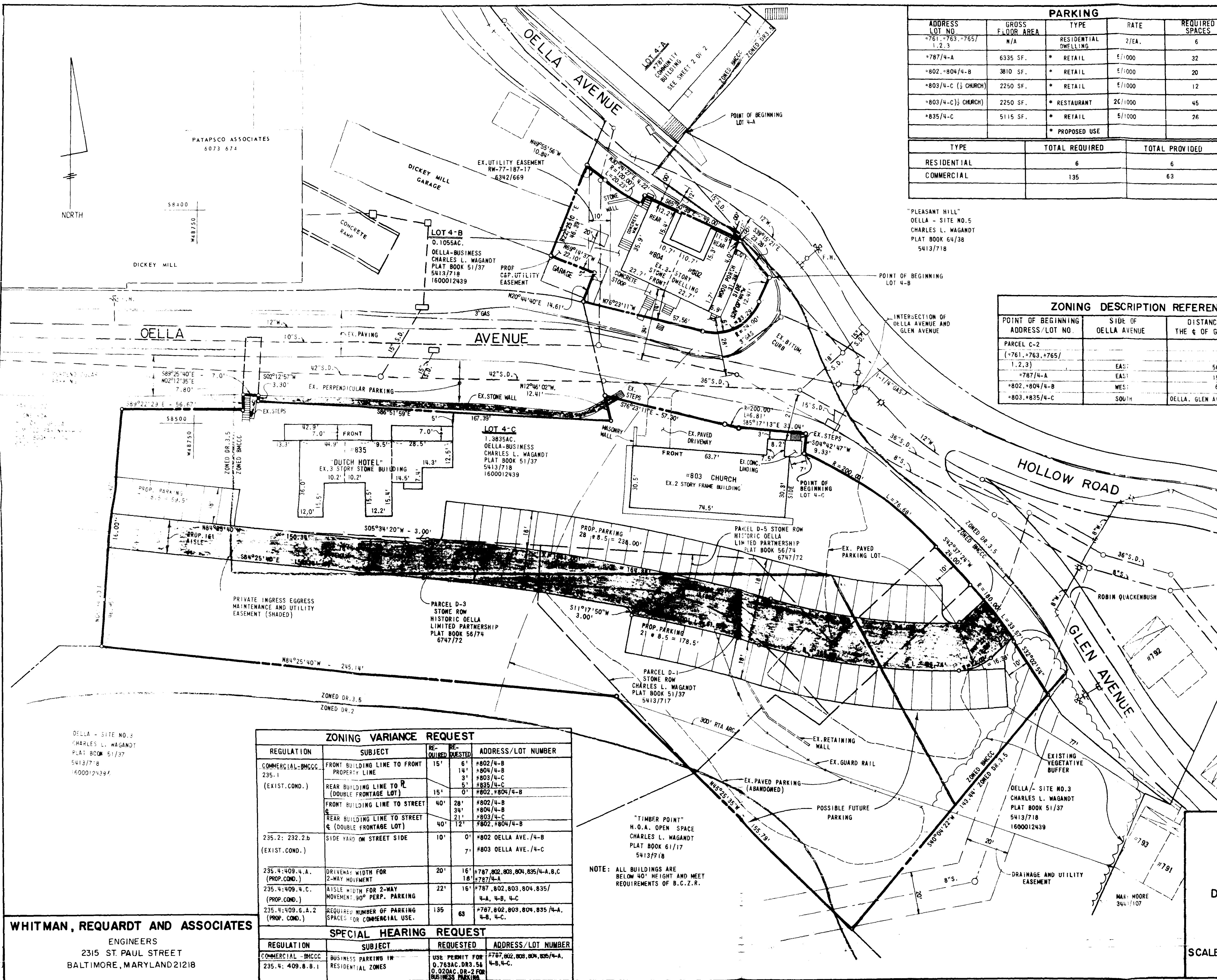
REMODELING BY AS WINTER 1992



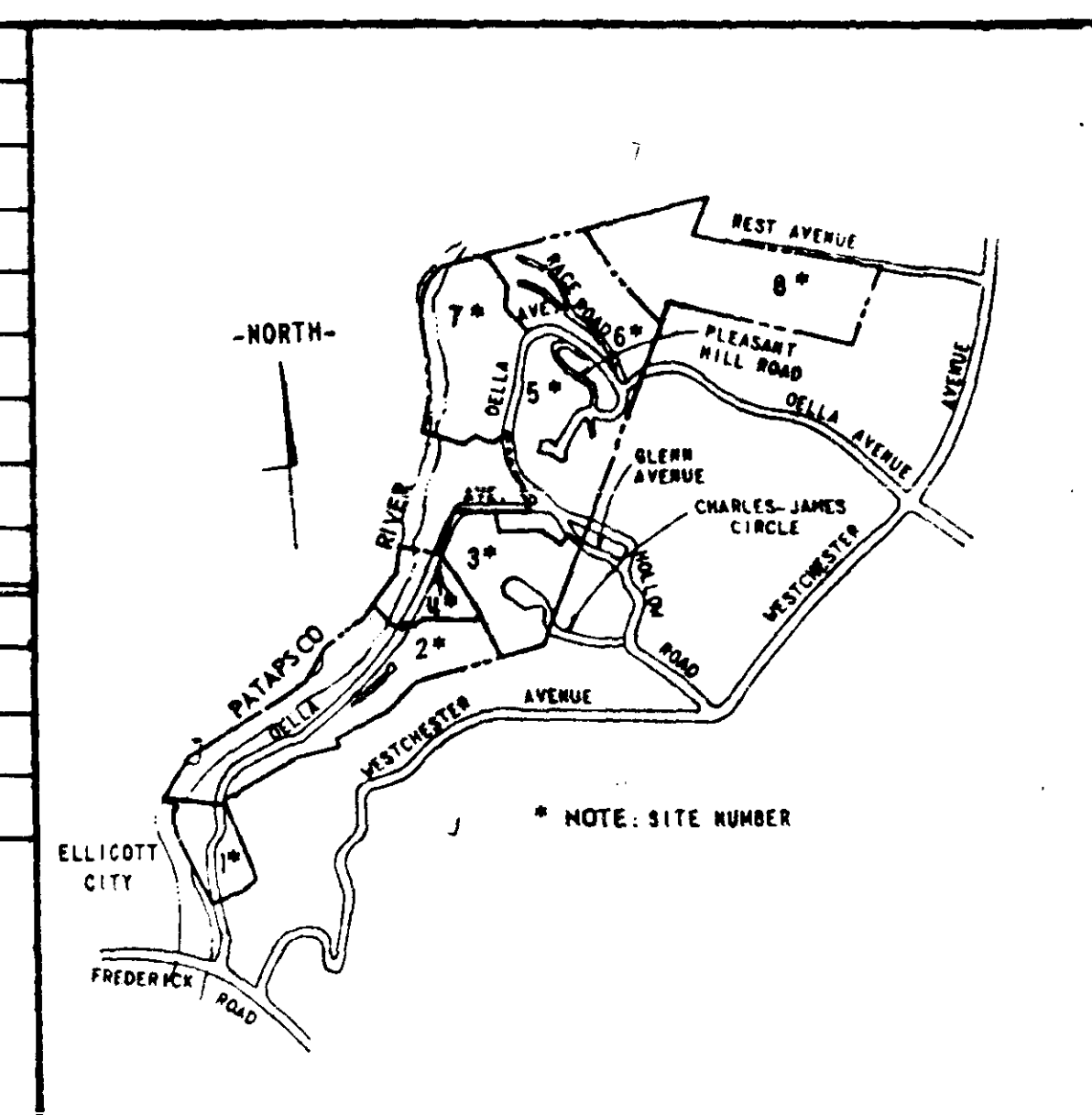


STONE ROW 1 BMCC PARKING
SCALE 1" = 20'
DATE: APRIL 13, 1992
WHITMAN REQUARDT & ASSOC.

Plot No 4



PARKING				
ADDRESS LOT NO	GROSS FLOOR AREA	TYPE	RATE	REQUIRED SPACES
*761, *763, *765/ 1, 2, 3	N/A	RESIDENTIAL DWELLING	2/EA.	6
*787/4-A	6335 SF.	* RETAIL	5/1000	32
*802, *804/4-B	3810 SF.	* RETAIL	5/1000	20
*803/4-C (1/2 CHURCH)	2250 SF.	* RETAIL	5/1000	12
*803/4-C (1/2 CHURCH)	2250 SF.	* RESTAURANT	25/1000	45
*835/4-C	5115 SF.	* RETAIL	5/1000	26
* PROPOSED USE				
TYPE		TOTAL REQUIRED	TOTAL PROVIDED	
RESIDENTIAL		6	6	
COMMERCIAL		135	63	



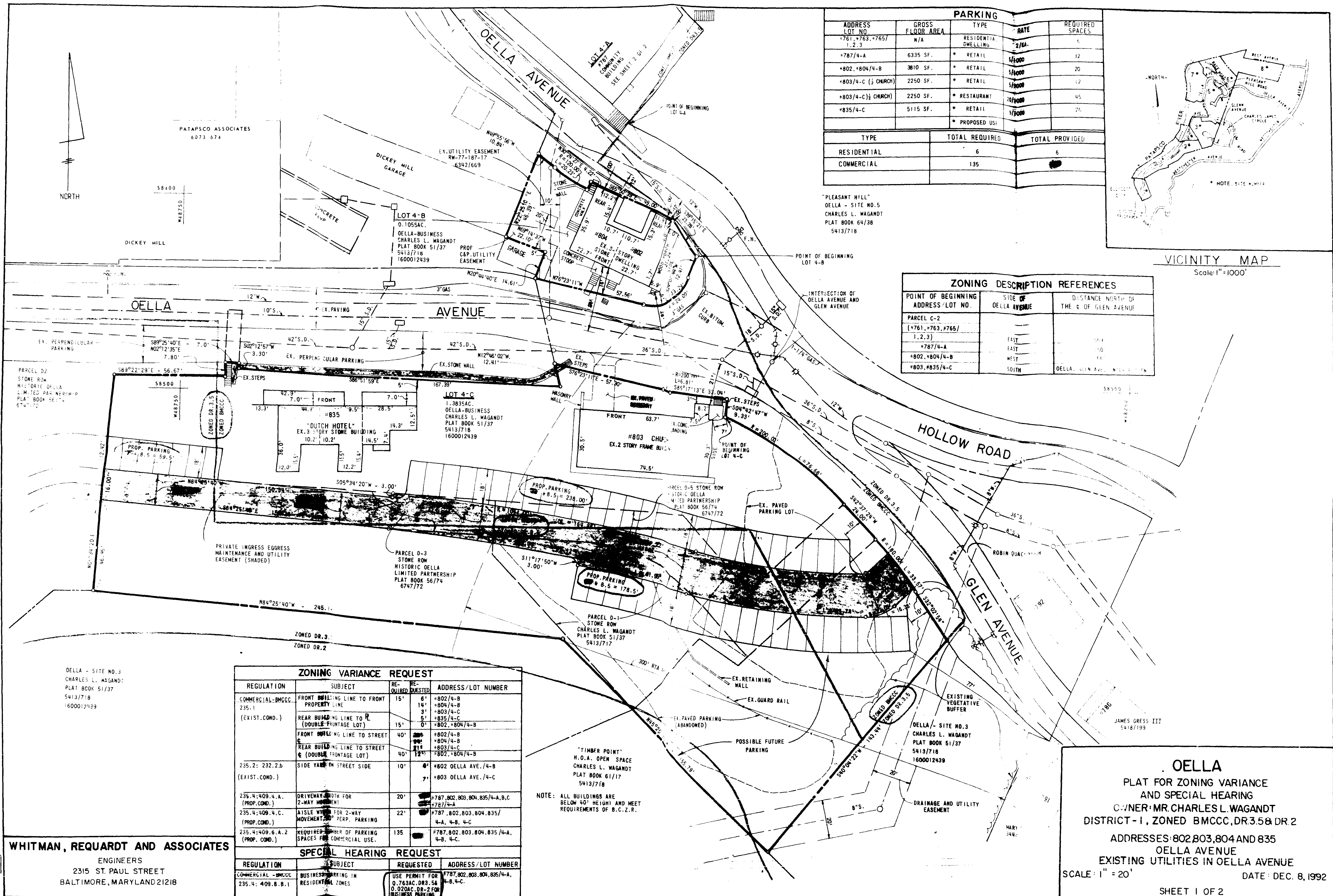
ZONING DESCRIPTION REFERENCES		
POINT OF BEGINNING ADDRESS/LOT NO	SIDE OF OELLA AVENUE	DISTANCE NORTH OF THE 1/4 OF GLEN AVENUE
PARCEL C-2		
(*761, *763, *765/ 1, 2, 3)	EAST	569'
*787/4-A	EAST	150'
*802, *804/4-B	WEST	66'
*803, *835/4-C	SOUTH	OELLA, GLEN AVE. INTERSECTION

ZONING VARIANCE REQUEST				
REGULATION	SUBJECT	RE-REQUIRED	REQUESTED	ADDRESS/LOT NUMBER
COMMERCIAL-BMCCC, 235.1 (EXIST. COND.)	FRONT BUILDING LINE TO FRONT PROPERTY LINE	15'	6'	*802/4-B
			14'	*804/4-B
			3'	*803/4-C
			5'	*835/4-C
	REAR BUILDING LINE TO R (DOUBLE FRONTAGE LOT)	15'	0'	*802, *804/4-B
235.2, 232.2.b (EXIST. COND.)	FRONT BUILDING LINE TO STREET	40'	28'	*802/4-B
			34'	*804/4-B
			21'	*803/4-C
	REAR BUILDING LINE TO STREET & (DOUBLE FRONTAGE LOT)	40'	12'	*802, *804/4-B
	SIDE YARD ON STREET SIDE	10'	0'	*802 OELLA AVE./4-B
235.4.409.4.A. (PROP. COND.)	DRIVEWAY WIDTH FOR 2-WAY MOVEMENT	20'	16'	*767, *802, *803, *804, *835/4-A, B, C
235.4.409.4.C. (PROP. COND.)	DRIVEWAY WIDTH FOR 2-WAY MOVEMENT, 90° PERP. PARKING	22'	16'	*767, *802, *803, *804, *835/4-A, B, C
235.4.409.6.A.2 (PROP. COND.)	REQUIRED NUMBER OF PARKING SPACES FOR COMMERCIAL USE	135	63	*767, *802, *803, *804, *835/4-A, B, C
SPECIAL HEARING REQUEST				
REGULATION	SUBJECT	REQUESTED	ADDRESS/LOT NUMBER	
COMMERCIAL-BMCCC, 235.4, 409.8.B.1	BUSINESS PARKING IN RESIDENTIAL ZONES	USE PERMIT FOR 0.763AC, DR3.58 0.020AC, DR-2 FOR BUSINESS PARKING	*767, *802, *803, *804, *835/4-A, B, C	

NOTE: ALL BUILDINGS ARE BELOW 40' HEIGHT AND MEET REQUIREMENTS OF B.C.Z.R.

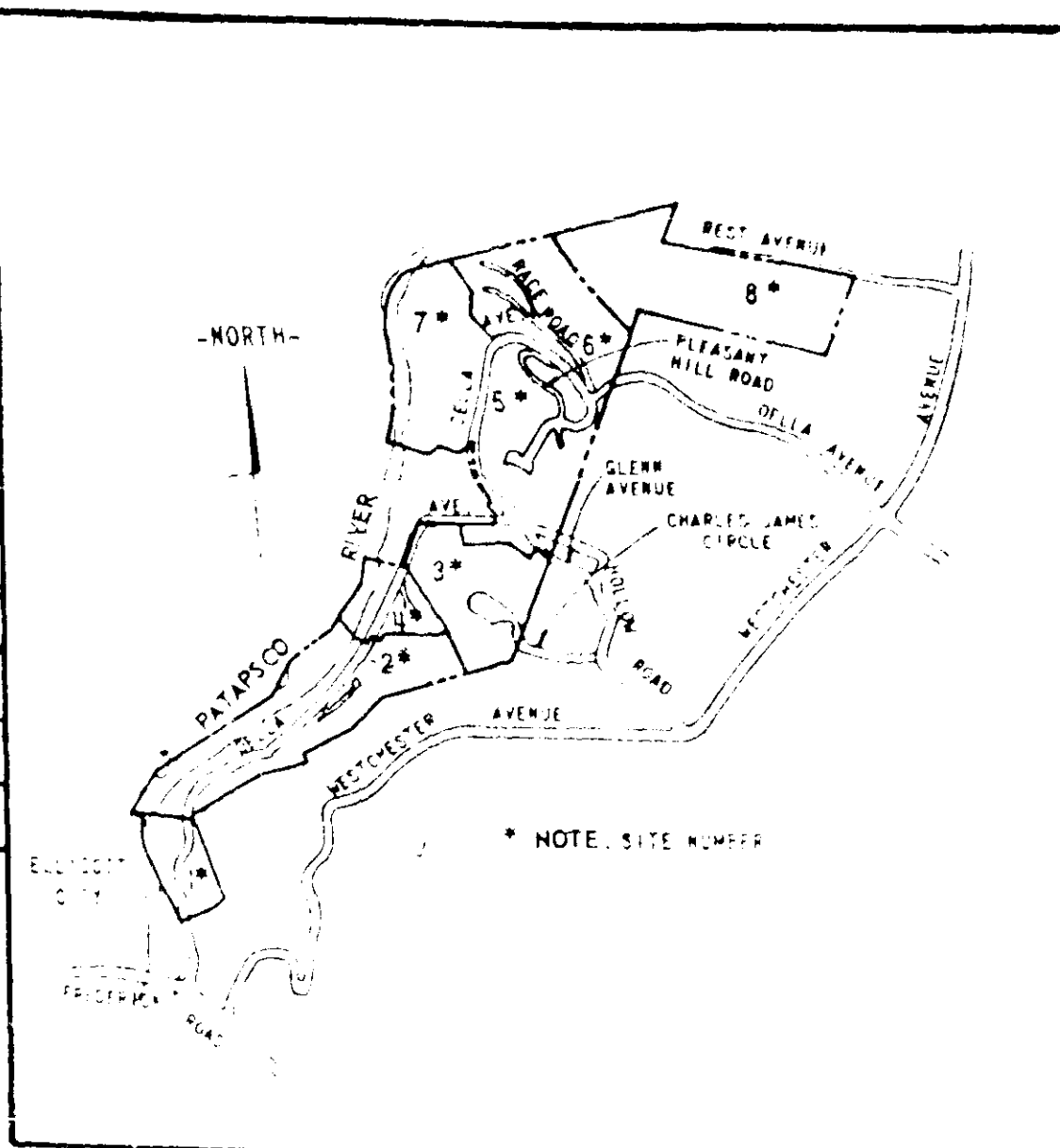
OELLA
PLAT FOR ZONING VARIANCE AND SPECIAL HEARING
OWNER: MR. CHARLES L. WAGANDT
DISTRICT - 1, ZONED BMCCC, DR.3.58 DR.2
ADDRESSES: 802, 803, 804 AND 835
OELLA AVENUE
EXISTING UTILITIES IN OELLA AVENUE
SCALE: 1" = 20'
DATE: DEC. 8, 1992
SHEET 1 OF 2

WHITMAN, REQUARDT AND ASSOCIATES
ENGINEERS
2315 ST. PAUL STREET
BALTIMORE, MARYLAND 21218



PARKING				
ADDRESS LOT NO.	GROSS FLOOR AREA	TYPE	RATE	REQUIRED SPACES
*761, *763, *765/ 1, 2, 3	N/A	RESIDENTIAL DWELLING	2/HA.	6
*787/4-A	6335 SF.	* RETAIL	5/1000	32
*802, *804/4-B	3810 SF.	* RETAIL	5/1000	20
*803/4-C (1/2 CHURCH)	2250 SF.	* RETAIL	5/1000	12
*803/4-C (1/2 CHURCH)	2250 SF.	* RESTAURANT	20/1000	45
*835/4-C	5115 SF.	* RETAIL	5/1000	26
		* PROPOSED USE		
TYPE		TOTAL REQUIRED	TOTAL PROVIDED	
RESIDENTIAL		6	6	
COMMERCIAL		135	135	

"PLEASANT HILL"
OELLA - SITE NO.5
CHARLES L. WAGANDT
PLAT BOOK 64/38
5413/718



ZONING DESCRIPTION REFERENCES		
POINT OF BEGINNING ADDRESS/LOT NO.	SIDE OF OELLA AVENUE	DISTANCE NORTH OF THE 4 OF GLEN AVENUE
PARCEL C-2		
(*761, *763, *765/ 1, 2, 3)	EAST	54.8
*787/4-A	EAST	15.0
*802, *804/4-B	WEST	15.0
*803, *835/4-C	SOUTH	OELLA, GLEN AVE., INTERSECTION

ZONING VARIANCE REQUEST				
REGULATION	SUBJECT	RE-REQUIRED	REQUESTED	ADDRESS/LOT NUMBER
COMMERCIAL-BMCCC 235.1 (EXIST. COND.)	FRONT BUILDING LINE TO FRONT PROPERTY LINE	15'	6'	*802/4-B
			14'	*804/4-B
			9'	*803/4-C
			5'	*835/4-C
	REAR BUILDING LINE TO R (DOUBLE FRONTAGE LOT)	15'	0'	*802, *804/4-B
	FRONT BUILDING LINE TO STREET	40'	20'	*802/4-B
			20'	*804/4-B
			21'	*803/4-C
235.2: 232.2.b (EXIST. COND.)	REAR BUILDING LINE TO STREET (DOUBLE FRONTAGE LOT)	40'	12'	*802, *804/4-B
	SIDE YARD ON STREET SIDE	10'	0'	*802 OELLA AVE./4-B
			7'	*803 OELLA AVE./4-C
235.4: 409.4.A. (PROP. COND.)	DRIVEWAY WIDTH FOR 2-WAY MOVEMENT	20'	10'	*787, 802, 803, 804, 835/4-A, B, C
235.4: 409.4.C. (PROP. COND.)	ALISLE WIDTH FOR 2-WAY MOVEMENT PERP. PARKING	22'	10'	*787, 802, 803, 804, 835/4-A, 4-B, 4-C
235.4: 409.6.A.2 (PROP. COND.)	REQUIRED NUMBER OF PARKING SPACES FOR COMMERCIAL USE	135	135	*787, 802, 803, 804, 835/4-A, 4-B, 4-C
SPECIAL HEARING REQUEST				
REGULATION	SUBJECT	REQUESTED	ADDRESS/LOT NUMBER	
COMMERCIAL - BMCCC 235.4: 409.8.B.1	BUSINESS PARKING IN RESIDENTIAL ZONES	USE PERMIT FOR 0.763AC, DR. 3.58 FOR 0.020AC, DR. 2 FOR BUSINESS PARKING	*787, 802, 803, 804, 835/4-A, 4-B, 4-C	

WHITMAN, REQUARDT AND ASSOCIATES
ENGINEERS
2315 ST. PAUL STREET
BALTIMORE, MARYLAND 21218

OELLA
PLAT FOR ZONING VARIANCE
AND SPECIAL HEARING
OWNER: MR. CHARLES L. WAGANDT
DISTRICT - I, ZONED BMCCC, DR. 3.58 DR. 2
ADDRESSES: 802, 803, 804 AND 835
OELLA AVENUE
EXISTING UTILITIES IN OELLA AVENUE
SCALE: 1" = 20'
DATE: DEC. 8, 1992
SHEET 1 OF 2

ing line to street centerline setback of 21 feet in lieu of the required 10 feet, and a side yard of a corner lot on the street side setback of 7 feet in lieu of the required 15 feet for Lot 4-C, BMCCC District, also known as 803 Oella Avenue; to permit a front building line to front property line setback of 5 feet in lieu of the required 15 feet, for Lot 4-C, BMCCC District, also known as 835 Oella Avenue; and to permit a driveway width for two-way movement of 16 feet in lieu of the required 20 feet, an aisle width for two-way movement with 90 degree perpendicular parking of 16 feet in lieu of the required 22 feet, and a total number of parking spaces of 63 for the proposed uses in lieu of the required 135, for Lot 4, BMCCC District, also known as 787, 802, 803, 804, and 835 Oella Avenue, in accordance with Sheets 1 and 2 of Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED, pursuant to Section 409.8.B.1.e.3 of the B.C.Z.R., that the Petitioner shall have a period of five (5) years from the date of this Order in which to utilize the special exception relief granted for business parking on 0.783 acres of the subject property which is zoned D.R.2 and D.R. 3.5.

LES:bjs

James E. Schmidt
JAMES E. SCHMIDT
Zoning Commissioner
for Baltimore County

- 9 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 27, 1993

R. Kelvin Antill, Esquire
300 E. Lombard Street, 17th Floor
Baltimore, Maryland 21202-3268

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
E and W/S Oella Avenue near its intersection with Hollow Road
(761, 763, 765, 787, 802, 803, 804 and 835 Oella Avenue)
1st Election District - 1st Councilmanic District
Charles L. Wagandt - Petitioner
Case No. 93-197-SPHA

Dear Mr. Antill:

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 887-3351.

Very truly yours,

James E. Schmidt
JAMES E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Charles L. Wagandt
732 Oella Avenue, Ellicott City, Md. 21043

Mr. Wes Daub
Whitman, Requardt & Associates
2315 St. Paul Street, Baltimore, Md. 21218

People's Counsel

File



Petition for Special Hearing
93-197-SPHA
to the Zoning Commissioner of Baltimore County
for the property located at #787, #802, #803, #804 & #835 Oella Avenue
Ellicott City, MD 21043
which is presently zoned BMCCC

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve business parking on 0.783 acres of DR2 and DR 3.5 Residential Zone per Regulation 409.8.B.1 of the B.C.Z.R.

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.

Contact Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Phone No.

Signature

Address

City

State

Zipcode

Phone No.

Signature

Address

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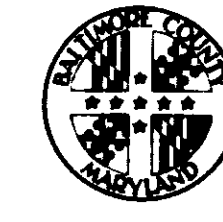
Address

City

State

Zipcode

Phone No.



Petition for Variance
93-197-SPHA
to the Zoning Commissioner of Baltimore County
for the property located at #761, #763, #765, #787, #802, #803, #804 and #835
Oella Ave. Ellicott City, MD 21043
which is presently zoned DR 3.5 and BMCCC

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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 Sections 1801.2.C.3, 232.2.2.2.3, 235.1, 235.2, 235.3, 235.4, 301.1, 409.4.A, 409.4.C and 409.6.A.2 all from the 1970 Revised Edition of the B.C.Z.R. and Sections V.B.6.a, V.B.6.b, V.B.7 and V.B.9 from the 1972 Revised Edition of the C.M.D.P. to permit the following variances on Lots 1, 2 and 3 at Parcel C-2 of "Short Brick Row" and Lot 4 of the Oella BMCCC District as indicated on* of the Zoning Regulations of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) Subdivision of existing historic residences, Church, Dutch Hotel and Community Building create existing conditions of practical difficulty and unreasonable hardship in complying with referenced zoning standards.

*the following "Schedule A" and site plans, Sheets 1 and 2 of 2 (see attached).

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.

Contact Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Phone No.

Signature

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Address

City

State

Zipcode

Phone No.

SCHEDULE 'A'

Petition for Variance

Oella: Parcel C-2 Short Brick Row
BMCCC District

PARCEL C-2, SHORT BRICK ROW

1) 761 Oella Avenue, Lot 1:

- To permit a building to street centerline setback of 26 feet in lieu of 50 feet;
- To permit a building to street right-of-way, property line setback of 15 feet in lieu of 25 feet;
- To permit a private space factor of 275 square feet in lieu of 500 square feet;
- To permit a window to street right-of-way, property line setback of 15 feet in lieu of 25 feet.

2) 763 Oella Avenue, Lot 2:

- To permit a building to street centerline setback of 33 feet in lieu of 50 feet;
- To permit a building to street right-of-way, property line setback of 19 feet in lieu of 25 feet;
- To permit an open porch to street centerline setback of 26 feet in lieu of 37.5 feet;
- To permit an open porch to street right-of-way, property line setback of 12 feet in lieu of 18.75 feet;
- To permit a private space factor of 250 square feet in lieu of 500 square feet;
- To permit a window to street right-of-way, property line set back of 19 feet in lieu of 25 feet.

3) 765 Oella Avenue, Lot 3:

- To permit a building to street centerline setback of 28 feet in lieu of 50 feet;
- To permit a building to street right-of-way, property line setback of 10 feet in lieu of 25 feet;
- To permit an open porch to side property line setback of 0 feet in lieu of 11.25 feet;
- To permit a window to property line setback of 2 feet in lieu of 15 feet;
- To permit a window to street right-of-way, property line setback of 10 feet in lieu of 25 feet.

BMCCC District

1) 787 Oella Avenue, Lot 4-A:

- To permit a front building line to front property line setback of 8 feet in lieu of 15 feet;
- To permit a front building line to street centerline setback of 25 feet in lieu of 40 feet;
- To permit a side yard abutting a lot in a residential zone setback of 2 feet in lieu of 15 feet;
- To permit a side yard of a corner lot on the street side setback of 0 feet in lieu of 10 feet;
- To permit a rear yard abutting a lot in a residential zone setback of 13 feet in lieu of 20 feet;
- To permit an aisle width for 2-way movement with 90° perpendicular parking of 18 feet in lieu of 22 feet.

2) 802 Oella Avenue, Lot 4-B:

- To permit a front building line to front property line setback of 6 feet in lieu of 15 feet;
- To permit a rear building line to a rear property line (double-frontage lot) setback of 0 feet in lieu of 15 feet;
- To permit a front building line to street centerline setback of 28 feet in lieu of 40 feet;
- To permit a rear building line to street centerline (double-frontage lot) setback of 12 feet in lieu of 40 feet;
- To permit a side yard of a corner lot on the street side setback of 0 feet in lieu of 10 feet.

3) 804 Oella Avenue, Lot 4-B:

- To permit a front building line to front property line setback of 14 feet in lieu of 15 feet;
- To permit a rear building line to a rear property line (double-frontage lot) setback of 0 feet in lieu of 15 feet;
- To permit a front building line to street centerline setback of 34 feet in lieu of 40 feet;
- To permit a rear building line to street centerline (double-frontage lot) setback of 12 feet in lieu of 40 feet.

4) 803 Oella Avenue, Lot 4-C:

- To permit a front building line to front property line setback of 3 feet in lieu of 15 feet;
- To permit a front building line to street centerline setback of 21 feet in lieu of 40 feet;
- To permit a side yard of a corner lot on the street side setback of 7 feet in lieu of 15 feet;

5) 835 Oella Avenue, Lot 4-C:

- To permit a front building line to front property line setback of 5 feet in lieu of 15 feet.

6) 787, 802, 803, 804, 835 Oella Avenue, Lot 4

- To permit a driveway width for 2-way movement of 16 feet in lieu of 20 feet;
- To permit an aisle width for 2-way movement with 90° perpendicular parking of 16 feet in lieu of 22 feet;
- To permit a total number of parking spaces of 63 for the proposed uses in lieu of 135.

WRA

93-197-SPHA

December 11, 1992

ZONING DESCRIPTION

OELLA - PARCEL C-2, "SHORT BRICK ROW"

Beginning at a point on the east side of Oella Avenue, which is 34 feet wide, at the distance of 569 feet north of the centerline of the nearest improved intersecting street, Glen Avenue, which is 40 feet wide. Being Parcel C-2 in the subdivision of "Short Brick Row" as recorded in Baltimore County Plat Book #56, Folio 73, containing 0.086 acres of land. Also known as #761, #763 and #765 Oella Avenue and located in the 1st Election District.

WRA

Whitman, Requardt and Associates
Baltimore, Maryland

Richmond, Virginia

York, Pennsylvania

203

203

December 8, 1992

93-197-SPHA

ZONING DESCRIPTION
OELLA - BMCC Lot 4-A

Beginning at a point on the east side of Oella Avenue which is 33 feet wide at the distance of 150 feet northwest of the centerline of the nearest improved intersecting street, Glen Avenue, which is forty feet wide, thence binding along said east side of Oella Avenue the following seven courses and distances, (1) South 41°52'16" West, 7.44 feet; (2) North 48°07'42" West, 100.22 feet; (3) North 12°59'15" West, 5.72 feet; (4) northwesterly along a curve to the right, having a radius of 59.46 feet, for a distance of 41.95 feet, being subtended by a chord bearing and distance of North 29°43'04" West, 41.09 feet; (5) North 05°23'57" West, 29.70 feet; (6) North 13°11'32" West, 8.00 feet; (7) North 01°19'20" East, 40.79 feet, thence leaving said east side of Oella Avenue and running for lines of division the following two courses and distances, (8) South 48°07'42" East, 198.79 feet; (9) South 41°52'16" West, 64.56 feet to the point of BEGINNING. Containing 0.2685 acres of land, more or less. Also known as #787 Oella Avenue in the 1st Election District.

SEDPA Code 4-A

Whitman, Reardon and Associates
Baltimore, Maryland

Richmond, Virginia

York, Pennsylvania

December 8, 1992

93-197-SPHA

ZONING DESCRIPTION
OELLA - BMCC Lot 4-B

Beginning at a point on the west side of Oella Avenue which is 33 feet wide at the distance of 66 feet northwest of the centerline of the nearest improved intersecting street, Glen Avenue, which is forty feet wide, thence binding along said west and north sides of Oella Avenue the following three courses and distances, (1) South 24°07'44" West, 12.41 feet; (2) Southwesterly along a curve to the right, having a radius of 24.00 feet, for a distance of 33.29 feet, being subtended by a chord bearing and distance of South 63°52'17" West, 30.69 feet; (3) North 76°23'11" West, 57.56 feet, thence leaving said north side of Oella Avenue and binding on all of the 54th and 55th and part of the 56th lines of the tract boundary of Oella the following three courses and distances, (4) North 20°44'40" East, 14.60 feet; (5) North 69°14'37" West, 22.09 feet; (6) North 22°25'03" East, 46.39 feet to a point on the south side of Oella Avenue, thence binding along the south side of Oella Avenue the following five courses and distances, (7) South 49°55'56" East, 10.84 feet; (8) Southeasterly along a curve to the left, having a radius of 120.00 feet, for a distance of 20.23 feet, being subtended by a chord bearing and distance of South 54°45'43" East, 20.21 feet; (9) North 30°24'27" East, 4.22 feet; (10) South 65°50'39" East, 49.00 feet; (11) South 39°15'21" East, 23.28 feet to the point of BEGINNING. Containing 0.1055 acres of land, more or less. Also known as #802 and #804 Oella Avenue in the 1st Election District.

SEDPA Code 4-B

Whitman, Reardon and Associates
Baltimore, Maryland

Richmond, Virginia

York, Pennsylvania

December 8, 1992

93-197-SPHA

ZONING DESCRIPTION
OELLA - BMCC Lot 4-C

Beginning at a point on the south side of the intersection of Oella Avenue, which is 40 feet wide and Glen Avenue, which is forty feet wide, thence binding along said south side of the intersection and Glen Avenue the following four courses and distances, (1) Southeasterly along a curve to the right, having a radius of 200.00 feet, for a distance of 76.68 feet, being subtended by a chord bearing and distance of South 53°36'22" East, 76.21 feet; (2) South 42°37'21" East, 24.00 feet; (3) Southeasterly along a curve to the right, having a radius of 180.00 feet, for a distance of 33.57 feet, being subtended by a chord bearing and distance of South 37°16'43" East, 33.53 feet; (4) South 32°02'53" East, 29.79 feet, thence leaving said south side of Glen Avenue and running for lines of division the following four courses and distances, (5) South 40°04'22" West, 143.44 feet; (6) North 45°25'35" West, 155.79 feet; (7) North 84°25'40" West, 245.14 feet; (8) North 05°34'20" East, 112.42 feet to a point on the south side of Oella Avenue, thence binding along the south side of Oella Avenue and on portions of the 48th, 49th, 51st, all of the 52nd and part of the 53rd lines of the tract boundary of Oella the following six courses and distances, (9) South 89°22'29" East, 56.67 feet; (10) North 02°12'35" East, 7.80 feet; (11) South 89°25'40" East, 7.00 feet; (12) South 02°12'57" West, 3.30 feet; (13) South 86°51'59" East, 167.39 feet; (14) North 12°46'02" West, 12.41 feet, thence binding on said south side of Oella Avenue the four following courses and distances, (15) South 76°23'11" East, 57.30 feet; (16) Southeasterly along a curve to the right, having a radius of 200.00 feet, for a distance of 6.81 feet, being subtended by a chord bearing and distance of South 75°24'41" East, 6.80 feet; (17) South 85°17'13" East, 33.04 feet; (18) South 04°42'47" West, 9.33 feet to the point of BEGINNING. Containing 1.3835 acres of land, more or less. Also known as #803 and #835 Oella Avenue in the 1st Election District.

SEDPA Code 4-C

Whitman, Reardon and Associates
Baltimore, Maryland

Richmond, Virginia

York, Pennsylvania

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

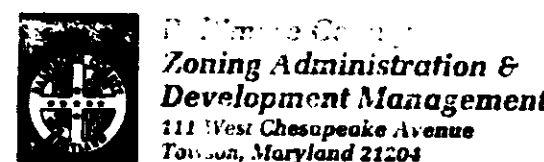
District: 1st
Posted for: Charles L. Wagnant
Petitioner: Charles L. Wagnant
Location of property: Edna, Oella Ave. & Glen Ave.
Location of Sign: Edna, Oella Ave. & Glen Ave.
Remarks:
Posted by: Whitman, Reardon and Associates
Number of Signs: 1
Date of return: 12/18/92

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/31, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/31, 1992

THE JEFFERSONIAN,

S. Zeke Orlan
PublisherAccount: R-001-6150
Number

93-197-SPHA

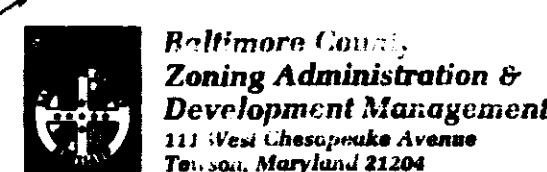
DATE: 12-14-92

PUBLIC HEARING FEES
PUBLIC HEARING SIGNAGE
PUBLIC HEARING ADVERTISING
PUBLIC HEARING POSTAGE
TOTAL: \$650.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

Account: R-001-6150
Number

93-197

DATE: 12-15-92

PUBLIC HEARING FEES
PUBLIC HEARING SIGNAGE
PUBLIC HEARING ADVERTISING
PUBLIC HEARING POSTAGE
TOTAL: \$258.86

Please Make Checks Payable To: Baltimore County

receipt

Baltimore County Government
Office of Zoning Administration
and Development Management111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 1-6-93

Charles L. Wagnant
732 Oella Avenue
Ellicott City, Maryland 21043

RE: SPHA
CASE NUMBER: 93-197-SPHA (Item 203)
East and West side of Oella Avenue near intersection Hollow Road
#761, #763, #765, #767, #802, #803, #804 & #835 Oella Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Charles L. Wagnant
HEARING: WEDNESDAY, JANUARY 20, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 258.86 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Carl JohnARNOLD JABLON
DIRECTOR

cc: R. Kalvin Antill, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

DEC. 21 1992

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-197-SPHA (Item 203)
East and West side of Oella Avenue near intersection Hollow Road
#761, #763, #765, #767, #802, #803, #804 & #835 Oella Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Charles L. Wagnant
HEARING: WEDNESDAY, JANUARY 20, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Variance requests for Lots 1, 2 and 3 at Parcel C-2 of "Short Brick Row" and Lot 4 of the Oella BMCC District are as follows:

761 Oella Avenue, Lot #1
To permit a building to street setback of 26 feet in lieu of 50 ft.; to permit a building to street right-of-way, property line setback of 15 ft. in lieu of 25 ft.; to permit an open porch to street setback of 26 ft. in lieu of 37.5 ft.; to permit an open porch to street right-of-way, property line setback of 12 ft. in lieu of 18.75 ft.; to permit a private space factor of 250 sq. ft. in lieu of 500 sq. ft.; to permit a window to street right-of-way, property line setback of 15 ft. in lieu of 25 ft.

763 Oella Avenue, Lot #2
To permit a building to street setback of 33 ft. in lieu of 50 ft.; to permit a building to street right-of-way, property line setback of 19 ft. in lieu of 25 ft.; to permit an open porch to street setback of 26 ft. in lieu of 37.5 ft.; to permit an open porch to street right-of-way, property line setback of 12 ft. in lieu of 18.75 ft.; to permit a private space factor of 250 sq. ft. in lieu of 500 sq. ft.; to permit a window to street right-of-way, property line setback of 15 ft. in lieu of 25 ft.

765 Oella Avenue, Lot #3
To permit a building to street setback of 26 ft. in lieu of 50 ft.; to permit a building to street right-of-way, property line setback of 15 ft. in lieu of 25 ft.; to permit an open porch to side property line setback of 0 ft. in lieu of 11.25 ft.; to permit a window to property line setback of 2 ft. in lieu of 15 ft.; to permit a window to street right-of-way, property line setback of 10 ft. in lieu of 25 ft.

787 Oella Avenue, Lot #4
To permit a front building line to front property line setback of 8 ft. in lieu of 15 ft.; to permit a front building line to rear property line setback of 25 ft. in lieu of 40 ft.; to permit a side yard setback of 0 ft. in a residential zone setback of 2 ft. in lieu of 15 ft.; to permit a side yard of a corner lot on the street side setback of 0 ft. in lieu of 10 ft.; to permit a rear yard setback of 13 ft. in a residential zone setback of 13 ft. in lieu of 20 ft.; to permit an aisle width for 2-way movement with 90 degree perpendicular parking of 18 ft. in lieu of 22 ft.

802 Oella Avenue, Lot #4-1

To permit a front building line to front property line setback of 6 ft. in lieu of 15 ft.; to permit a rear building line to rear property line (double-frontage lot) setback of 0 ft. in lieu of 15 ft.; to permit a front building line to street centerline setback of 26 ft. in lieu of 40 ft.; to permit a rear building line to street centerline (double-frontage lot) setback of 12 ft. in lieu of 40 ft.; to permit a side yard of a corner lot on the street side setback of 0 ft. in lieu of 10 ft.

804 Oella Avenue, Lot #4-2

To permit a front building line to front property line setback of 14 ft. in lieu of 15 ft.; to permit a rear building line to rear property line (double-frontage lot) setback of 0 ft. in lieu of 15 ft.; to permit a front building line to street centerline setback of 34 ft. in lieu of 40 ft.; to permit a rear building line to street centerline (double-frontage lot) setback of 12 ft. in lieu of 40 ft.

803 Oella Avenue, Lot #4-3

To permit a front building line to front property line setback of 3 ft. in lieu of 15 ft.; to permit a front building line to street centerline setback of 21 ft. in lieu of 40 ft.; to permit a side yard of a corner lot on the street side setback of 7 ft. in lieu of 15 ft.

835 Oella Avenue, Lot #4-4

To permit a front building line to front property line setback of 5 ft. in lieu of 15 ft.

787, 802, 803, 804, 835 Oella, Lot #4

To permit a driveway width for 2-way movement of 16 ft. in lieu of 20 ft.; to permit an aisle width for 2-way movement with 90 degree perpendicular parking of 16 ft. in lieu of 22 ft.; to permit a total number of parking spaces of 63 for the proposed uses in lieu of 135.

Special Hearing to approve business parking on 0.783 acres of D.R. 2 and D.R. 3.5 residential zone.

Arnold Jablon
Directorcc: Charles L. Wagnant
R. Kalvin Antill, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

January 6, 1993 (410) 887-3353

R. Kelvin Antill, Esquire
Ballard, Spahr, Andrews and Ingersoll
300 E. Lombard Street 17th Floor
Baltimore, MD 21202-3268

RE: Case No. 93-197-SPHA, Item No. 203
Petitioner: Charles L. Wagandt
Petition for Special Hearing & Variance

Dear Mr. Antill:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 16th day of December 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards
Chairman,
Zoning Plans Advisory Committee

Petitioner: Charles L. Wagandt
Petitioner's Attorney: R. Kelvin Antill

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 31, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for January 4, 1993
Item No. 203

The Developers Engineering Division has reviewed the subject zoning item. The proposed parking lots are subject to the Landscape Manual. A landscape plan must be approved prior to the release of a grading permit.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:g

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassul
Administrative

Re: Baltimore County
Item No. 93-197-SPHA (258)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Robert A. Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Typewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 885-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

93-197-A 1/20/93

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 5, 1993
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee
(December 28, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

Charles Wagandt, Item No. 203
Walter and Carolyn Shaw, Item No. 204
Michael and Bonnie Conner, Item No. 207
James and Pamela Miller, Item No. 209
Serkis and Susan Aghasarian, Item No. 210
Stephen and Mary Catherine Fox, Item No. 211

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*

Division Chief: *Garry L. Lewis*

PK/PM:rdn

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: December 30, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: December 28, 1992
ITEM NUMBER: 203

The minimum maneuvering area for perpendicular parking is 22 feet.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

DECEMBER 28, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CHARLES L. WAGANDT
Location: #761-835 OELLA AVENUE
Item No.: + 203 Zoning Agenda: DECEMBER 28, 1992

Gentlemen:

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

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

REVIEWER: *Capt. James P. Puffer*
Planning Group
Special Inspection Division

JF/REK

93-197-A 1/23

Department of Environmental Protection & Resource Management
Development Review Committee
Authorized signature: *Robert A. Small* Date: 1/27/93

Project Name: Charles A. Wagandt
File Number: 203
Waiver Number: 203
Zoning Issue: 203
Meeting Date: 12/18/92

COUNT 9
COUNT 1
FINAL TOTALS
COUNT 23

*** END OF REPORT ***

NO COMMENTS

B. Business or Industrial Parking in Residential Zones.

1. Upon application, the zoning commissioner may issue a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Subsection 409.6, under the following procedure:
 - a. On the property in question, notice of the application for the use permit shall be conspicuously posted for a period of fifteen (15) days following the filing of the application.
 - b. Within the fifteen (15) day posting period, any interested person may file a formal request for a public hearing with the zoning commissioner in accordance with Section 500.7.
 - c. If a formal request for a public hearing is not filed, the zoning commissioner, without a public hearing, may grant a use permit for parking in a residential zone if the proposed use meets all the requirements of Section 409.8B.2. The use permit may be issued with such conditions or restrictions as determined appropriate by the zoning commissioner to satisfy the provisions of Section 409.8B.2 below and to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community.
 - d. If a formal request for a public hearing is filed, the zoning commissioner shall schedule a date for the public hearing, such hearing to be held not less than 30 days and not more than 90 days from the date of filing of the request for public hearing.
 - e. Following the public hearing, the zoning commissioner may either deny or grant a use permit conditioned upon:
 - (1) his findings following the public hearing;
 - (2) the character of the surrounding community and the anticipated impact of the proposed use on that community.

REV 4/92

4-40G

- (3) The manner in which the requirements of Section 409.8B.2 and other applicable requirements are met; and any additional requirements as deemed necessary by the zoning commissioner in order to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations. *

2. In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions:
 - a. The land so used must adjoin or be across an alley or street from the business or industry involved.
 - b. Only passenger vehicles, excluding buses, may use the parking facility.
 - c. No loading, service, or any use other than parking shall be permitted.
 - d. Lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity, as required.
 - e. A satisfactory plan showing parking arrangement and vehicular access must be provided.
 - f. Method and area of operation, provision for maintenance, and permitted hours of use shall be specified, and regulated as required.
 - g. Any conditions not listed above which, in the judgment of the zoning commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties.
3. Requirements for Parking Bays on a Street - Parking bays on a street are subject to the following requirements and all applicable requirements of the Department of Public Works.
 1. The length of any parking bay (measured along the right-of-way) shall not exceed 180 feet. All bays must be separated by a divider which is at least 10 feet in width.

REV 4/91

4-40H

Section 502--SPECIAL EXCEPTIONS (B.C.Z.R., 1955.)

(See Section 270--Schedule of Special Exceptions) (B.C.Z.R., 1955.)

NOTE: Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junk yards, are inherently objectionable as to make extra regulations and controls advisable even in the M.H. Zone, to which they are restricted. Others, like a cemetery, do not fit into any of the zone categories, that is, residential, business, and industrial, and therefore must be located with discrimination in relation to land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public, the uses listed as Special Exceptions are permitted only if granted by the Zoning Commissioner, and subject to an appeal to the Board of Zoning Appeals. (B.C.Z.R., 1955.)

In granting any Special Exception, the Zoning Commissioner and the Board of Zoning Appeals, upon appeal, shall be governed by the following principles and conditions. (B.C.Z.R., 1955.)

- 502.1--Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not: (B.C.Z.R., 1955; Bill No. 45, 1962.)
 - a. Be detrimental to the health, safety, or general welfare of the locality involved; (B.C.Z.R., 1955.)
 - b. Tend to create congestion in roads, streets or alleys therein; (B.C.Z.R., 1955.)
 - c. Create a potential hazard from fire, panic or other dangers; (B.C.Z.R., 1955.)
 - d. Tend to overcrowd land and cause undue concentration of population; (B.C.Z.R., 1955.)
 - e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements; (B.C.Z.R., 1955.)
 - f. Interfere with adequate light and air; (B.C.Z.R., 1955; Bill No. 45, 1962.)
- Put 5 bays back into their original use. Remove demand for on street parking & loading dangers. No new structures - Restore ex. bldgs.*

APPROVED JUL 0 1 1989

5-8

- g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; nor (Bill No. 45, 1962.)
- h. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations. (Bill No. 45, 1962.)

502.2--In granting any Special Exception, the Zoning Commissioner or the Board of Zoning Appeals, upon appeal, shall impose such conditions, restrictions, or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. The owners, lessors or tenants of the property for which a Special Exception is granted, if required by the Zoning Commissioner, or Board of Zoning Appeals, upon appeal, shall enter into an agreement with the Zoning Commissioner and/or the County Commissioners of Baltimore County, stipulating the conditions, restrictions, or regulations governing such Special Exception, the same to be recorded among the Land Records of Baltimore County. The cost of such agreement and the cost of recording thereof shall be borne by the party requesting such Special Exception. When so recorded, said agreement shall govern the exercise of the Special Exception as granted, as to such property, by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer. (B.C.Z.R., 1955.)

502.3--A Special Exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The Zoning Commissioner or, on appeal, the County Board of Appeals, in connection with the grant of a Special Exception, shall fix within the foregoing limits, the period of time specifying, appeal from either the order of the Zoning Commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a Special Exception. After a final order granting a Special Exception the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such Special Exception is not thereby extended for a period of more than five years from the date of the final order granting same. (B.C.Z.R., 1955; Bill No. 42, 1962; No. 85, 1967.)

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APPROVED JUL 0 1 1989

A Special Exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction has been commenced during the authorized period, or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence. (Bill No. 42, 1962; No. 85, 1967.)

Notwithstanding the above provisions, in any case where a Special Exception in effect on or after January 1, 1957 cannot be utilized within the maximum feasible time because of inadequacy or unavailability of public sewer or water facilities, the Zoning Commissioner shall extend such time for utilization to a date eighteen months after such facilities become adequate and available, as evidenced by the ability to obtain a public works agreement permitting exercise of the Special Exception. A copy of the extension order shall be sent by the Zoning Commissioner to the Director of Public Works, who shall give certified or registered mail notice when such public works agreement is obtainable, to the party, and for the property, named in the extension order at the address shown in said order, except that the party named in the extension order, by certified or registered mail notice to the Director of Public Works and the Zoning Commissioner, may change the name of the party to receive such notice from the public works Director, or the address to which said notice is to be sent, or both. The date on which the notice is sent by the Director of Public Works to the last party of record with him, at the last address furnished, shall be the commencement date for the running of the eighteen month extension period in which there must be utilization of the Special Extension. (Bills No. 85, 1967; No. 68, 1968.)

Anyone having a Special Exception for an automotive service station shall have such exception automatically extended for a period of five (5) years after said property is designated a district in accordance with the automotive service stations regulations of Baltimore County. (Bill No. 85, 1967.)

502.4--The building size, shape, and location, the accessory uses, and the number of dwelling units authorized under any special exception for an elevator apartment building or office building granted pursuant to the zoning regulations in effect before effective date of Bill No. 100, 1970, shall not be affected by the enactment of Bill No. 100, 1970.

502.5--In addition to consideration of the requirements imposed generally on the issuance of special exceptions by Section 502.1 of these regulations, the following special

APPROVED JUL 0 1 1989

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requirements, regulations and limitations shall apply to and be effective with regard to special exceptions which may be issued under these regulations, viz: (Bill No. 142, 1979.)

1. Any special exception or renewal thereof granted for a community care center under the authority of these regulations shall be for the limited duration of five years and shall thereafter be of no further force and effect, unless, no later than three months prior to the expiration of such special exception application is filed for renewal (Bill No. 142, 1979.)
 2. Any special exception or renewal thereof granted for a boarding house or rooming house under the authority of these regulations shall be for the limited duration of three years and shall thereafter be of no further force and effect, unless, no later than three months prior to the expiration of such special exception, application is filed for renewal. As a condition to utilization of said special exception, or renewal thereof, the petitioner shall make, keep, and preserve accurate occupancy records and information, including the names, social security numbers, and dates of occupancy of roomers and boarders, and shall make such records and information available to the fire department, police department and other appropriate governmental agencies. (Bill No. 44, 1982.)
 3. Applications for renewal shall be heard by the Zoning Commissioner as in the case of an original petition except that additional testimony and competent evidence shall be presented pertaining to applicant's standard of performance of the requirements imposed in the original order or any renewal order. Such renewal order, if granted, may impose new or amended conditions as may be appropriate. (Bill No. 142, 1979; No. 44, 1982.)
- 502.5--Bill No. 167, 1980 does not affect the validity of any order granting a special exception for an office or office building pursuant to Subsection 1802.1. Any such special exception may be used in accordance with both the applicable provisions of these regulations and the zoning classification of the property in effect at the time of the grant of such special exception provided construction is started prior to the expiration date of such special exception and provided the zoning classification at the time construction is started is either D.R. 16, R.O., O-1 or O-2. (Bill No. 167, 1980.)
- 502.6--In addition to the other requirements of this section, the Zoning Commissioner and the Board of Appeals, upon appeal, when considering a special exception for a use in a residential transition area, shall conform with the requirements of Subparagraph 1801.1.B.1, where applicable. (Bill No. 124, 1981.)

5-11

APPROVED JUL 0 1 1989

CC: Mr. Charles Maganetti, 732 Oella Ave, Ellicott City, MD. 21043
CC: Mr. Mrs. Raulb, 732 Whitman, Ellicott City, 21043

NEWTON A. WILLIAMS
THOMAS J. KEMER
WILLIAM E. DODGCHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT A. GLENNHART
STEPHEN A. SCHENKOW
DOUGLAS L. BURGESS
ROBERT C. CORLE, JR.
LOUIS G. CLOSE, II
E. BRUCE JONES
GREGORY J. JONES
J. JOSEPH CURRAN, II

NOLAN, PLUMBOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX 1400 296-2765

TELETYPE COVER PAGE
TELEFAX (410) 296-2765

DATE: Jan. 24, 1983 CLIENT/MATTER NO.: 3579/01

TELECOPIER TELEPHONE NUMBER:

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 1

TO: Honorable James Maganetti, Esq.

FIRM: Baltimore County Zoning Commissioner, Old Court House

TELEPHONE NUMBER TO CONFIRM RECEIPT: 887-4386

FROM: William Williams

RE: Maganetti vs. 73-127-SPND - January 20, 1983

IF FOR ANY REASON YOU NEED TO CONTACT US, PLEASE CALL
William Williams AT 823-7800

Dear Commissioner Schmidt: Thank you for your courtesy at the hearing on the 28th. We would respectfully ask that in granting the use permit for parking in a residential zone under 409.8B of the Regulations, that as a special and special exception, that Mr. Maganetti be given 5 years to utilize it. Thank you. Respectfully,
William Williams

WARNING: Unauthorized interception of this telephonic communication could be a violation of Federal and Maryland law.

The documents accompanying this teletype transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this teletype information is strictly prohibited. If you have received this teletype in error, please immediately notify us by telephone to arrange for return of the original documents to us.

CC: R. Kelvin Antill, Esq., Ballad, Sparks, Andrews and Spawell
300 E. Lombard St., 17th Floor
Baltimore, MD. 21202-3268

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Charles Maganetti	732 Oella Ave, Ellicott City, MD. 21043
William Williams	732 Whitman, Ellicott City, MD. 21043
Wiley R. Raulb, P.E.	7315 S. Paul St., Baltimore, MD. 21218

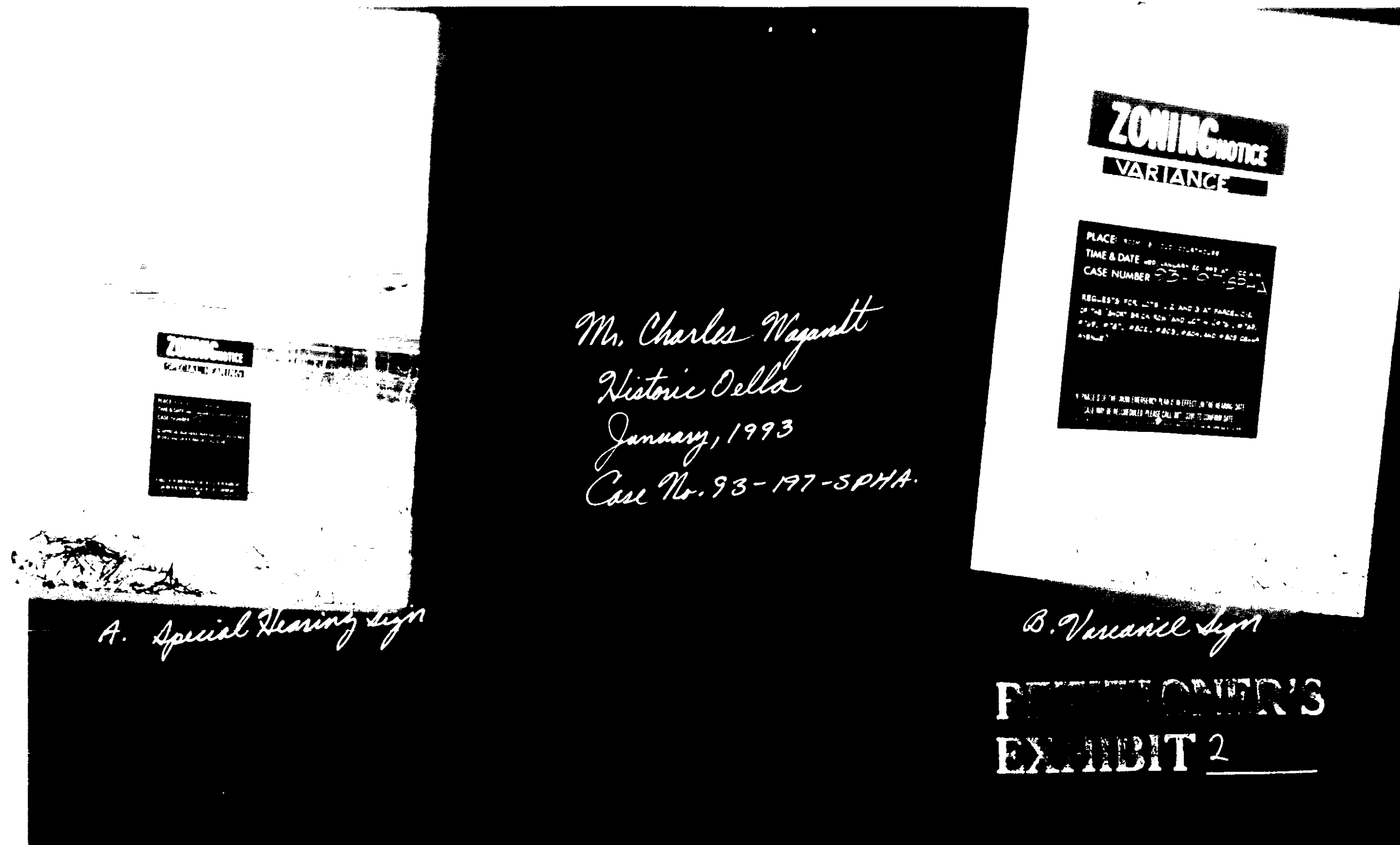
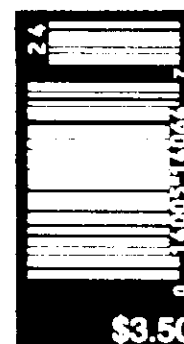
GREAT DESIGN

REFINES AN ORDINARY RANCH

8

Contemporary Addition
To an Old Log Cabin

Media dens down under
Will your remodeling pay off?
Dramatic kitchen makeovers

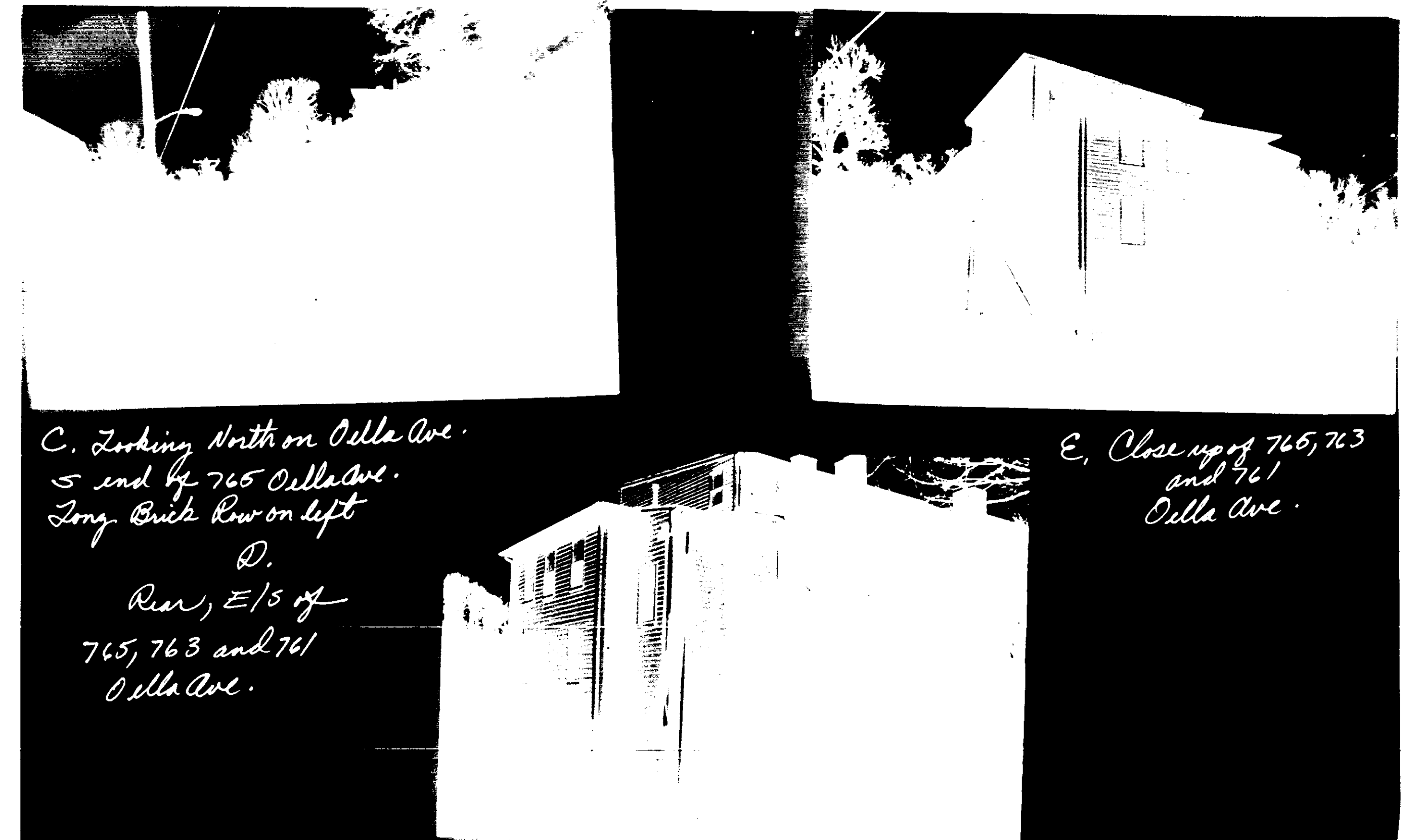


Mr. Charles Wagnath
Historic Oella
January, 1993
Case No. 93-197-SPHA.

A. Special Hearing sign

B. Variance sign

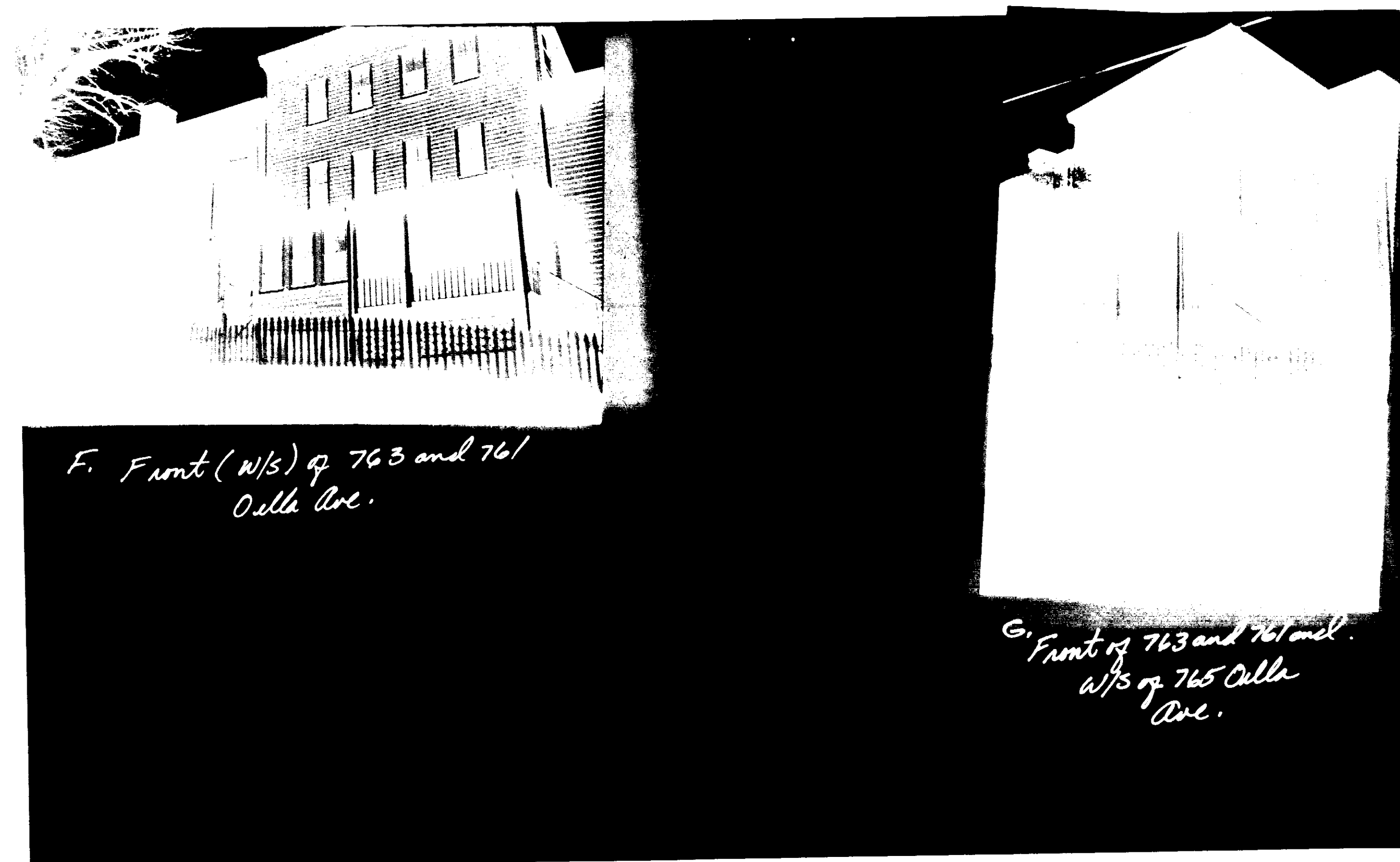
PROPERTY OWNER'S
EXHIBIT 2



C. Looking North on Oella Ave.
S end of 765 Oella Ave.
Long Brick Row on left

D.
Rear, E/S of
765, 763 and 761
Oella Ave.

E. Close up of 765, 763
and 761
Oella Ave.



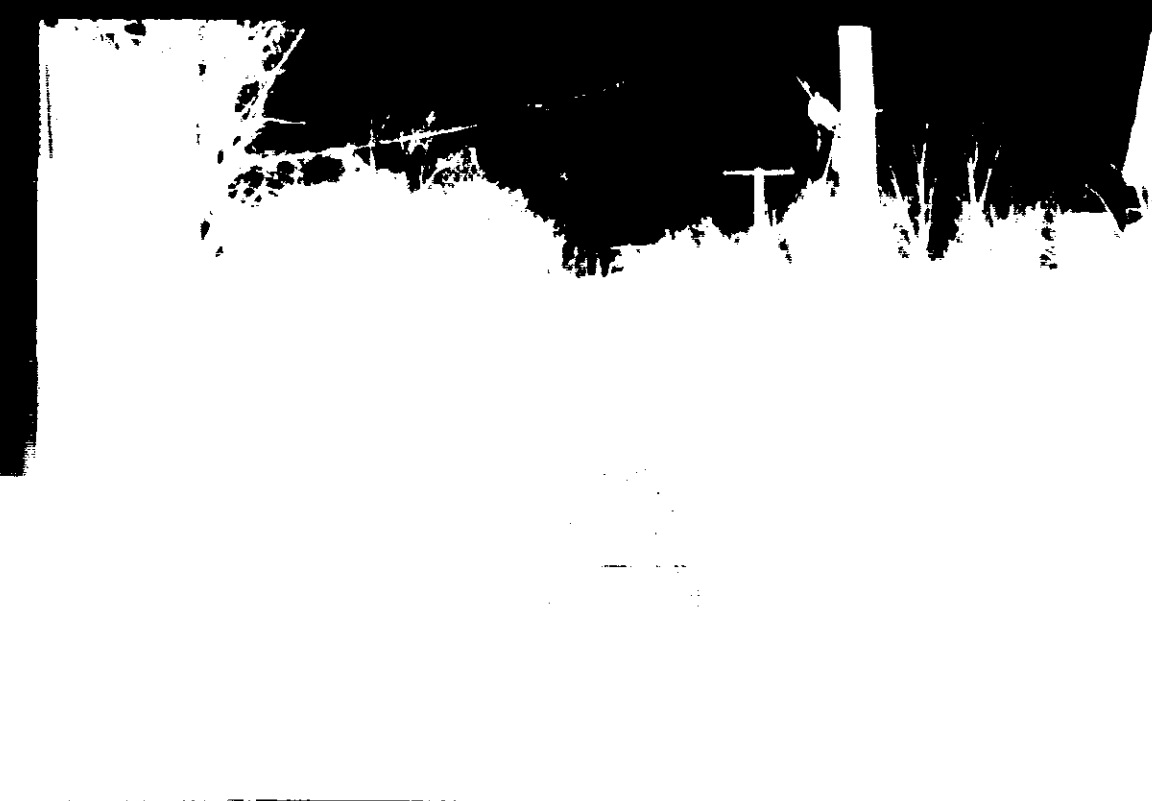
F. Front (W/S) of 763 and 761
Oella Ave.

G. Front of 763 and 761 incl.
W/S of 765 Oella
Ave.

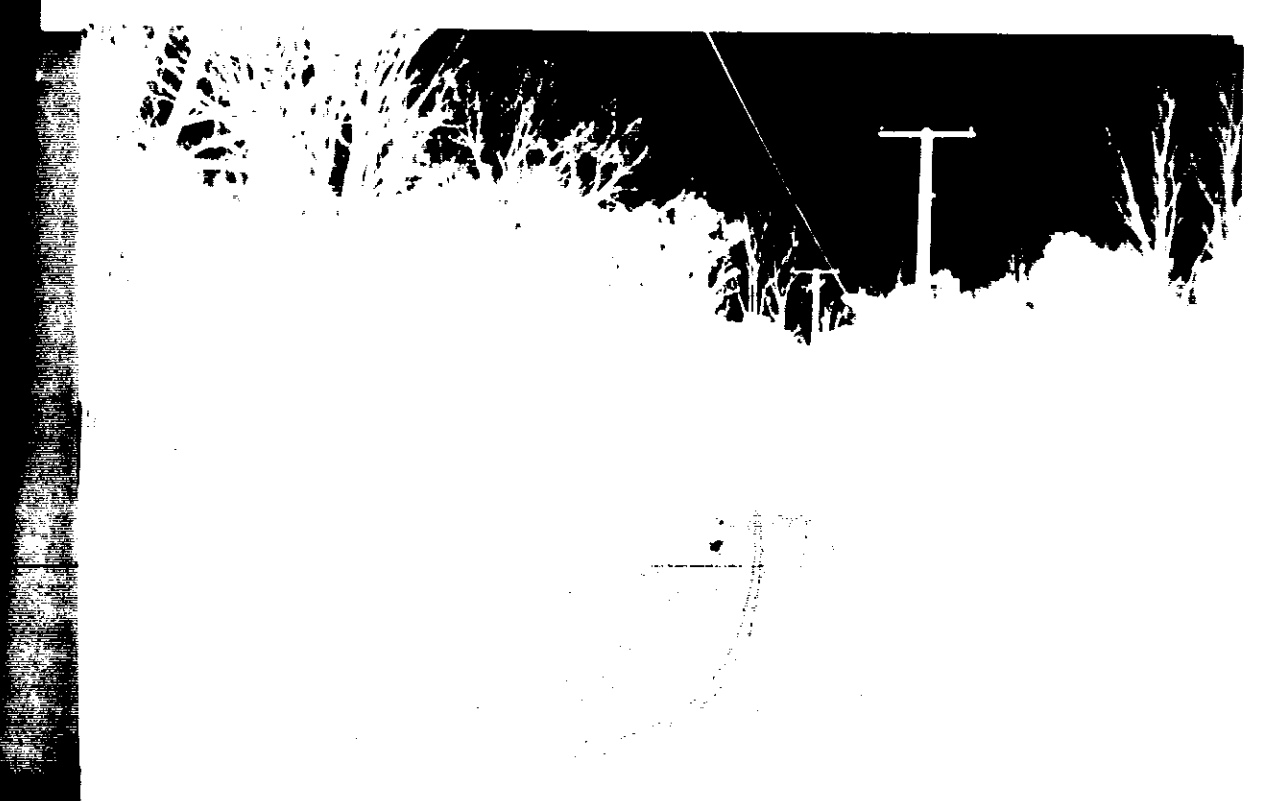


H. Same view looking NE

I. 761 and 763 from
Oella Ave



J. Looking S on Oella Ave, 765
on night



K. Close view of same.

2. Looking SE across Olla Ave. at 787, Community Hall

3. Interior of Top Floor of Community Hall.

4. Looking S on Olla Ave. past Community Hall.

Looking SE on Olla Ave. at Intersection of Hollow Rd. center and Glen Road on right - note former parking area - barrier

5. Looking N on Olla Ave. from W/S opp. 787 Community Hall

6. Looking S at 2 sides - NW & NE of 802 and 804 Olla Ave.

7. Front of 804 and 802 Olla Ave. from Olla Ave.

8. SE/S of 802 Olla Ave. Mill in background, 787 Community Hall on right

9. Looking S across Olla Ave. at "Church" at 803 Olla Ave.

10. Barrier and steep, rocky top on S/S of Glen Ave. at Hollow Road and Olla Ave.

11. Looking W behind "Church" at 803, site of proposed parking area and driveway

12. Looking down across Olla Ave. at Dutch Hotel, from 787, Community Hall

13. Looking West on Olla Ave. Mill on N/S, Dutch Hotel, on S/S from "Church" yard. at 803

14. "Dutch Hotel", 835 Olla Ave. on S/S of Olla Ave.