

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE -
NM/S Belair Road, 141' NE of Perry View Road
(9604 Belair Road)
11th Election District
5th Councilmanic District
J. Roedel Jaeger, D.D.S., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-282-SPHXA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variances filed by the owners of the subject property, Dr. J. Roedel Jaeger and his wife, Eunice V. Jaeger. The Petitioners request a special hearing to approve an amendment to the previously approved site plans in Case Nos. 70-80-X and 73-311-X to construct an addition to the existing building on the subject property for use as medical (dental) offices, to permit the use of the second floor and basement of the existing building for storage purposes, and to permit the removal of an existing garage. In addition, the Petitioners request a special exception to permit a Class B office building with 28% of the total adjusted gross floor area to be used as medical (dental) offices. In connection with the proposed modifications, the Petitioners request variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 203.3.B.2.a to permit 28% of the total adjusted gross floor area to be used as medical (dental) offices in lieu of the maximum permitted 25%; from Section 203.3.C.2 to permit existing parking to remain in the front yard in lieu of the required side or rear yards; from Section 203.4.C.6 to permit 0% pervious planted land in the interior of the parking lot in lieu of the required 7%; from Section 203.4.C.8.c.2 to permit a landscape buffer of 0 feet in lieu of the

required 10 feet; and from Section 409.6.A.2 to permit 11 parking spaces in lieu of the minimum required 18 spaces. All of the relief requested is more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petitioners were Dr. John R. Jaeger, owner of the property, Nicholas Comadari, Zoning and Development Consultant, and Bruce E. Doak, Registered Professional Engineer. There were no Protestants.

Testimony indicated that the subject property, known as 9604 Belair Road, consists of 0.46 acres, more or less, zoned R.O. and is improved with a 1 and 1/2 story dwelling and an accessory garage. Said property was the subject of previous Case No. 70-80-X in which a special exception to permit the conversion of the subject property to office use was granted on October 24, 1969. Thereafter, in Case No. 73-311-X, a special exception for a Doctor's office was granted on June 21, 1973 at which time the Petitioner began operating his dental practice from the premises. Dr. Jaeger testified that he grew up in the area, having graduated from Parkville Senior High School, and that he currently lives in Kingsville. He testified that his dental practice has outgrown existing facilities on the subject site and that the relief requested is necessary in order for him to continue to operate from this location. Dr. Jaeger testified that he employs one secretary, one assistant and two dental hygienists, and that one other dentist, a Dr. Carter, also practices dentistry from this location. In support of the variance relief requested, Dr. Jaeger stated that the majority of his patients are by appointment and that the maximum number of people who would be at the site at any one time would be 13. This number represents both patients and employees, including the two dentists. Dr. Jaeger argued that he would therefore only need

to provide 13 parking spaces. However, in an effort to comply with the Zoning Plans Advisory Committee comments submitted by the Office of Planning, the Petitioner will provide 18 parking spaces as required. According to the testimony offered at the hearing, 18 parking spaces should be more than adequate. Because the Petitioner is proposing 18 parking spaces, the need for the requested variance of 11 spaces in lieu of the required 18 is moot.

Nicholas Comadari appeared and testified on behalf of the Petitioners. Mr. Comadari traced the history of the subject site concerning prior zoning hearings, as well as adjacent uses along Belair Road in this vicinity. He offered as exhibits the records from prior zoning cases.

Bruce Doak also appeared and testified on behalf of the Petitioners. Mr. Doak testified concerning the proposed improvements to the subject property and the site plan which was prepared under his direction. Mr. Doak testified that in his expert opinion, the proposed improvements and use of the subject property satisfy all of the requirements of the B.C.Z.R.

It is clear that the B.C.Z.R. permits the use proposed in an R.O. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest.

The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

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 variances are 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 proposed amendment and variances are 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 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 relief 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 these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of May, 1993 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case Nos. 70-80-X and 73-311-X to permit the construction of an addition to the existing building on the subject property for use as medical (dental) offices, to permit the use of the second floor and basement of the existing building for storage purposes, and to permit the removal of an existing garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to use the subject property as a Class B office building with 28% of the total adjusted gross floor area to be used as medical (dental) offices, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 203.3.B.2.a to permit 28% of the total adjusted gross floor area to be used as medical (dental) offices in lieu of the maximum permitted 25%; from Section 203.3.C.2 to permit existing parking to remain in the front yard in lieu of the required side or rear yards; from Section 203.4.C.6 to permit 0% pervious planted land in the interior of the parking lot in lieu of the required 7%; and from Section 203.4.C.8.c.2 to permit a landscape buffer of 0 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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.

2) The special exception relief granted herein is limited to the operation of dental offices with two full-time dentists, only. In the event the Petitioner wishes to add another dentist to his practice, a new Petition must be filed to determine the appropriateness of such an expansion.

IT IS FURTHER ORDERED that the Petitioners shall have five (5) years from the date of this Order in which to utilize the special exception relief granted herein; and,

IT IS FURTHER ORDERED that the Petition for Variance requesting relief from Section 409.6.A.2 to permit 11 parking spaces in lieu of the required 18 spaces, be and is hereby DISMISSED AS MOOT.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

May 25, 1993

(410) 887-4386

Dr. & Mrs. J. Roedel Jaeger
9604 Belair Road
Baltimore, Maryland 21236

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
NM/S Belair Road, 141' NE of Perry View Road
(9604 Belair Road)
11th Election District - 5th Councilmanic District
John Roedel Jaeger, D.D.S., et ux - Petitioners
Case No. 93-282-SPHXA

Dear Dr. & Mrs. Jaeger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception, and 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Nicholas B. Comadari
3410 Woodstock Avenue, Baltimore, Md. 21213

People's Counsel

File

[illegible][illegible][illegible]

PETITION MAPPING PROGRESS SHEET									
FUNCTION	start time		O.D. - 11		Durations		Testing		DO time
	sec	hr	sec	hr	sec	hr	sec	hr	
1. Initial location and planned site map									
2. Number of members selected to									
3. Date									
Requester's Name _____ Requester's Address _____ City _____ State _____ Zip _____ Date _____									
Made by _____ Date _____									

QUESTIONS

1. What is the purpose of the mapping?

2. What is the location of the mapping?

3. What is the date of the mapping?

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ANSWERS

1. The purpose of the mapping is to determine the location of the mapping.

2. The location of the mapping is at the address of the mapping.

3. The date of the mapping is the date of the mapping.

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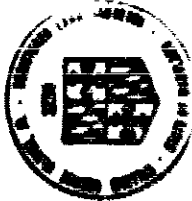
9. The name of the mapping is the name of the mapping.

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FOR THE DISTRICT OF COLUMBIA

Indicated for the same on the northeast side of the Belair Road (see attached map) at the distance of north of degree 19 minutes east 300 feet from the intersection with the southeast of Perry Farm Road running thence and heading of the southeast side of Belair Road south by degree 19 minutes east 1000 feet thence leaving the site of Belair Road and running thence following course and distances viz north by degree 21 minutes west 200 feet East south by degree 19 minutes west 1000 feet and north of degree 21 minutes east 2000 feet to the place of beginning.

 W 300m 30 30-20 30

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO : Mr. Edward S. Nordstrom, Zoning Commission July 27, 1970
 FROM : Mr. Clarence C. Gonswilt, Director of Planning
 SUBJECT: Petition, 71-005, (Northwest side of Indian Road 26 1/2 mi. South of Perry
 Avenue) for Special Exemption for Officers
 Licensed P. Vehicles, as of 2 - Permits

11th District
 84-0840-0, November, July 27, 1970 (1045 a.m.)

The Staff of the Office of Planning and Zoning has reviewed the various petitions for special exemption for officers in all 6 zones and offers the following:

The subject property is in Township 104 the subject has an abutment along the portion of Indian Road "B" which, however, terminates at the intersection of Indian Road "A" and Indian Road "C". The subject property is not adjacent to Indian Road "A" and the subject property should be established on the side of the property to be used by officers.

CC-604

[illegible]

1. General
 2. History
 3. Geography
 4. Population
 5. Government
 6. Religion
 7. Education
 8. Health
 9. Transportation
 10. Communication
 11. Industry
 12. Trade
 13. Finance
 14. Law
 15. Arts
 16. Sports
 17. Recreation
 18. Environment
 19. Energy
 20. Science
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 253. Security
 254. Defense
 255. Foreign Relations
 256. International Law
 257. Human Rights<

1. NAME : Mr. Rakesh
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 3. DATE : 12/01/20
 4. TIME : 10:30 AM
 5. PLACE : Room 101, 1st Floor, ABC Building, 123 Main St, New York, NY 10001
 6. REASON : Request for a copy of my medical records.
 7. CONTACT : 9876543210
 8. SIGNATURE : [Signature]
 9. WITNESS : [Signature]
 10. DOCTOR : [Signature]
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11-16-70

71-163-A

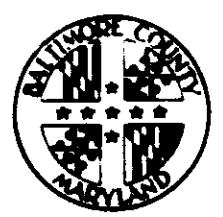
71-163-A

DEPARTMENT OF FINANCE TREASURY DEPARTMENT OF MILITARY AND NAVAL AFFAIRS		FORM OF RECEIPT	
Name of Recipient <i>James Davidson</i>		Name of Donor <i>James Davidson</i>	
Address of Recipient <i>114 Main Street New York City</i>		Address of Donor <i>114 Main Street New York City</i>	
Amount of Receipt <i>100.00</i>		Amount of Donation <i>100.00</i>	
Date of Receipt <i>10/1/1918</i>		Date of Donation <i>10/1/1918</i>	
Signature of Recipient <i>James Davidson</i>		Signature of Donor <i>James Davidson</i>	
Witness <i>James Davidson</i>		Witness <i>James Davidson</i>	

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9604 Belair Road which is presently zoned RO

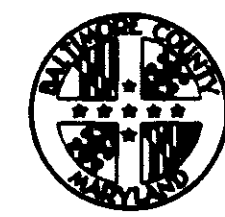
This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An amendment to the site plans in Case #70-80-X and Case #73-311-X to construct an addition for medical (dental) offices to the existing building and to utilize the 2nd floor and basement of the existing building for storage and removal of existing garage.

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.

Contract Purchaser/Lessor
(Type or Print Name)
Signature
Address
City State Zip
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zip
Date 2/23/93



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 9604 Belair Road which is presently zoned RO

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Class B office building with 28% of the total adjusted gross floor area to be medical (dental) offices.

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.

Contract Purchaser/Lessor
(Type or Print Name)
Signature
Address
City State Zip
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zip
Date 2/23/93



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9604 Belair Road which is presently zoned RO

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 Section(s)

See attached sheet.

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

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.

Contract Purchaser/Lessor
(Type or Print Name)
Signature
Address
City State Zip
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zip
Date 2/23/93

93-282-SPHXA

Section 203.3B.2.a. to allow 28% of the total adjusted gross floor area to be medical (dental) offices in lieu of the maximum allowed of 25%.

Section 203.3C.2 to allow existing parking to remain in the front yard in lieu of the required side of rear yards.

Section 203.4C.6 to provide no previous planted land area in the interior of the parking lot in lieu of the required 7% of the interior of the parking lot.

Section 203.4C.8.C.2 to provide no landscape buffer in lieu of the required 10 feet.

Section 409.6A.2 to allow 11 parking spaces in lieu of the required 18 parking spaces, (if required)

REASONS: Hardship and Practical Difficulty

The petitioner has had his practice at the current location for over 20 years and has been a contributing member of the community. Because of the small size of the existing building and coupled with the number of employees and increase in business, an addition is proposed and corresponding variances necessary. Due to the narrow width and length of the lot, every effort has been made to maintain the buffer areas and setbacks so as not to affect neighboring residential properties. Practical difficulty and unreasonable hardship would result if the variances were not granted.

For these and other reasons to be discussed at the hearing.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 11th Date of Posting: 2/23/93
Posted for: Special Exception Hearing & Variance
Petitioner: John R. Jaeger, D.D.S.
Location of property: 9604 Belair Rd., 141' NE Perry View Rd
Location of Sign: Facing Roadway, property of P.H. House
Remarks: Posting of signs for Special Exception Hearing & Variance
Posted by: [Signature] Date of return: 2/23/93
Number of Signs: 3

CERTIFICATE OF PUBLICATION

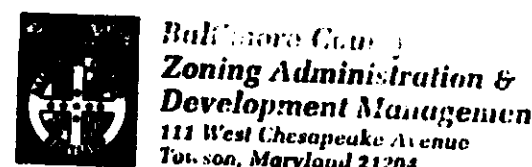
TOWSON, MD. 3/11/93

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 3/11/93

THE JEFFERSONIAN,

S. Zake Orlan
Publisher

\$132.13



receipt
Account: R-001-6150
Number
DATE 2/23/93
PUBLIC HEARING FEE
020 - POSTING - 100.00
040 - SPECIAL HEARING FEE
050 - SPECIAL HEARING FEE
070 - SIGN - 10.00
TOTAL 120.00
Please Make Checks Payable To: Baltimore County
Cashier Validation

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 2/23/93 ACCOUNT R-001-6150
AMOUNT \$132.13
RECEIVED BY J. ROEDER JAEGER, D.D.S.
FOR 93-282-SPHXA ADVERTISING FEES
3340380078MCHRC
DA-2002-180004-14-02
VALIDATION OR SIGNATURE OF CLERK

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 3/22/93

John R. Jaeger, D.D.S. and Eunice V. Jaeger
9604 Belair Road
Baltimore, Maryland 21236

RE: CASE NUMBER: 93-282-SPHXA (Item 293)
9604 Belair Road, 141' NE of Perry View Road
9604 Belair Road
11th Election District - 5th Councilmanic
Petitioner(s): John R. Jaeger, D.D.S. and Eunice V. Jaeger
HEARING: WEDNESDAY, APRIL 14, 1993 at 2:00 p.m. in Rm. 106, County Office Building.

Dear Petitioner(s):

Please be advised that \$132.13 is due for advertising and posting of the above captioned property and hearing date.

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

Forward your check for the above fee via return mail to the Zoning Office, (ZADM), County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Please write the case number and hearing date on the check and make same payable to Baltimore County, Maryland. To avoid delay of the Zoning Commissioner's Order in your case, immediate attention to this matter is suggested.

Arnold Jarman
DIRECTOR

Printed on Recycled Paper

GORDON T. LANGDON
DEWITT W. HILKEY
EDWARD F. DEACON-LOHN
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318
410-823-4470
FAX 410-823-4473

January 7, 1993

FOR THE PURPOSE OF ZONING ONLY

Beginning for the same on the northwest side of the Belair Road (as proposed to be widened to 75 feet wide) at the distance of North 49 degrees 49 minutes East 140.86 feet from the intersection of the northwest side of Belair Road with the centerline of Perry View Road (50 feet wide) running thence and binding on the northwest side of Belair Road North 49 degrees 49 minutes East 100.00 feet, thence leaving the side of Belair Road and running the three following courses and distances viz: North 40 degrees 11 minutes West 185.00 feet South 49 degrees 49 minutes West 100.00 feet and South 40 degrees 11 minutes east 185 feet to the place of beginning.

Containing 0.425 Acres more or less.



will be held

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-282-SPHXA (Item 293)
9604 Belair Road, 141' RE of Perry View Road
9604 Belair Road
11th Election District - 5th Councilmanic
Petitioner(s): John Roedel Jaeger, D.D.S. and Eunice V. Jaeger
HEARING: WEDNESDAY, APRIL 14, 1993 at 2:00 p.m. in Rm. 106, County Office Building.

Special Exception for a Class B office building with 28% of the total adjusted gross floor area to be medical (dental) offices.
Special hearing to approve an amendment to the site plans in case #70-90-1 and case #73-111-1 to construct an addition for medical (dental) offices to the existing building and to utilize the second floor and basement of the existing building for storage and removal of existing garage.
Variance to allow 28% of the total adjusted gross floor area to be medical (dental) offices in lieu of the maximum allowed 25%; to allow existing parking to remain in the front yard in lieu of the required side or rear yards; to provide no portions planted land area in the interior of the parking lot in lieu of the required 7% of the interior of the parking lot; to provide no landscape buffer in lieu of the required 10 feet; and to allow 11 parking spaces in lieu of the required 18 parking spaces (if required).

Arnold Jablon
Arnold Jablon
Director

cc: John Roedel D.D.S. and Eunice V. Jaeger

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

Dr. and Mrs. John Roedel Jaeger
9604 Belair Road
Baltimore, MD 21236

RE: Case No. 93-282-SPHXA, Item No. 293
Petitioner: John Roedel Jaeger, D.D.S., et ux
Petition for Special Exception, Special
Hearing and Variance

Dear Dr. and Mrs. Jaeger:

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 February 23, 1993, and a hearing was 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, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: March 15, 1993

SUBJECT: 9604 Belair Road

INFORMATION:

Item Number: 293

Petitioner: John Roedel Jaeger, D.D.S.

Property Size: _____

Zoning: R.O.

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Based upon an analysis of the information provided and a site inspection, staff recommends that the requests for a Special Hearing and a Special Exception be granted, however, this office is opposed to the aspect of the Variance as it relates to parking.

Should the parking Variance be granted, it is very possible that demand for parking will frequently exceed the supply. On March 11, 1993, staff observed 10 vehicles parked on the premises. Therefore, the provision of the required 18 spaces to serve a greatly expanded facility is not unreasonable. Also, the potential for future parking problems is exacerbated by the fact that no on-street parking is available on Belair Road or near this site to accommodate overflow parking.

In addition to the above mentioned concerns, we recommend this request be denied because there does not appear to be any physical or practical difficulties that would prevent construction of the required parking spaces.

Prepared by: *Jeffrey M. L...*

Division Chief: *Barry L. Kerns*

PK/JL:lw

293, ZAC/ZAC1

Pg. 1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 15, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for March 15, 1993
Item No. 293

The Development Plan Review Section has reviewed the subject zoning item. We recommend relocating two of the parking spaces out from in front of the building to allow for better landscaping. They could be moved to the side.

With regard to the final landscape plan,

1. More plantings may be required in the west and north buffers.
2. The Belair Road streetscape will need more study.
3. Provide a specification for the proposed fence. (See attached print.)

Robert W. Bowling
ROBERT W. BOWLING, P.E.
Senior Engineer
Development Plan Review

RWB:DAK:s

Encl.

March 16, 1993

Re: Baltimore County

US 1
9604 Belair Road
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
Jaeger Property
Special Exception and
Variance Request
ITEM # 293 (JLL)

Dear Ms. Winiarski:

This office has reviewed the plans for the referenced item and offer the following:

A field inspection of the property reveals that although the existing entrance has been in use for some time, it does not meet State Highway Administration standards and specifications for the proposed use. The entrance is only 18' wide and our minimum width requirement is 25'.

The SHA currently has a project scheduled to start around June 13, 1994, that will make significant geometric improvements to the intersection of Baker Lane and Chapel Road that will also impact this proposed development. The plans for referenced project are consistent with the scheduled SHA project.

However, our concerns for the additional traffic that will be generated by this development and the substandard condition of the existing entrance, the following will be a condition of plan approval.

The existing 18' entrance must be widened to 25' prior to the issuance of use and occupancy permit for the proposed building.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.

My telephone number is 410-333-1350 (Fax# 333-1041)

Typewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 888-6451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Ms. Julie Winiarski
Page Two
March 16, 1993

- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

With this in mind, we have no objection to approval for the special exception or variance request.

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,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

BS/es

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

RE: Property Owner: JOHN ROEDEI JAEGER, D.D.S. & EUNICE V. JAEGER

Location: #9604 BELAIR ROAD

Item No.: 4293 (JLL) Zoning Agenda: MARCH 8, 1993

Gentlemen:

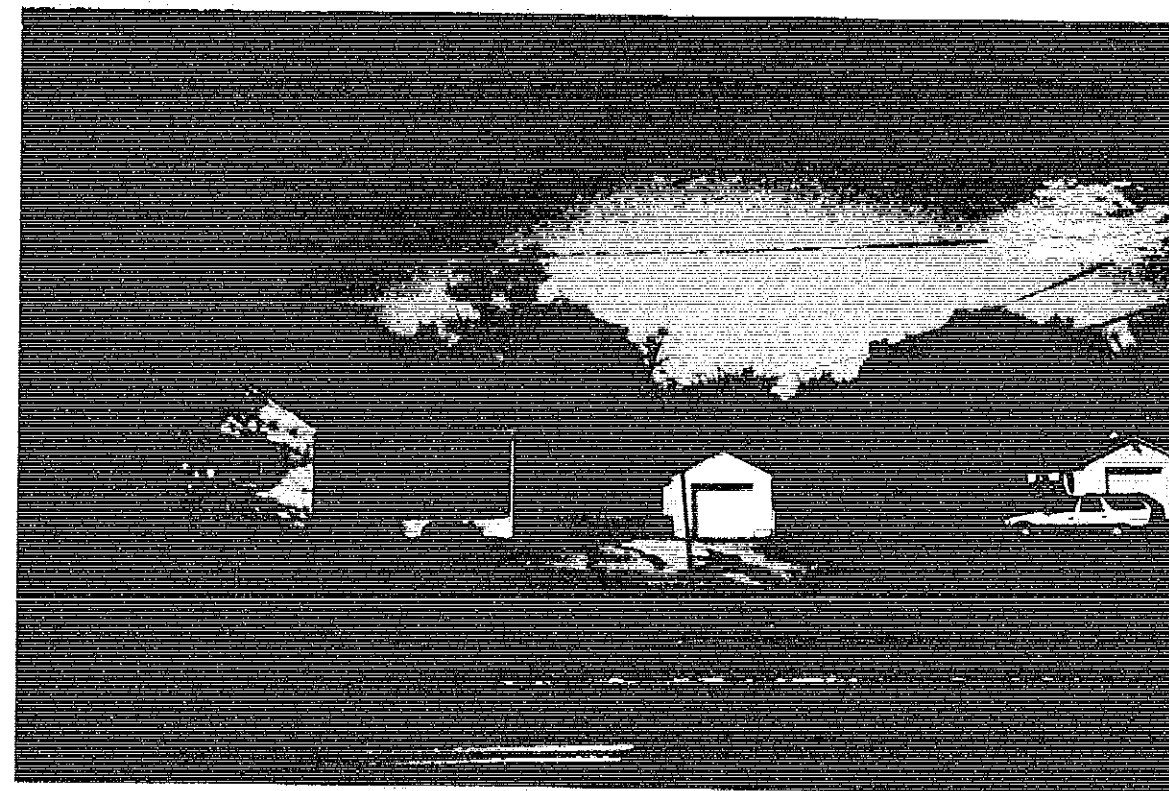
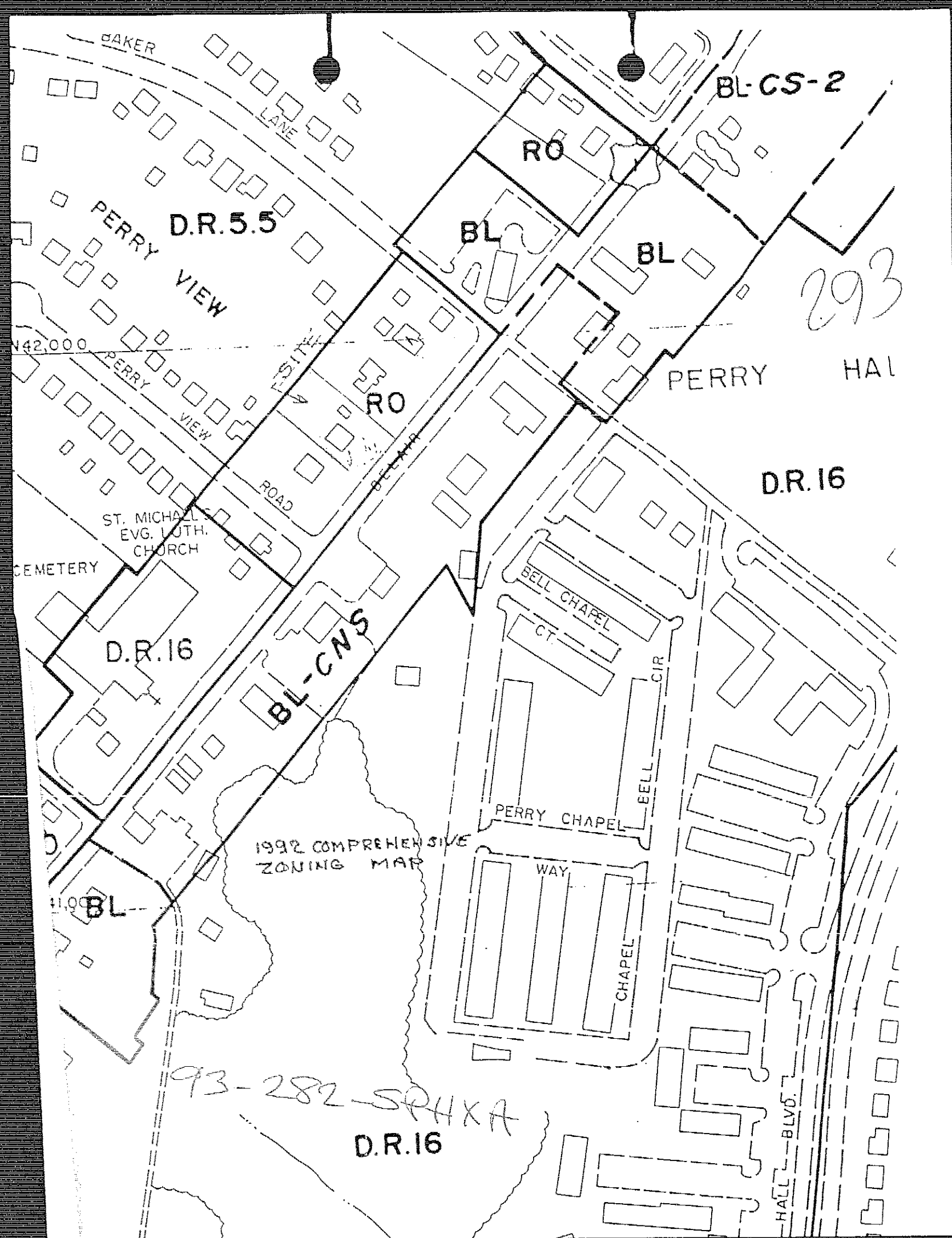
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1988 edition prior to occupancy.

REVIEWER: *Capt. Jerry Jiles*
Planning Group
Special Inspection Division

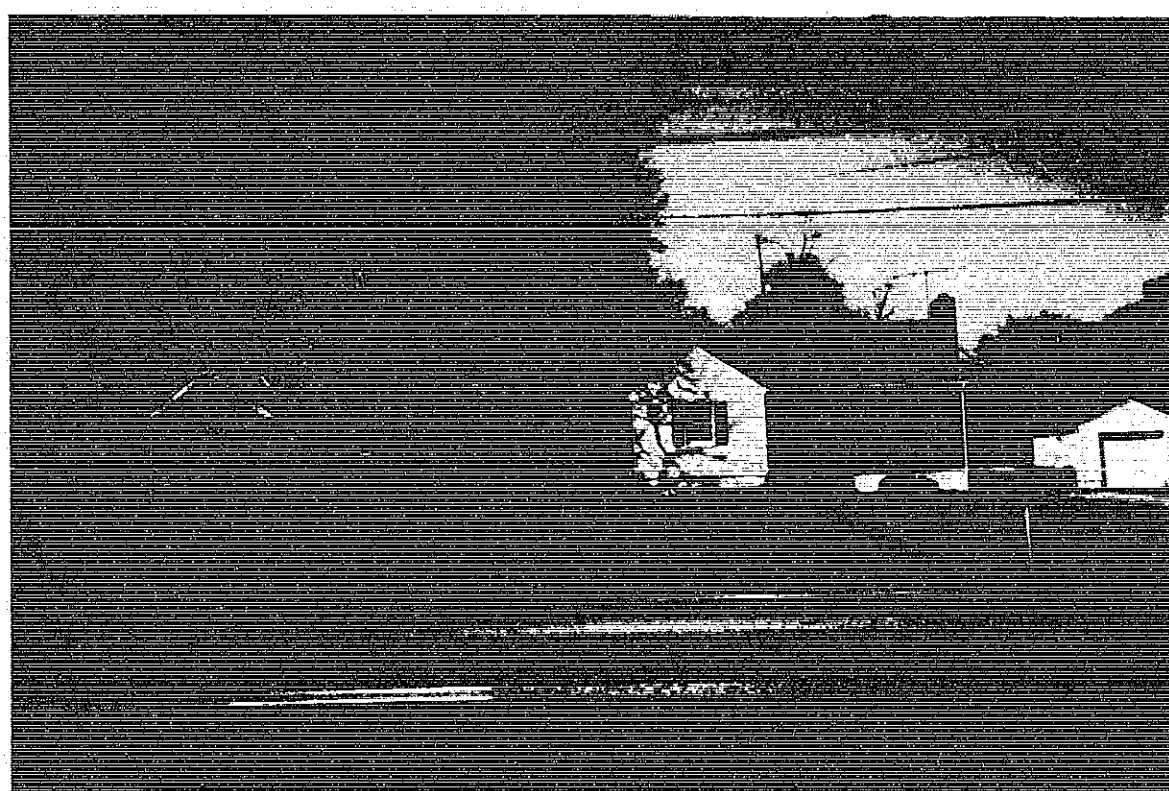
JP/KEKH



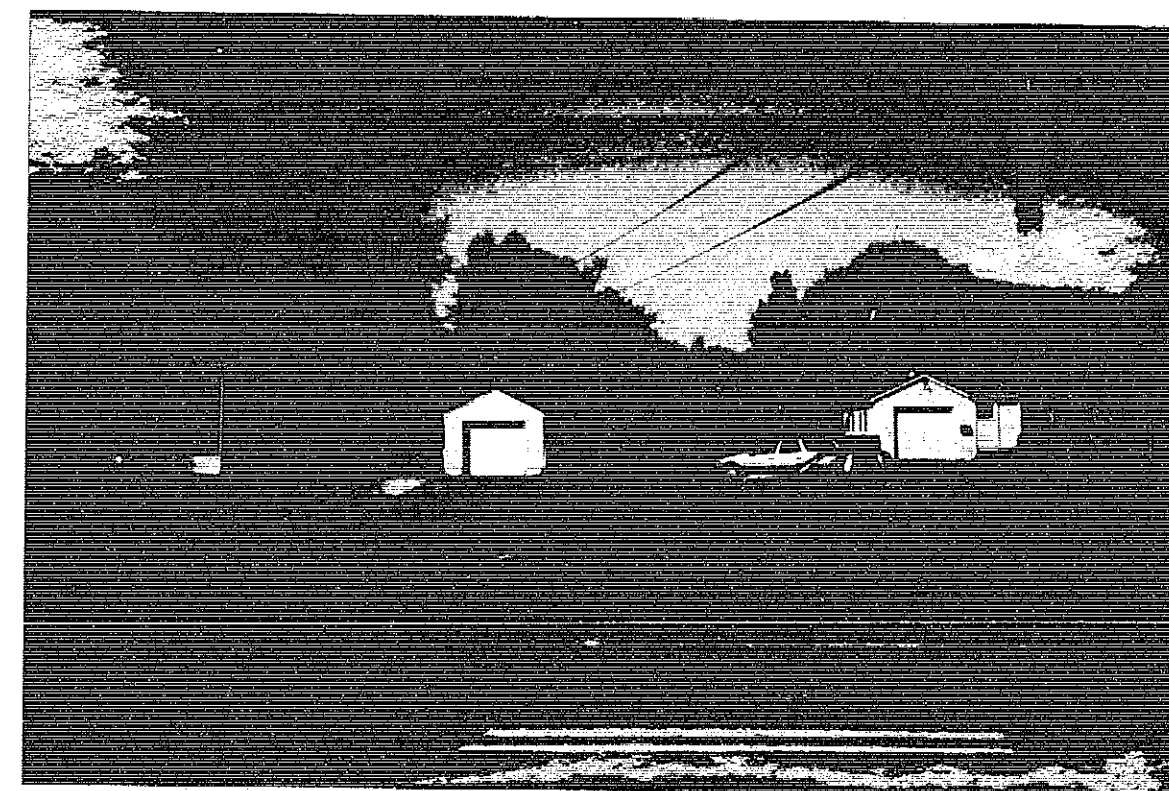


①

PETITIONER'S
EXHIBIT NO. 4



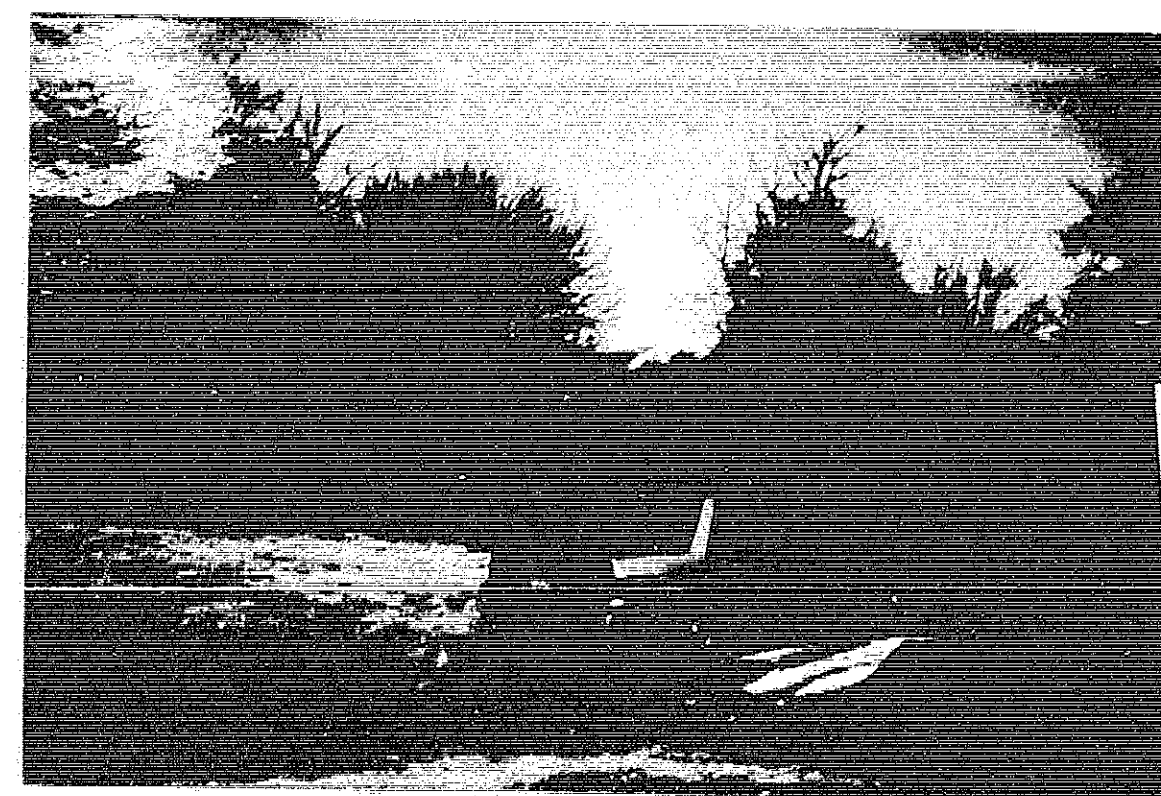
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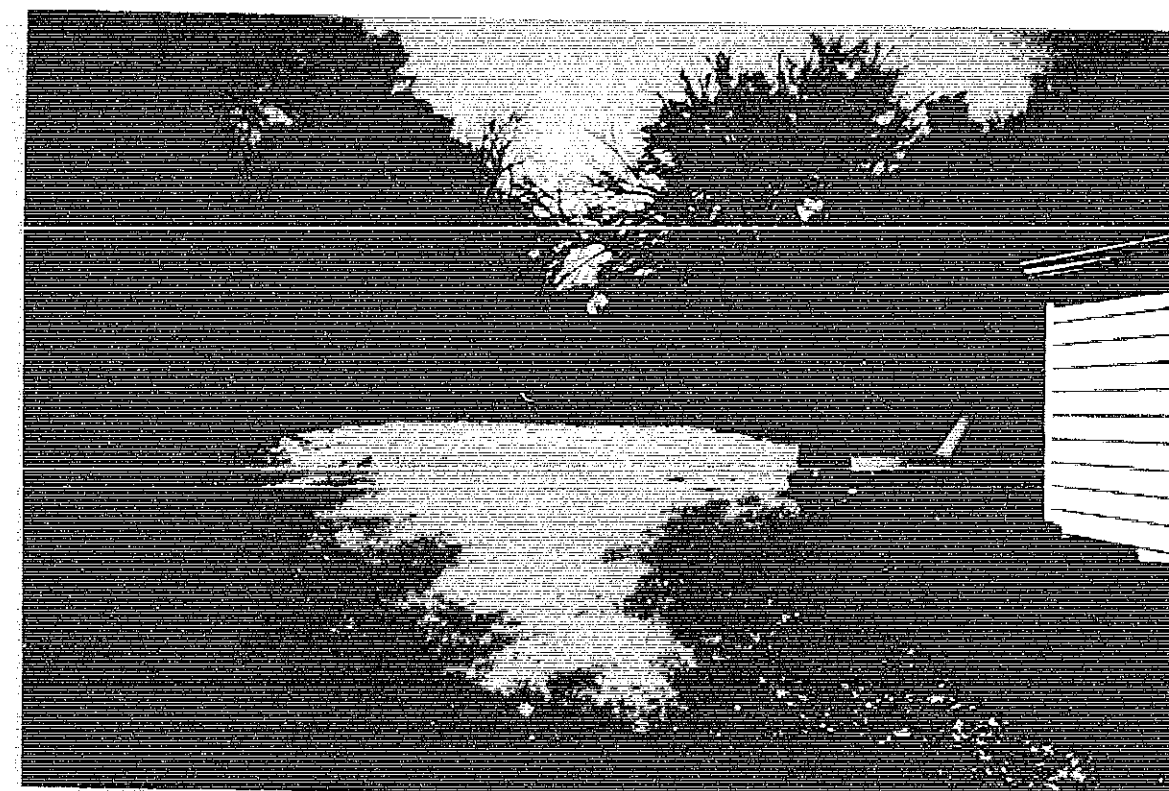
③



④



⑤



⑥



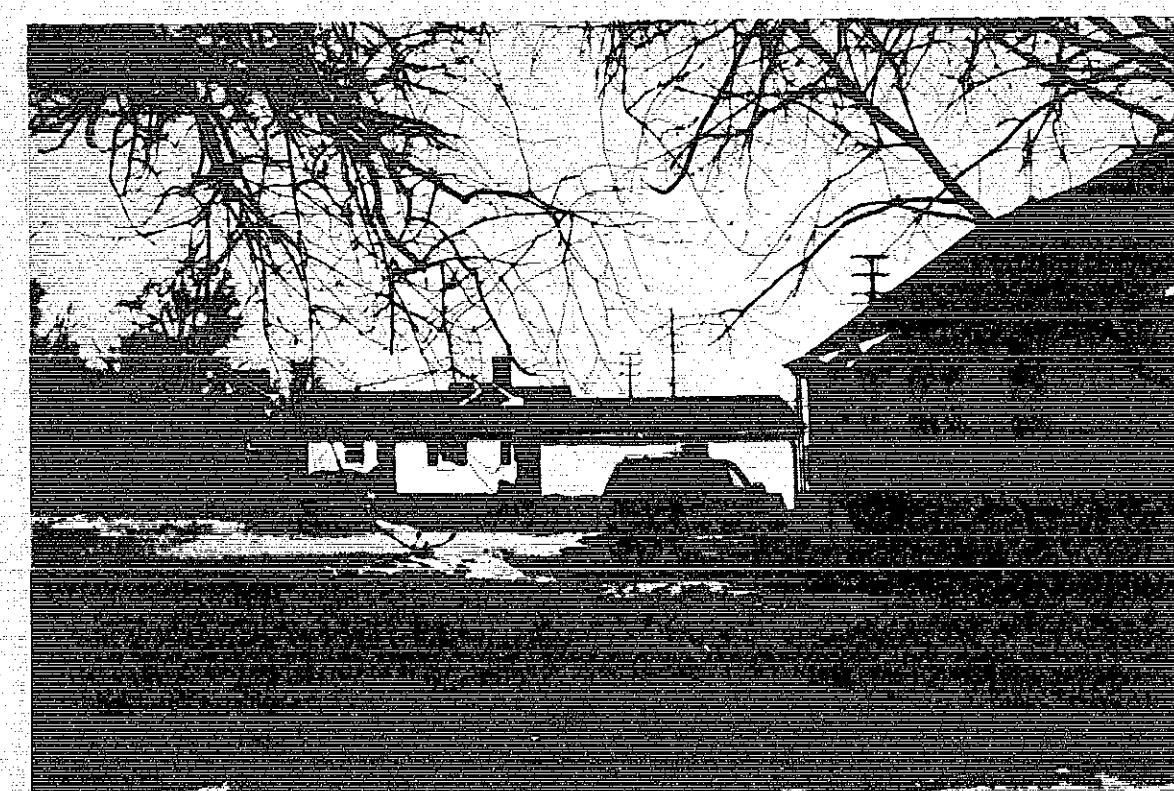
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⑩



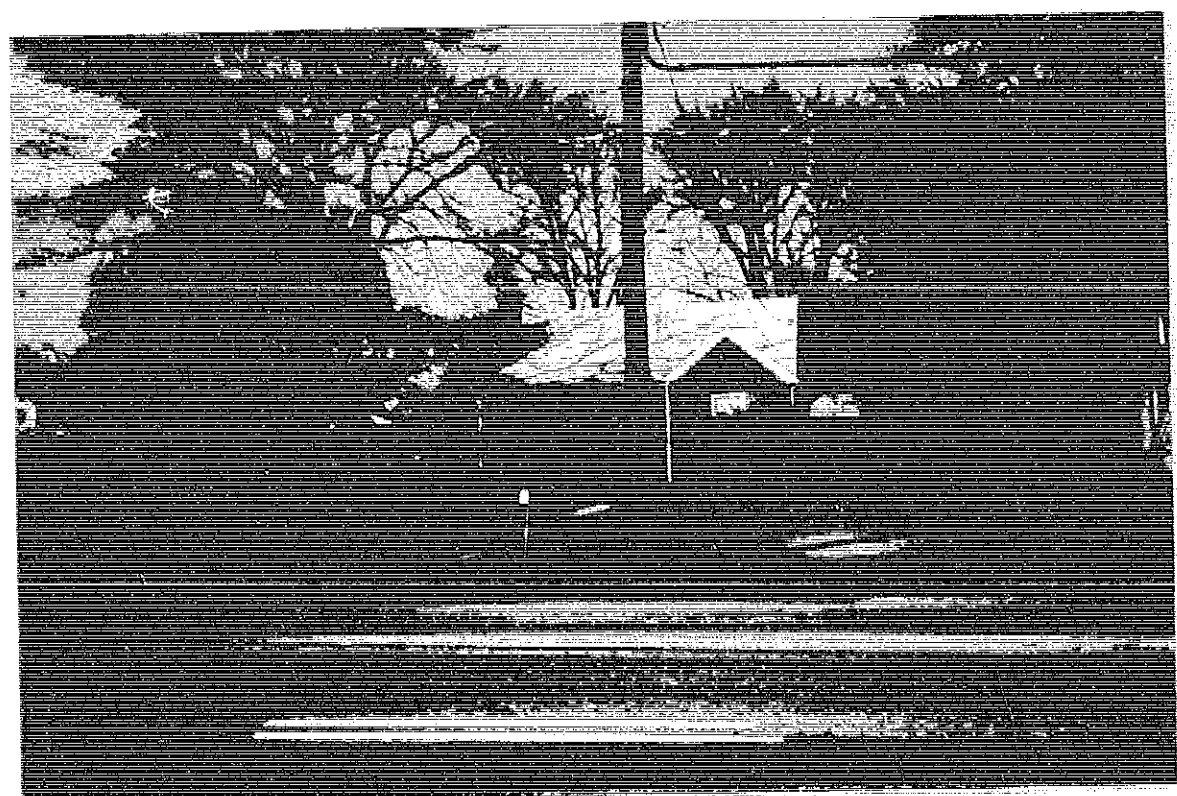
⑪



⑫



⑬



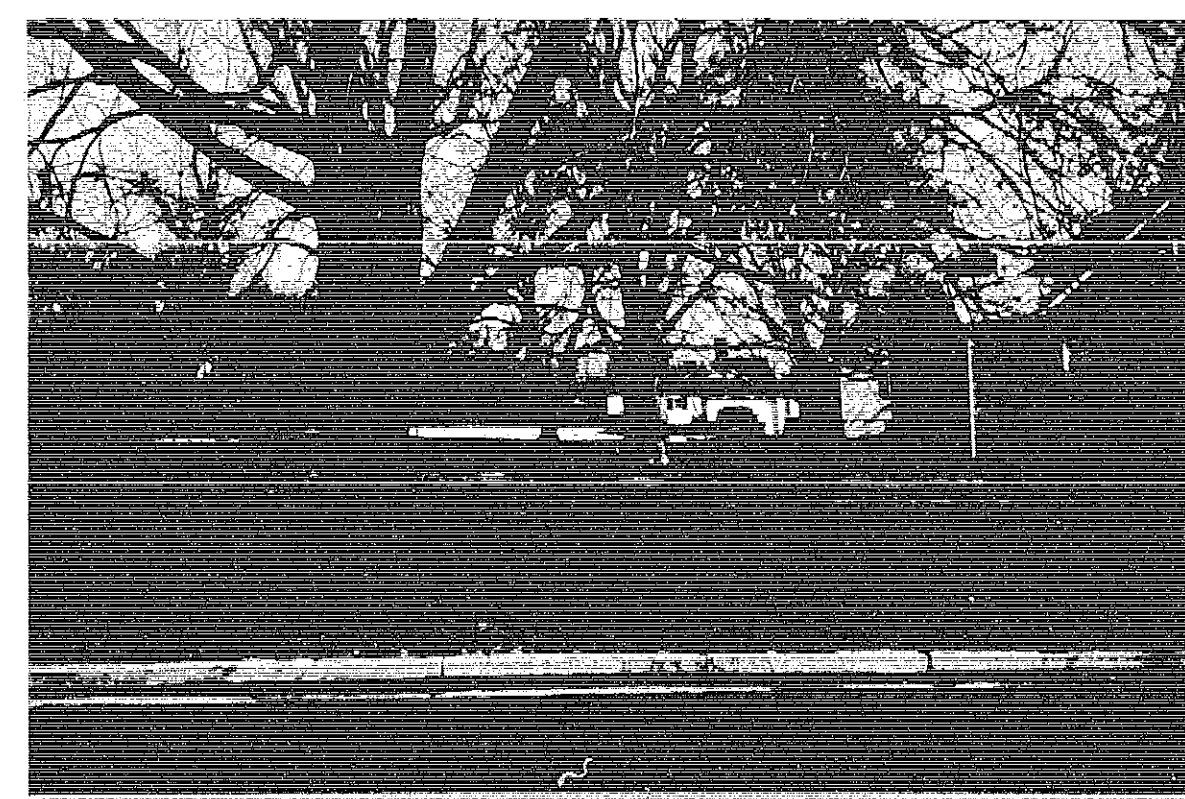
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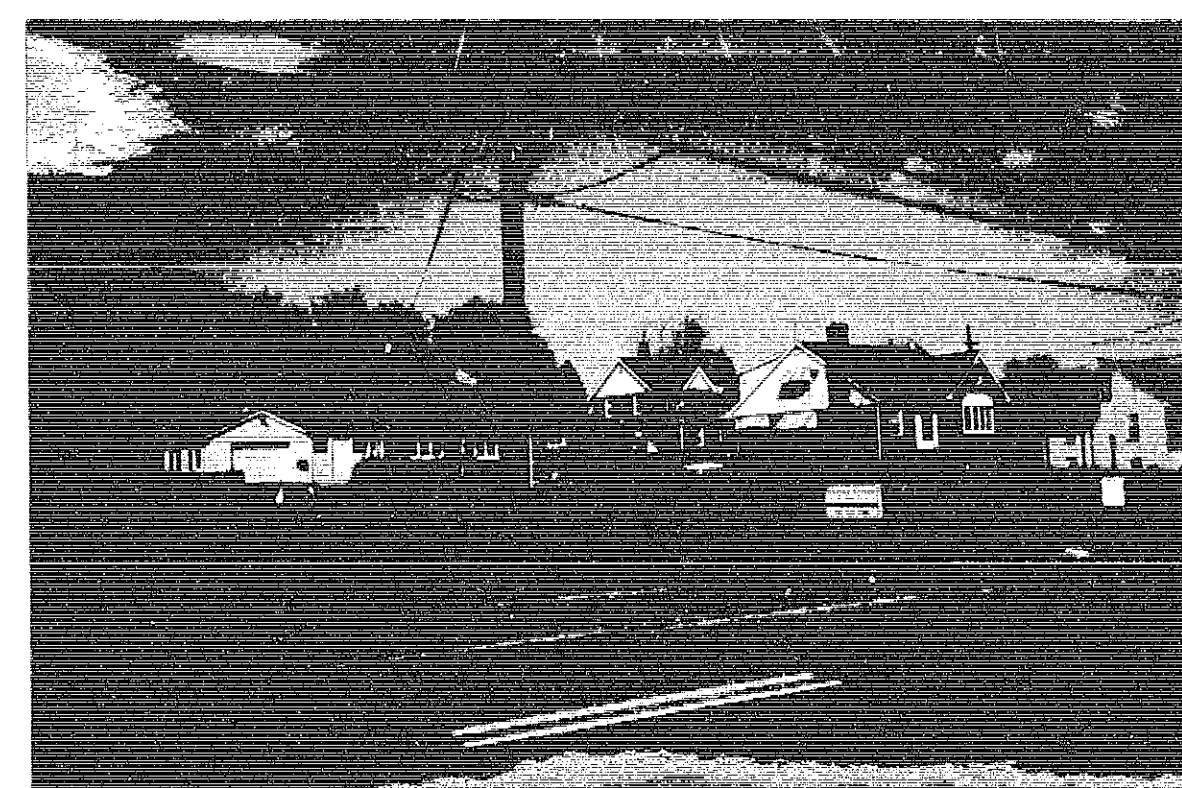
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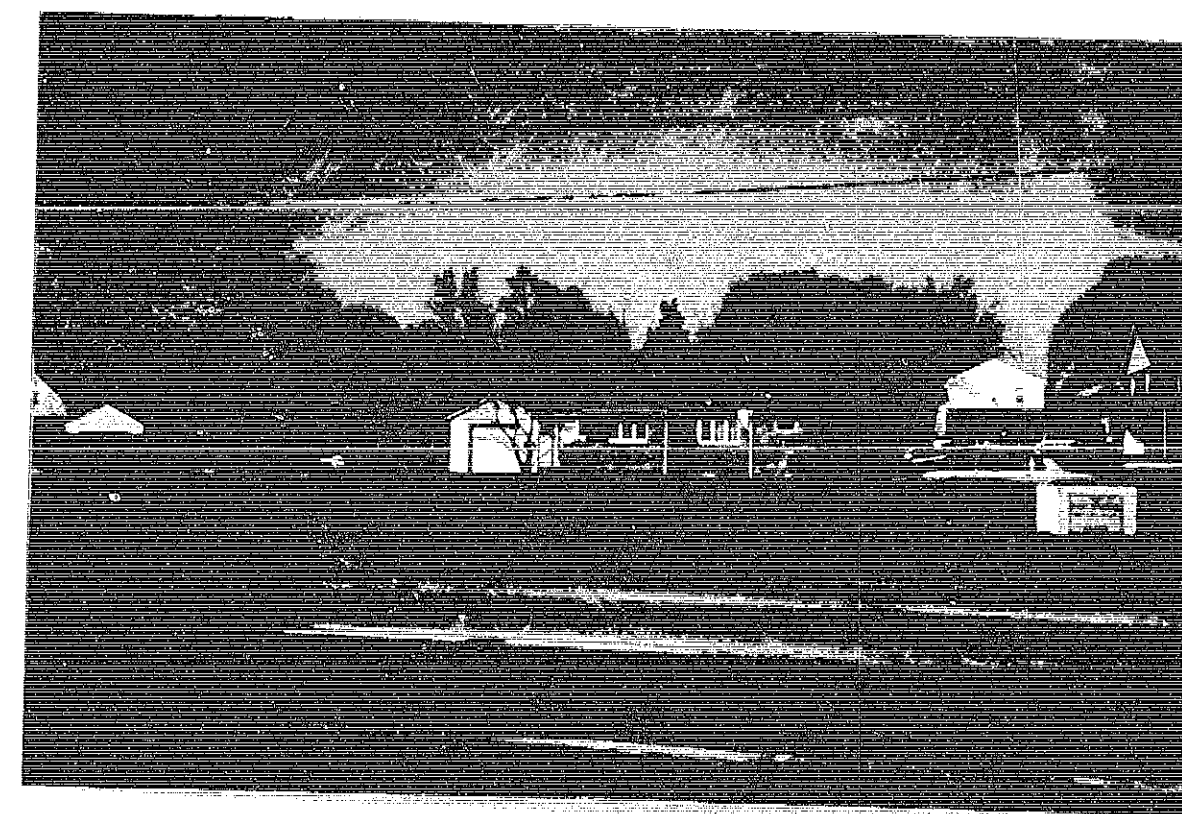
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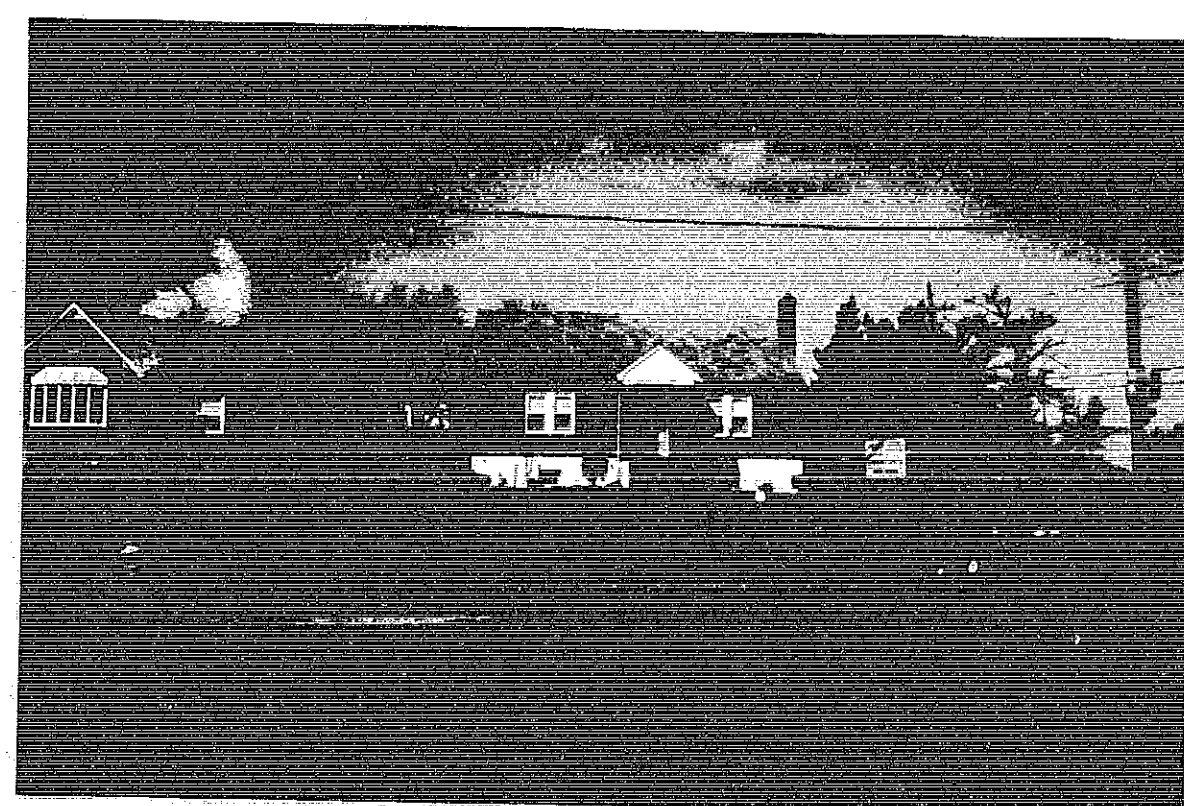
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22



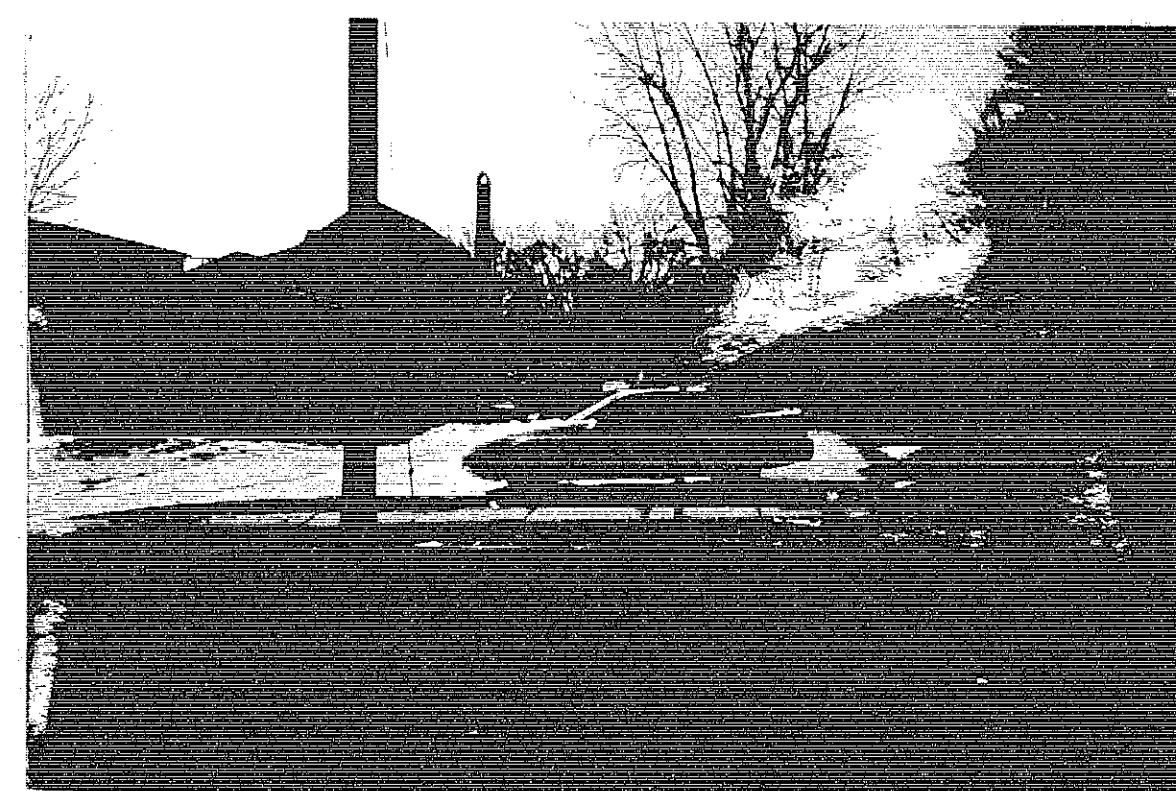
23



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28



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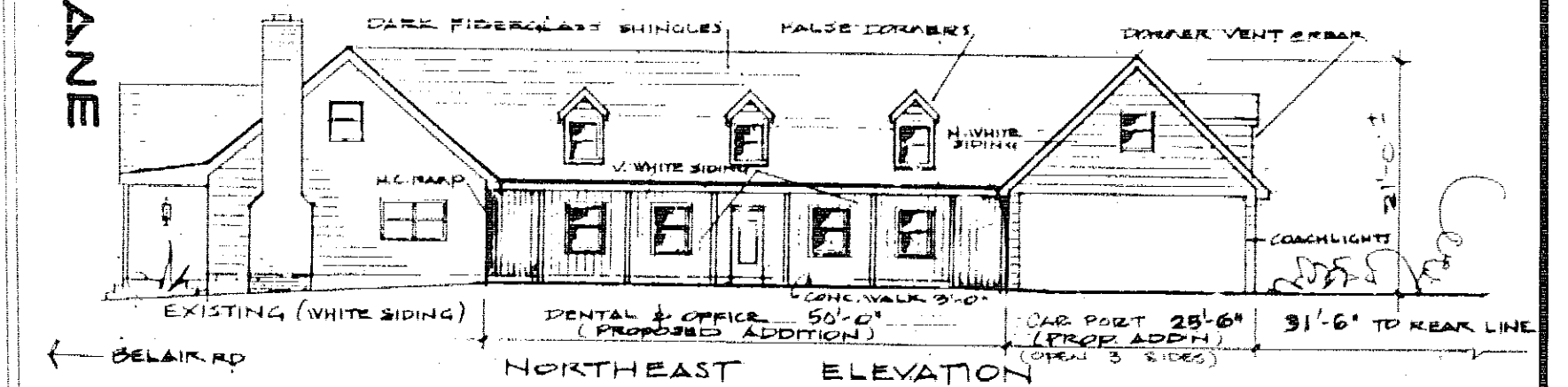
PERRY VIEW
ROAD

DR 5.5
RO

DR 5.5
RO

BAKER
LANE

VICINITY MAP 1"=1000'



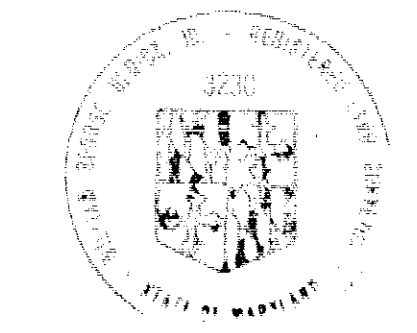
- VARIANCES
- NO LANDSCAPE BUFFER ON EAST PROPERTY LINE IN LIEU OF REQUIRED 10 FOOT, 203.4 C.8.C.2.
 - AMENITY OPEN SPACE 203.4 C.6.0% IN LIEU OF REQUIRED 7% IN THE INTERIOR OF THE PARKING LOT
 - TO ALLOW CONTINUED FRONT YARD PARKING IN LIEU OF SIDE OR REAR PARKING AS PER SECTION 203.3 C.2
 - CLASS B OFFICE BUILDING WITH 28% OF TOTAL OF ADJUSTED GROSS FLOOR AREA TO BE MEDICAL OFFICES IN LIEU OF 25% SECTION 203.B.2.a
 - TO ALLOW A TOTAL OF 11 PARKING SPACES IN LIEU OF THE REQUIRED 16 SPACES (IF REQUIRED)
- PREVIOUS CASES
- 70-80-X Special Exception for Offices granted October 24, 1969
- 73-311-x Special exception for a Doctor's Office was granted June 21, 1973

PLAT TO ACCOMPANY PETITION FOR A SPECIAL HEARING SPECIAL EXCEPTION & VARIANCES FOR CLASS B OFFICE BUILDING
9604 BELAIR ROAD

LOCATED IN
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
DEED REF. E.H.K. JR. 5328 folio 327
CONTAINING 0.46 AC.
TAX NO.: 11-07-029670
ZONED: RO
5TH COUNCILMANIC DISTRICT
PREVIOUS CASE NO.: 70-804 73-311X
OWNER: J. ROEDER JAEGER
9604 BELAIR ROAD
PERRY HALL, MD. 21236

PETITIONER'S
EXHIBIT NO. 1

293



SCALE 1"=20' AUGUST 28, 1991
GERHOLD, CROSS & ETZEL
REGISTERED PROFESSIONAL LAND SURVEYORS
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470
PLAT # 72 FILE # 603

- SERVICE
STATION
GENERAL NOTES
- 11th ELECTION DISTRICT
 - Councilmanic District No. 5
 - Census Tract No. 4114.03
 - Watershed No. 5 Subwatershed No. 22
 - Existing use of site: Dental Office
 - Waiver for C.R.G. Meeting has been granted (1-18-91, W-91-27)
 - Entire site is located in BtB (Beltsville silt loam 2 to 5% slopes)
 - The existing dental offices have not been enlarged in floor area in the last five years.
 - Any proposed signs will comply with Baltimore County Zoning Regulations; all signs will comply with R.O. requirements per Section 5.203.3C
 - ADT calculations Medical Offices (1800/1000) x 34 = 61
General Offices (1267/1000) x 25 = 32
Total 93
 - Existing grades shown thus -----
 - Existing grades to remain - grades compiled from Baltimore County Topographic Sheets
 - Existing public water and sewer
 - Waiver of S.W.M. to be submitted
 - Hours of operation variable
 - To the best of my knowledge there are no existing wells or septic systems on this site.
 - A final landscape plan must be approved by the Office of Public Works prior to the issuance of grading or building permits
 - C.R.G. plan W-91-27 approved 6-15-92, expires 6-15-95.
 - Class B office building, Medical office, allowed 25% of total adjusted floor area, Class B office building, Medical office shown 1800 sq.ft. divided by 6534 = 28%
 - The subject property is serviced by private trash removal.

TABULATIONS

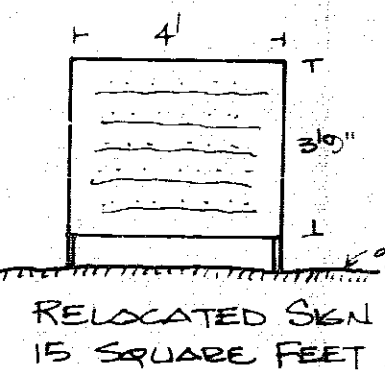
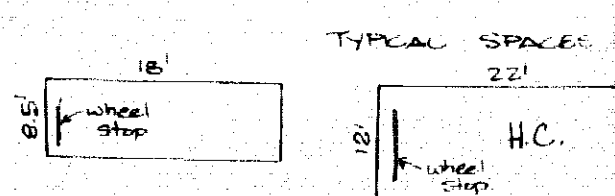
Gross Area = (included 30' R/W) 0.494 Acres more or less Net Area = 0.425 Acres more or less	Adjusted Floor Area Existing Building General Offices
Basement Storage & Mechanical N.A.	Basement (less utility equip.) 857 Sq. Ft.
First Fl. General Offices - 1057 Sq. Ft. Attic Area (6' height factor) - 210 Sq. Ft.	First Fl. - 1057 Sq. Ft. Attic (7' height factor) - 140 Sq. Ft.
Subtotal: 1267 Sq. Ft.	Subtotal: 2154 Sq. Ft.
Proposed Addition Medical Offices	Proposed Addition Medical Offices
Basement Storage & Mechanical N.A.	Basement (less utility equip.) 1700 Sq. Ft.
First Fl. Dental Offices 1800 Sq. Ft.	First Fl. Dental Offices 1800 Sq. Ft.
Attic Storage (6' height factor) and Car Port to be used by General Offices 1160 Sq. Ft.	General Offices 1800 Sq. Ft. Attic (7' height factor) and Car Port 880 Sq. Ft.
Subtotal: 2960 Sq. Ft.	Subtotal: 4380 Sq. Ft.
Total Gross Area 4227.00 Sq. Ft.	Total Adjusted Gross Area: 6534.00 Sq. Ft.
	Floor Area Ratio: 6534 divided by 21500 = 0.30

PARKING DATA

Spaces Required
Dental Offices: 1800 Sq. Ft. 4.5 spaces per 1000 Sq. Ft. 4.5 x 1.80 = 9
General Offices: 2427 Sq. Ft. 3.3 spaces per 1000 Sq. Ft. 3.3 x 2.43 = 9

Total Spaces Required = 18
Spaces Shown (Side and Car Port) = 14
Spaces Shown (Front Yard) = 4
Total Spaces Shown = 18

Paving shall be a durable dustless surface (Macadam paving) and will be striped.
Note: To the extent possible parking is located in the side and rear yard



RETAIL BAKERY HIGH'S STORE MERCANTILE BANK

RO BL-CNS BELAIR ROAD (ARTERIAL STREET) RO BL-CNS

SERVICE
STATION
GENERAL NOTES

JULET
LANE

74-108-AP
 #9610 BELAIR RD
 PKG IN REAR ADJUTING
 REAR PROPERTY LINE

#9608 BELAIR RD 11-20-7
 OFFICE USE
 PKG. IN SIDE/FRONT

#9606 BELAIR RD 10-23-7
 OFFICE USE
 PKG. IN SIDE/FRONT

#9602 BELAIR RD 10-20-7
 DWELLING - PORCHES 11-20-7
 ADDD. FOR OFFICE ADDITION

#9546 BELAIR RD
 OFFICE USE

#9544 BELAIR RD
 OFFICE USE 10-25-7

#9523 BELAIR RD
 2 STY. OFFICE BLDG.
 10-18-7

LOCATION SHEET
 PERRY HALL N.E.
 II-G

PHOTOGRAPHICS, INC.
 25401

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

SCALE
 1" = 200'±

DATE
 OF
 PHOTOGRAPHY
 JANUARY
 1986

LOCATION
 PERRY HALL
 VICINITY

SHEET
**PETITIONER'S
 EXHIBIT NO. 2**



Q-SW Q-SE
M-NW M-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William A. Howard
Chairman, County Council

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
PERRY HALL
VICINITY

SHEET
NE
11-H

PETITIONER'S
EXHIBIT NO. 3