IN RE: PETITIONS FOR SPECIAL HEARING \*

SPECIAL EXCEPTION & ZONING VARIANCE

W/S Jarrettsville Pike, 1092 ft. \* ZONING COMMISSIONER

N of Papermill Road

14346 Jarrettsville Pike

\* OF BALTIMORE COUNTY

BEFORE THE

10th Election District

6th Councilmanic District

Case No. 99-173-SPHXA

Walter Ratterman, Petitioner

\*\*\*\*\*\*\*\*\*\*

### FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing, Petition for Special Exception and Petition for Variance, for the property located at 14346 Jarrettsville Pike, located near Jackson-ville in northern Baltimore County. The Petitions were filed by Walter Ratterman, property owner. Special Hearing relief is requested to approve and confirm that an existing cemetery on the property can remain without the vacant church building adjacent thereto being used for religious purposes, but to be converted for office use, as a nonconforming principal use. Special Hearing relief is also requested to confirm that the CR district regulations, as set out in Section 259.3(f) Baltimore County Zoning Regulations (BCZR), do not apply to this existing improved site. Special Exception relief is requested to permit the conversion of the old church building to a Class B office building in an R.O. zone, and an existing cemetery in an R.O and R.C.5 zone. A series of variances are requested. They are:

- A. From Section 204.4.C.3 of the BCZR to permit an existing front yard setback of 109 ft. in lieu of the required 25 ft.;
- B. From Section 204.4.C.5 to permit the existing 0 ft. rear yard setback between the Church (office) building and cemetery use area in lieu of the required 30 ft.; and
- C. From Section 204.4.C.6 to permit an existing driveway and proposed parking lot with no Amenity Open Space, in lieu of the required 7%; and,

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P. From several of the landscape requirements as set forth in Section 204.4.C.9 of the BCZR, to permit the continuance of the existing condition, i.e., no opaque fence, wall or berm against an adjoining residence; to permit screening of less than 5 ft. in height, in lieu of the required 5 ft.; to allow landscaping, as shown, as opposed to the requirement that same be provided along the entire front, side and rear yards, and that all setbacks be landscaped; and that there will be no pervious surface of the parking lot with 3 trees (one tree required per 8 cars). The subject property and requested relief are more particularly shown on the plats to accompany the Petitions for Special Exception, Special Hearing and Variance, received as Petitioner's Exhibit No.1.

Appearing at the requisite public hearing held for this case were Walter Ratterman and Jeanne Ratterman, his wife, property owners. Also present was J. Finley Ransone, the surveyor who prepared the site plan. The Petitioner was represented by Newton A. Williams, Esquire. John McGrain, a historian employed in the Office of Planning for Baltimore County also appeared.

Testimony and evidence presented was that the subject property is roughly rectangular in shape, approximately 1.9 acres in area, split zoned R.O.-C.R. and R.C.5. The property has frontage on Jarrettsville Pike, just north of Jacksonville. The front portion of the property, approximately .858 acres, is zoned R.O.-C.R. The rear portion of the site, approximately 1.05 acres, is zoned R.C.5. The front portion of the property is presently improved with an existing framed building formerly known as the German Reformed Church. The building is now vacant and not used for religious purposes. There is also a loosely designated area of parking. To the rear of the building is an area which has been used as a cemetery. This area is approximately .426 acres. The zoning line, which divides this property into

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the R.C.5 zoned portion and the R.O.-C.R. zoned portion, bisects the cemetery. To the rear of the cemetery, the property is unimproved and in woods.

Testimony and evidence was that the Petitioner purchased the property in 1994. In 1996, the property was subject to a request for reclassification of zoning during the Council's quadrennial process. It was at that time that the front of the property was rezoned to R.O.-C.R. As noted above, the existing building was formerly used as a church. Apparently, it has been vacant and not so used for approximately 30 years. The Petitioner proposes several renovations to the site. The existing framed building will be extensively renovated, repaired and converted for office use. Special Exception relief is requested to permit this renovation and new use. Additionally, the area for parking will be more clearly defined in the front and enlarged.

Special Exception relief is also requested for the cemetery. Apparently, the most recent burial on these grounds was in 1994. It was indicated that there is additional room for burials and that the cemetery has been nominated for historic status. Testimony was offered that the office use of the building will not impede or alter the continued use of these grounds as a cemetery. Apparently, members of a German Reformed Congregation and family have used these cemetery grounds and will continue to do so.

Variance relief is requested for a series of variances as outlined above. Many of these variances are to legitimize existing conditions or relate to the zoning line which bisects the property.

The Petitioner's counsel presented a series of photographs which fully describe the site and confirm the facts as set out hereinabove. Clearly, the Petitioner has made great efforts to rehabilitate this site. The proposed adaptive re-use of the subject building is appropriate. This conclu-

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sion was buttressed by the testimony offered by Mr. McGrain. He indicated that the Landmarks Preservation Commission had approved this re-use.

Based upon the testimony and evidence offered, I am persuaded to grant the Petitions. In my judgment, the adaptive re-use of the front portion of this property, zoned R.O.-C.R., is appropriate. The site is immediately next to a structure which is used commercially (antique store). Moreover, the site is not far from the small town of Jacksonville, a rural commercial center. Thus, the re-use of this building for office purposes appears appropriate and in keeping with the immediate vicinity.

The Petition for Special Hearing shall also be approved. In this regard, relief is appropriate to allow the cemetery to continue to exist without the vacant church building which will be converted. Moreover, compliance with the C.R. district regulations is not appropriate, in view of the existing use of the site and the fact that the building will not be razed, but restored.

Lastly, variance relief shall also be granted. In this regard, I am persuaded that the Petitioner has satisfied the requirements as set out in Section 307 of the BCZR.

Although the Petitions herein will be approved, I shall condition the relief requested. The Office of Planning offered a Zoning Plans Advisory Committee (ZAC) comment suggesting that all existing trees located outside the limits of the proposed paving for parking and vehicular access be preserved. I agree. The ground water management division of the Department of Environmental Protection and Resource Management (DEPRM) suggested that a water balance assessment be required. They also referenced the property at 14350 Jarrettsville Pike. Testimony offered at the hearing was that that parcel is not owned by these owners. Although, once a single tract, the subject property in consideration (14346 Jarrettsville Pike) is owned by Mr.

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and Mrs. Ratterman and the adjacent property at 14350 is owned by Robert J. Seidel. Thus, these property owners cannot be required to perform or undertake any improvements for the adjacent property not owned by them.

Last, a ZAC comment offered was received from the State Highway Administration. That comment requests significant road improvements to the front of this property along Jarrettsville Pike. In this regard, testimony and evidence was offered that the property immediately next door (as noted above) is improved with an antique shop. Apparently, the rear portion of that property is also poised for development. Testimony was offered that a development plan for that entire parcel may be presented to the County in the immediate future. Thus, there may be a major development within the vicinity which might require improvements to Jarrettsville Pike.

In any event, I will defer this issue to the State Highway Administration (SHA). In my judgment, some road improvements may be necessary in view of ongoing development in the area and the requirement that road improvements be made as properties are developed. On the other hand, the proposal here is for a relatively modest project which will not generate sufficient traffic. As indicated at the hearing, I will direct that the Petitioner contact the SHA in an effort to negotiate a reasonable amount of work on road improvements along the frontage of this property.

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.

ty, this \_\_\_\_\_ day of January 1999, that, pursuant to the Petition for Special Hearing, approval and confirmation that an existing cemetery can remain on the property can exist without the vacant church building adjacent

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thereto being used for religious purposes but to be converted for office use, as a nonconforming principal use, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that special hearing relief to confirm that the CR district regulations, as set out in Section 259.3(f) of the BCZR, do not apply to this existing improved site, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception, approval to permit a Class B office building in an R.O. zone, and an existing cemetery in an R.O and R.C.5 zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that variance from Section 204.4.C.3 of the BCZR to permit an existing front yard setback of 109 ft. in lieu of the required 25 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 204.4.C.5 to permit the existing 0 ft. rear yard setback between the Church (office) building and cemetery use area in lieu of the required 30 ft., be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance from Section 204.4.C.6 to permit an existing driveway and proposed parking lot with no Amenity Open Space, in lieu of the required 7%, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from several of the landscape requirements as set forth in Section 204.4.C.9 of the BCZR, to permit the continuance of the existing condition, i.e., no opaque fence, wall or berm against adjoining residence; to permit screening of less than 5 ft. in height, in lieu of the required 5 ft.; to allow landscaping, as shown, as opposed to the requirement that same be provided along the entire front, side and rear yards, and that all setbacks be landscaped; and that there will be no pervious surface and parking lot with 3 trees (one tree required per 8 cars), be and is hereby GRANTED subject, however, to the following restrictions:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner shall comply with the comments submitted by the Office of Planning regarding the preservation of trees on site.
- 3. The development/conversion of this site is conditioned upon the Petitioner receiving approval from the State Highway Administration and installing such road improvements as may be required.

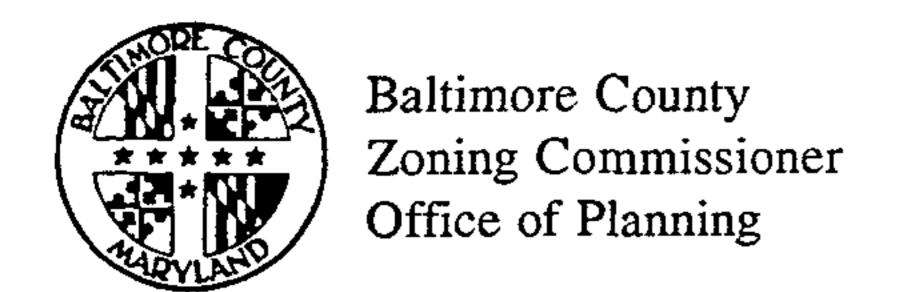
LAWRENCE E. SCHMIDT

Zoning Commissioner for

Baltimore County

PACE POST FR. INC.

LES:mmn



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

January 8, 1999

Newton A. William, Esquire Nolan, Plumhoff and Williams, Chtd. 700 Nottingham Centre 502 Washington Avenue Towson, Maryland 21204

RE: Case No. 99-173-SPHXA

Property: 13346 Jarrettsville Pike
Walter Ratterman, Petitioner

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception, Special Hearing and Variance have been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

c: Mr. and Mrs. Walter Ratterman 3820 Blenheim Road Phoenix, Maryland 21131

c: Mr. J. Finley Ransone 1 Sunnyview Drive Phoenix, Maryland 21131

# Petition for Special Hearing

### to the Zoning Commissioner of Baltimore County for the property located at 13346 Jarrettsville Pike which is presently zoned RO -CR

This Petition shall be filed with the Department of Permits and Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, 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 and CONFIRM THAT THE EXISTING CEMETERY CAN EXIST WITHOUT THE VACANT CHURCH PROPOSED FOR OFFICE CONVERSION, AS A NON-CONFORMING PRINCIPAL USE; AND TO CONFIRM THAT PER Section 259.3F. THAT THE CR DISTRICT REGULATIONS DO NOT APPLY TO THIS EXISTING, IMPROVED SITE.

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.

		1. Who do notowerly declare and affirm under the namelting of secure, that 1846 are the loan	
		I, We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owners(s) of the property which is the subject of this Petition.	
Contract Purch	haser/Lessee:	Legal Owner(s):	
		Walter Ratterman Walter Ratterman	
(Type or Print	Name)	(Type or Print Name)	
		WALTER Ratterman	
Signature		Signature	
Address		(Type or Print Name)	
City	State Zip Code	Signature	
		3820 Blenheim Road	
Attorney for Po	etitioner:	Address Phone No.	
Newton A. Williams		Phoenix, Md. 21131 410 592 8484	
•	nhoff & Williams, Chtd.		
(Type or Print	Name)	City State Zip Code	
		Name, Address and phone number of representative to be contacted Newton A. Williams	
Musto	n a. Williams	Nolan, Plumhoff & Williams, Chtd.	
Signature		Name 700 Nottingham Centre	
_	ham Centre	502 Washington Avenue	
502 Washir	ngton Avenue 410-823-7800	Towson, MD 21204 410-823-7800  Address Phone No.	
Address	Phone No.	<b>&gt;</b>	
Towson City	MD 21204 State Zip Code	ESTIMATED LENGTH OF HEARING  unavailable for Hearing the following dates  Office Use Only  Next Two Months  OTHER	
		REVIEWED BY: JL DATE 10 21 98	

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# Petition for Variance

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# to the Zoning Commissioner of Baltimore County for the property located at <u>14346 Jarrettsville Pike</u> which is presently zoned RO-CR

This Petition shall be filed with the Department of Permits & Development Management.

· \*

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section(s)

See Attached List

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

See Attached List

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.

			teclare and affirm, under the penalties perty which is the subject of this Petition	
Contract Purchaser/Lessee:		Legal Owner(s)	•	
Condact FutChaschLessee.		20ga: 01	Waiter Ratterman	
		W	elter Kattermo	
(Type or Print Name)	<u> </u>	(Type or Print N		
		W.	lame) ALTER 'Ratterman	
		<del>- 2</del>		
Signature		Signature		
Address		(Type or Print N	lame)	
City State	Zip Code	Signature		
	•		3820 Blenheim Road	
Attorney for Petitioner:				
Author for a cadonor.		Address	-,··- <del>,</del> ··-	Phone No.
Newton A. Williams			Phoenix ,Md. 21131	410 592 8484
Nolan, Plumhoff & Will	iams, Chtd	<u></u>		, - <u> </u>
(Type or Print Name)		City	State	Zip Code
		Name. Address ar	nd phone number of representative	to be contacted.
m + Bin	10	Newton A. V		
Newton a. W.	Mum)	Nolan, Plumi	hoff & Williams, Chtd.	
Signature		Name		
		700 Nottingh	am Centre	
700 Nottingham Centre	3 - L	502 Washing	,,	
502 Washington Avent	ue 410-823-7800	Towson, MD		10-823-7800
Address	Phone No.	Address		Chore No.
Towson MD	21204		Office Use Only	
City State	Zip Code			
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99-173-SPHXA



## THE RATTERMAN PROPERTY 14346 JARRETTSVILLE PIKE

### REQUESTED RELIEF

- 1. <u>SPECIAL EXCEPTION</u> CLASS B OFFICE BUILDING IN AN RO. ZONE, AND ROR AN EXISTING CEMETERY IN AN RO AND RC-5 ZONE, Adaptive reuse of vacant church, with small addition for handicapped accessible restrooms, with contiguous, active, existing cemetery.
- 2. <u>SPECIAL HEARING</u> To confirm that the existing cemetery can exist without the vacant church proposed for office conversion as a nonconforming principal use, and to confirm that per Section 259.3 F. that the CR District regulations do not apply to this existing improved site.

# 3. <u>VARIANCES TO PRESERVE AND PROTECT EXISTENT, UNIQUE CHURCH</u> AND HISTORIC CEMETERY-

- A. SECTION 204.4 C. 3.-Existing front yard setback of 109 feet for required 25 feet;
- B. <u>SECTION 204.4 C. 5.-</u> Existing zero[0] rear yard between church [office] building and cemetery, in lieu of the required 30 feet.
- C. <u>SECTION 204.4 C. 6.-</u> Existing driveway and proposed parking lot with zero [0] Amenity Open Space in lieu of required Seven per cent [7%].

### D. <u>SECTION 204.4 C. 9.- LAND SCAPE REQUIREMENTS:</u>

- 1.SUBSECTION [a.]- Continuance of existent condition, ie., no opaque fence, wall or berm against adjoining residence [s].
- 2. SUBSECTION [b.] -Continuance of existent condition, ie., screening less than five [5] feet in height.
- E. <u>SECTION 259.3 C.a.</u>-RO Standard landscaping, <u>Section 204.4 C.9.c.</u>, existent as shown rather, than Cr District requirements, "entire front, side and rear yard setbacks shall be landscaped"...
- F. -SECTION 259,3 C. b.-No parking lot pervious surface with three [3] trees [one tree per eight cars].

# REASONS IN SUPPORT OF RATTERMAN SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE REQUESTS

The requested relief should be granted in this matter for the following reasons:

- 1. The Ratterman Property at 14346 Jarrettsville Pike in Jacksonville, Four Corners, involves the former German Reformed Church Property.
- 2. The property is located on the west side of the Pike, north of Four Corners at Paper Mill Road and Jarrettsville Pike in Jacksonville in northeastern Baltimore County.
- 3. There are only the former Church building and the Cemetery directly behind it. The Cemetery has been nominated by the Historic Landmarks Commission for listing as a Baltimore County Historic Landmark. The nomination is recent and the Council has not yet acted upon the proposal.
- 4. The German Reformed Church has been inactive since the early 1960's, but the Cemetery is well cared for, and there are still open, active lots and sites in various family plots. The descendants of many of the cemetery families spoke to and persuaded the Landmarks Commission to nominate the Cemetery, and the owners, the Rattermans support the continued access to, maintenance of and use of the Cemetery.
- 5. The Church Building is a small, frame church building dating from the mid nineteenth century, with a bell tower and a small shed type addition at the rear. Pictures are available and will be offered at the hearing to aid the Commissioner.
- 6. The Rattermans purchased the Property from The Chestnut Grove Methodist Church, which had accepted the Property as a gift for safekeeping, at the time the Church use was discontinued in the 1960's.
- 7. The Rattermans purchased the Property with the intent to remodel the building as an office use in accordance with the RO-CR. Zoning placed on the Property with the assent and cooperation of the Rattermans.
  - 8. The requested relief accomplishes the following:
- A. The traditional, long established appearance of the Church Building, the iron fenced Cemetery and the Driveways from Jarrettsville are all preserved.
- B. The grounds are not overly cluttered with screening, fences and other visual barriers not needed, and in fact contrary to the traditional, country church and cemetery appearance of the Property.
- C. The variances are all related to preserving the present appearance and location of the building, cemetery and cemetery fence with reference to one another.

- D. The Church Building is proposed to been refurbished and reused as an office with a small rear bathroom addition to allow disabled access and rest room availability.
- E. The community should be supportive of the requests which will reopen the Church Building to moderate office usage and preserve the Cemetery in Accordance with its sacred and historic use.

For all of these reasons to be further developed as the case progresses, we respectfully request the Special Exception, Special Hearing and Variances be granted.

Respectfully,
Newton a. Williams

Newton A. Williams

Attorney for the Petitioners

Petition for Special Exception

### to the Zoning Commissioner of Baltimore County for the property located at 14346 Jarrettsville PIKE zoned which is presently zoned RO-CR

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for Class B Office Building in an RO Zone, and for an existing Cemetery in an RO and RC-5 zone

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

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

			I, We do solemnly declare and affirm, under the owners(s) of the property which is the subject of	- ' + +'
Contract Purchaser/Lessee:			Legal Owner(s): Walter Ratterman	
			Walter Ratterna	
(Type or Print Name)			(Type or Print Name)	
	·		WALTER Ratterman	
Signature		· · · · · · · · · · · · · · · · · · ·	Signature	
Address			(Type or Print Name)	
City	State	Zip Code	Signature 3820 Blenheim Road	
Attorney for P	etitioner:			
			Address	Phone No.
Newton A.		- OL 4-1	Phoenix, Md. 21131	410 592 8484
(Type or Print	nhoff & Williams Name)	s, Chta	City State	Zip Code
			Name, Address and phone number of repr	resentative to be contacted.
Mount	on a.Mil	Viams-	Newton A. Williams	كمخط
Signature Signature			Nolan, Plumhoff & Williams, C Name	<u>inta.</u>
			700 Nottingham Centre	
-	ham Centre		502 Washington Avenue	
502 Washir	ngton Avenue	410-823-7800	Towson, MD 21204	410-823-7800
Address		Phone No.	Address	Phone No.
Towson	MD	21204		
City	State	Zip Code	Office Use C	<u>Only</u>
			ESTIMATED LENGTH OF HEARI	NG
			unavailable for Hearing	
			the following dates	Next Two Months
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99.173.SPHXA

Zoning Description
To Accompany Petition For
Special Exception and Special Hearing
For Existing Cemetary
Ratterman Building
14346 Jarrettsville Pike

ALL that piece or parcel of land, situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland, and described more particularly as follows to wit:

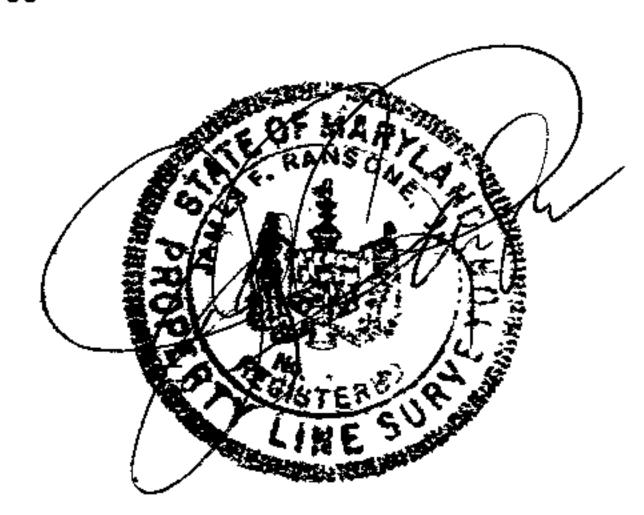
BEGINNING for the same at a point in the southerly outline of the property of the petitioners herein, said point being distant northerly 1,092 feet from the intersection of the center of Jarrettsville Pike, Maryland State Route No. 145, and the center of Papermill Road and the center of Sweetair Road, as now constructed; and westerly along the said southerly outline179.02 feet from the center of said Jarrettsville Pike, and binding reversely along part of the southerly outline of the property of the petitioners herein:

- 1.) North 69 degrees 12 minutes 02 seconds West, 109.12 feet, thence leaving said outline and binding along an existing ornamental iron fence there situate;
- 2.) North 21 degrees 54 minutes 17 seconds East, 166.04 feet to intersect the northerly outline of the property of the petitioners, thence binding reversely on part of said outline;
- 3.) South 70 degrees 27 minutes 17 seconds East, 109.00 feet, thence leaving said outline, and crossing the property of the petitioners herein, and running parallel with and distant 3 feet westerly as measured at right angles to an existing ornamental iron fence;
- 4.) South 21 degrees 50 minutes 28 seconds West, 168.42 feet to the place of beginning.

CONTAINING 0.426 of an acre of land, more or less.

**BEING** part of that parcel of land which by a deed dated November 30, 1994, was granted and conveyed by Chestnut Grove Presbyterian Church of Baltimore County to Walt Ratterman and M. Regina Ratterman, his wife.

File. 1079 1/10B-145/Ratterman\ZDESCEM DOC



AND # 175 No. 060728 BALTIMORE COUNTY, MA OFFICE OF BUDGET & FINANCE **MISCELLANEOUS RECEIPT** DATE 10/21/98 ACCOUNT ROO16150 10/21/1998 11:94:24 CASHTER JRIC JAR DEWER 5 MISCELLANGUS CASH RECEIPT Receipt # AMOUNT \$ 650.00 068829 CR NO. 060728 650,00 CHECK RECEIVED TRC ELEC. CONST. SVCS. INC. Baltimore County, Maryland SPHXA FILING DISTRIBUTION **CASHMER'S VALIDATION** WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson Maryland on the property identified herein as follows:

W/S Jametisville Pike, 1092' N of Papermill Road 10th Election District 6th Councilmanic District

Legal Owner(s): Walter Ratierman Special Hearing: to continu that the existing cometery can exist without the vacant church proposed for office conversion as a non-conforming principal use, and to confirm that the C.R. district

regulations do not apply to this existing improved site.

Special Exception: for a Class 'B' office building in an R.O.-C.R. zone and Special Exception: for an existing cemetery in R.O.-C.R. and R.C.-5 zones

Variance: to permit a front yard setback of 109 feet in fieu of the required 25 feet, to permit a zero foot rear yand between church (office) building and cometery (special exception area) in lieu of the required 30 feet, to pennit zero Amenity Open Space in lieu of the required 7%; to permit no opaque lence, wall or benn against adjoining residence(s) in lieu of the required; to permit screening less than 5 feet in height in fieu of the required 5 feet; to permit standard tandscaping as shown, rather than C.R. district requirements; and to allow no 3 trees per 8 cars in fieu of the required. Hearing: Wednesday, December 9, 1996 at 2:00 p.m. in Room 186, County Office Building, 111 West Chesapeake Avenue.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special ac-

commodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

11/236 Nov. 19

### CERTIFICATE OF PUBLICATION

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 \_\_\_\_ successive weeks, the first publication appearing on 200-19 19 98

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

99-173 SPHXA RE: Case No.:

Petitioner/Developer: W. RETTERNAW, ETAK

YO W. WILLIAMS, ESP

Date of Hearing/Closing: 12/9/

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law eyere posted conspicuously on the property located at CHURCH The sign(s) were posted on (Month, Day, Year)

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

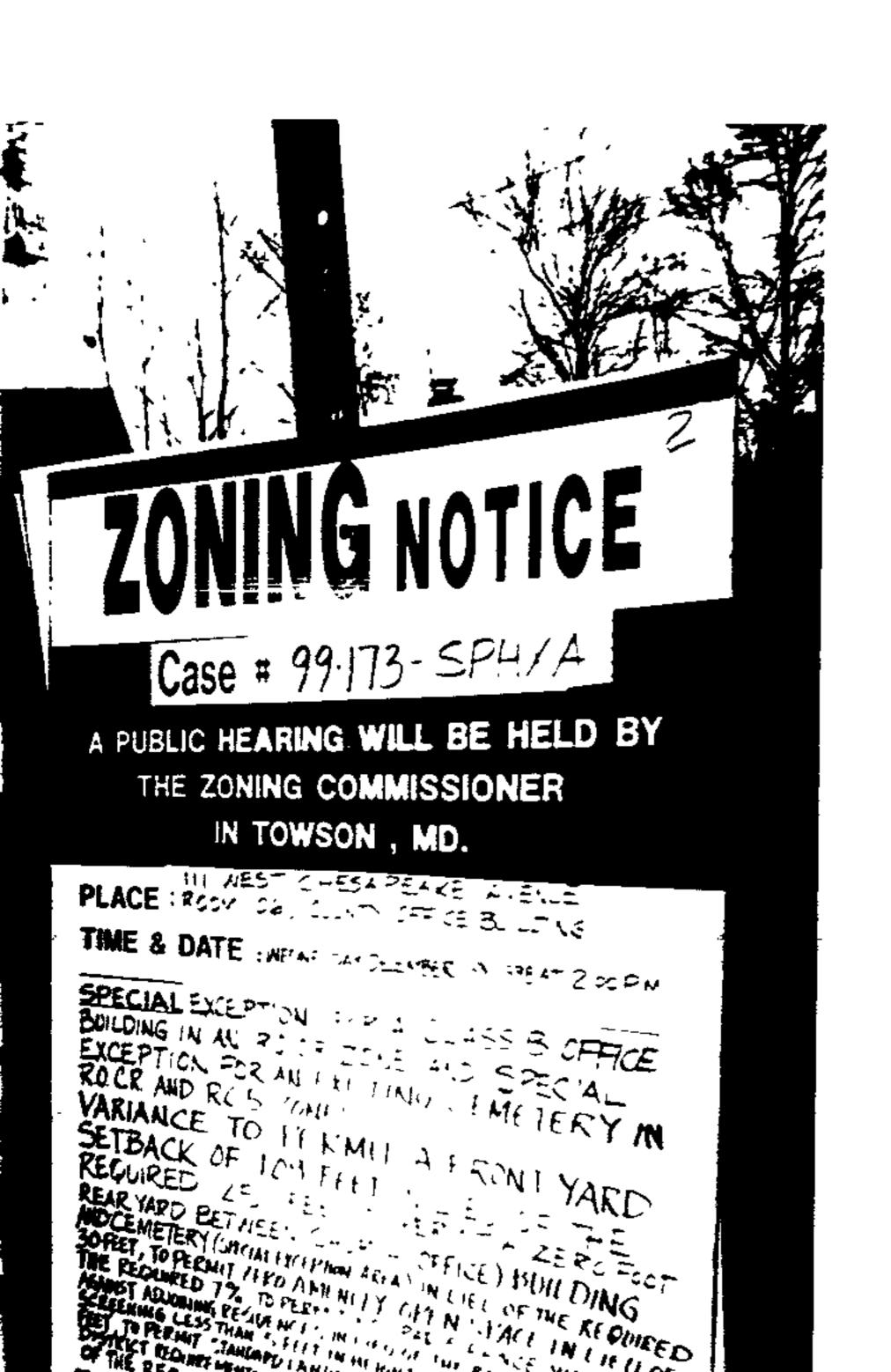
Hunt Valley, MD 21030

(City, State, Zip Code)

[4][] 666-5366

905-8571 Pager (410)

(Telephone Number)



RE: PETITION FOR SPECIAL HEARING PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE	*	ZONING COMMISSIONER
14346 Jarrettsville Pike, W/S Jarrettsville Pike,		
1092' N of Papermill Rd, 10th Election District,	*	FOR
6th Councilmanic		
	*	BALTIMORE COUNTY
Legal Owners: Walter Ratterman		
Petitioner(s)	*	Case Number: 99-173-SPHXA

### **ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this <u>I</u> day of November, 1998, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner(s).

Lettel Jan Emmenan PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

November 4, 1998

### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-173-SPHXA

14346 Jarrettsville Pike

W/S Jarrettsville Pike, 1092' N of Papermill Road 10<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owner: Walter Ratterman

Special Hearing to confirm that the existing cemetery can exist without the vacant church proposed for office conversion as a non-conforming principal use, and to confirm that the C.R. district regulations do not apply to this existing improved site. Special Exception for a Class "B" office building in an R.O.-C.R. zone and Special Exception for an existing cemetery in R.O-C.R. and R.C.-5 zones. Variance to permit a front yard setback of 109 feet in lieu of the required 25 feet; to permit a zero foot rear yard between church (office) building and cemetery (special exception area) in lieu of the required 30 feet; to permit zero Amenity Open Space in lieu of the required 7%; to permit no opaque fence, wall or berm against adjoining residence(s) in lieu of the required; to permit screening less than 5 feet in height in lieu of the required 5 feet; to permit standard landscaping as shown, rather than C.R. district requirements; and to allow no 3 trees per 8 cars in lieu of the required.

**HEARING:** 

Wednesday, December 9, 1998 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

Arnold Jablon

Director

c: Walter Ratterman

Newton A. Williams, Esquire

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 24, 1998.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

November 19, 1998 Issue - Jeffersonian

Please forward billing to:

Newton A. Williams, Esquire Nolan, Plumhoff & Williams 700 Nottingham Centre 502 Washington Avenue Towson, MD 21204 410-823-7800

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**HEARING**:

Wednesday, December 9, 1998 at 2:00 p.m. in Room 106, County Office

Building, 111 West Chesapeake Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

	er Advertising:
item Number	or Case Number: 99-173 SPHXA
Petitioner: 👱	WAZTER RATTERMAN
Address or Lo	cation:
PLEASE FOR	WARD ADVERTISING BILL TO:
	WARD ADVERTISING BILL TO:  NEWTON A. WILLIAM S
Name:	NEWTON A. WILLIAMS
PLEASE FOR Name:	

Request for Zoning:	nce, Special Exception, or Special Hearing
Date to be Posted: Anyti	me before but no later than
Format for Sign Printing	, Black Letters on White Background:

### ZONING NOTICE

Case No.: 99-173-A

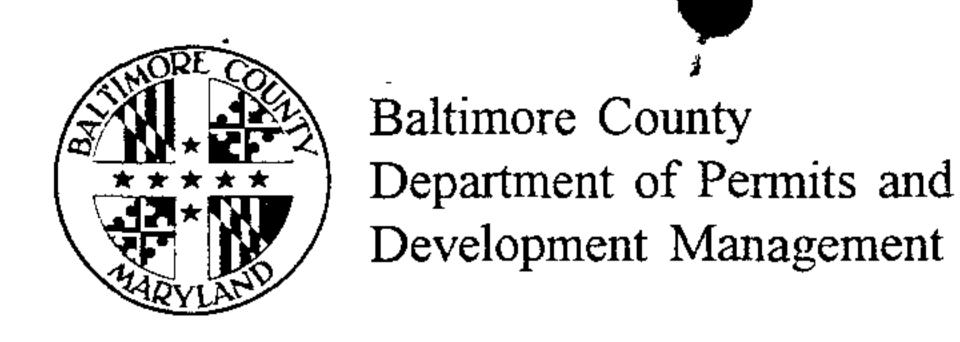
A PUBLIC HEARING WILL BEHELD BY
THE ZONING COMMISSIONER
IN LOWSON MD

PLACE: _*
DATE AND TIME:
REQUEST: A SPECIAL EXCEPTION FOR A CLASS" B"OFFICE BLDG. IN A RO-TR ZONE AND AN
EXISTING CEMETARY IN A RO-CR AND RC-5 ZONE, A SPECIAL HEARING TO CONFIRM A CEMETARY
USE WITHOUT AN EXISTING-CHURCH AND TO CONFIRM THAT THE CR REGULATIONS DO NOT APPLY TO THIS SITE
VARIANCES FROM SETBACK AND BUFFER REGULATIONS, AMENITY OPEN SPACE
REQUIREMENTS # ALL AS SHOWN ON THE BOSITE PLAN.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

### HANDICAPPED ACCESSIBLE

9/96 post.4.doc \*UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 1, 1998

Newton A. Williams, Esq.
Nolan, Plumhoff & Williams, Chtd.
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: Item No.: 173

Case No.: 99-173-SPHXA

Location: 13346 Jarrettsville

Pike

Dear Mr. Williams:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on October 21, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor

Zoning Review

WCR:ggs





Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

NOVEMBER 23, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner(:173) - WALTER RATTERMAN

174 - JEFFREY W. DURKEE AND NATALIE P. DURKEE

175 - CRONDALL CORNER ASSOCIATES, LLC

177 - RITE AID OF MARYLAND, INC.

Location: DISTRIBUTION MEETING OF NOVEMBER 1, 1998

Item No.: (173), 174, 175, 177 Zoning Agenda:

Gentlemen:

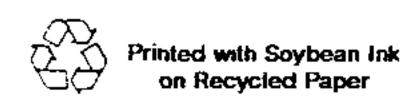
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 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", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

November 6, 1998

RE:

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County
Item No. 173 (JLL)
Special Exception
14346 Jarrettesville Road
Mile Post 9.71

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval of the Special Exception.

However, we will require the owner to obtain an access permit and as a minimum require the following:

- 26' auxiliary lane widening, from property corner to property corner, including standard 8" combination curb and gutter and sidewalk.
- highway widening dedication for an ultimate 80' right-of-way, 40' from center of existing roadway.
- redesign the entrance configuration to a 17' min. one way system or a 25' min. full directional entrance
- provide a center left lane with the appropriate transition lengths.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Post-it® Fax Note 7671	Date/2/29 # of pages /	Very truly yours,
Co./Dept.	Co.	P. J. Drell
Phone #	Phone # 887 - 4386  Fax #	/ Michael M. Lenhart, Acting Chief
Fax# 4/0-296-216	1	Engineering Access Permits Division

LG

My telephone number is \_\_\_\_\_\_

## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: November 13, 1998

TO:

Arnold Jablon

FROM:

R. Bruce Seeley RAJ/99

SUBJECT:

Zoning Item #173

### Ratterman Property - 14346 Jarrettsville Pike

Zoning Advisory Committee Meeting of November 2, 1998
The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
A GWM: A water balance assessment is required. Evaluation of the well and septic system will be required. Show existing well serving the property at 14350 Jarrettsville Pike. Water usage information must be submitted.

1/2/9

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** November 16, 1998

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III
Director, Office of Planning

**SUBJECT:** 

14346 Jarrettsville Pike, Ratterman Building

Formerly the German Reformed Church

### **INFORMATION:**

Item Number:

173

Petitioner:

Walter Ratterman

**Property Size:** 

0.426± acre

Zoning:

RO-CR

Requested Action:

Special Exception Hearing

**Hearing Date:** 

### SUMMARY OF RECOMMENDATIONS:

Staff supports the applicant's request provided the following condition is met:

1. All existing trees located outside the limits of the proposed paving for parking and vehicular access are preserved.

Section Chief:

AFK:DW:lsn

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: November 9, 1998

Department of Permits & Development

Management

Robert W. Bowling, Supervisor
Bureau of Developer's Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for November 9, 1998

Item Nos. 171, 172, (173) 174, 175,

177, 178, 179, 180

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File





### PLEASE PRINT CLEARLY

### BALTIMORE COUNTY REPRESENTATIVES

SIGN-IN SHEET
use No. 99-173-SPHXA

NAME Case 16, 99-1	173-SPAXA
J. FINLEY RANSONE	173-SPHXA BUREDO PHOEKIX  SUKKYVIEW DR MOZII3/
JOHN Mc GEAIN	Office of Planning 401 Bas
WALTRATTERMAN	
	OWNER J3820 BLENKEINED
"Jeanne" M. Regina Ratterman Newton a. Williams	OWNER? PHOENIX, MO
Newton a Williams	502 Wosh. ave, 21204
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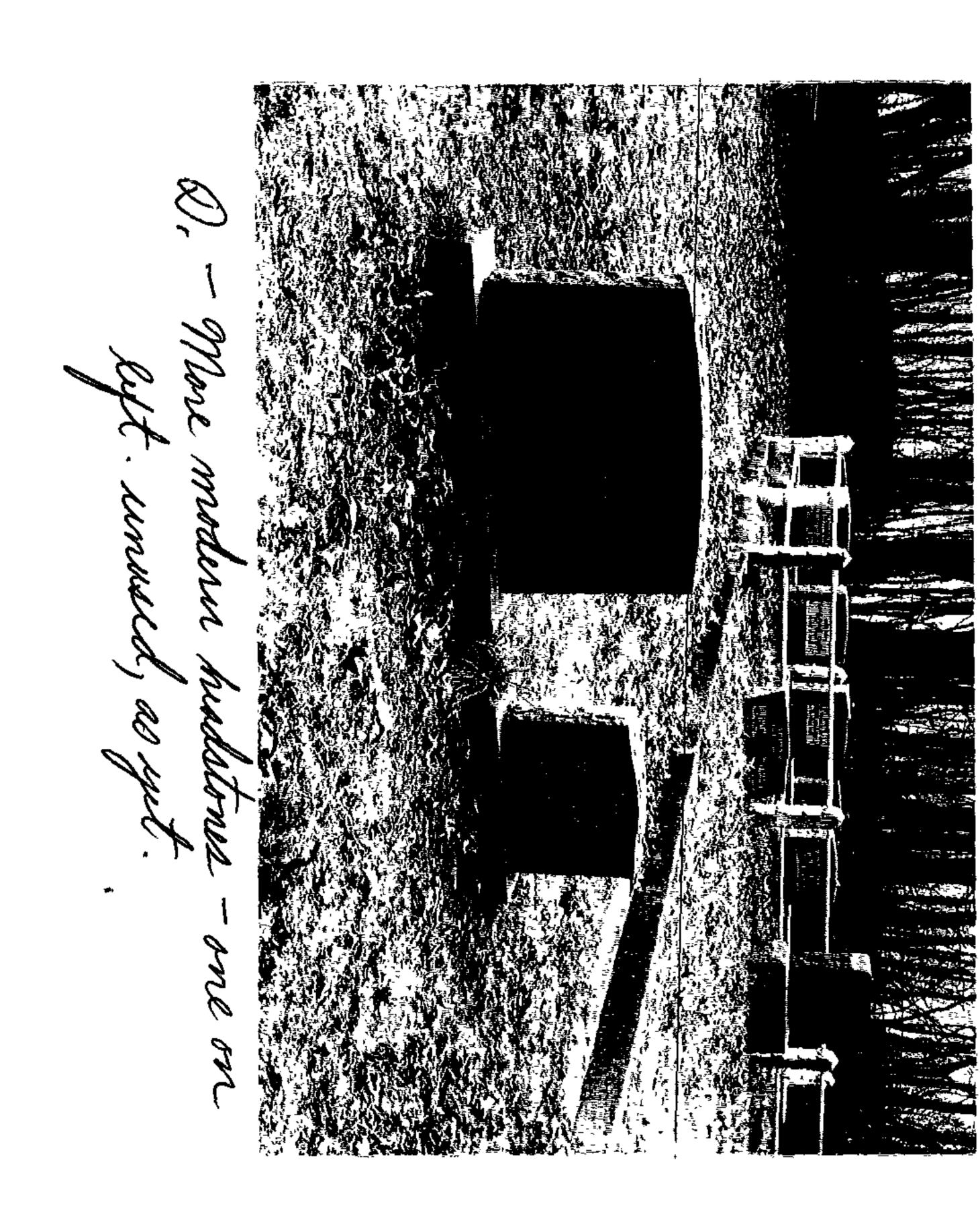
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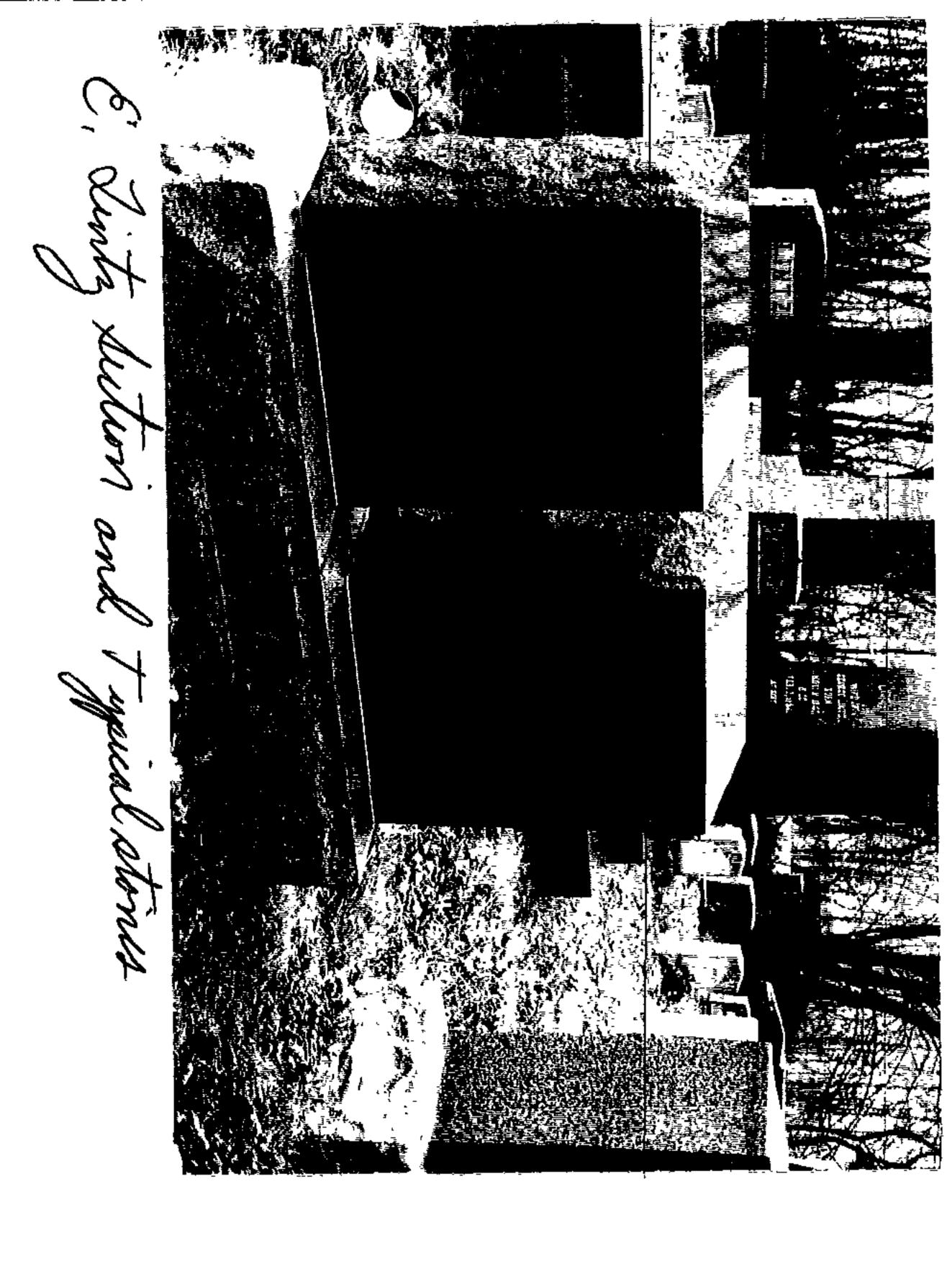


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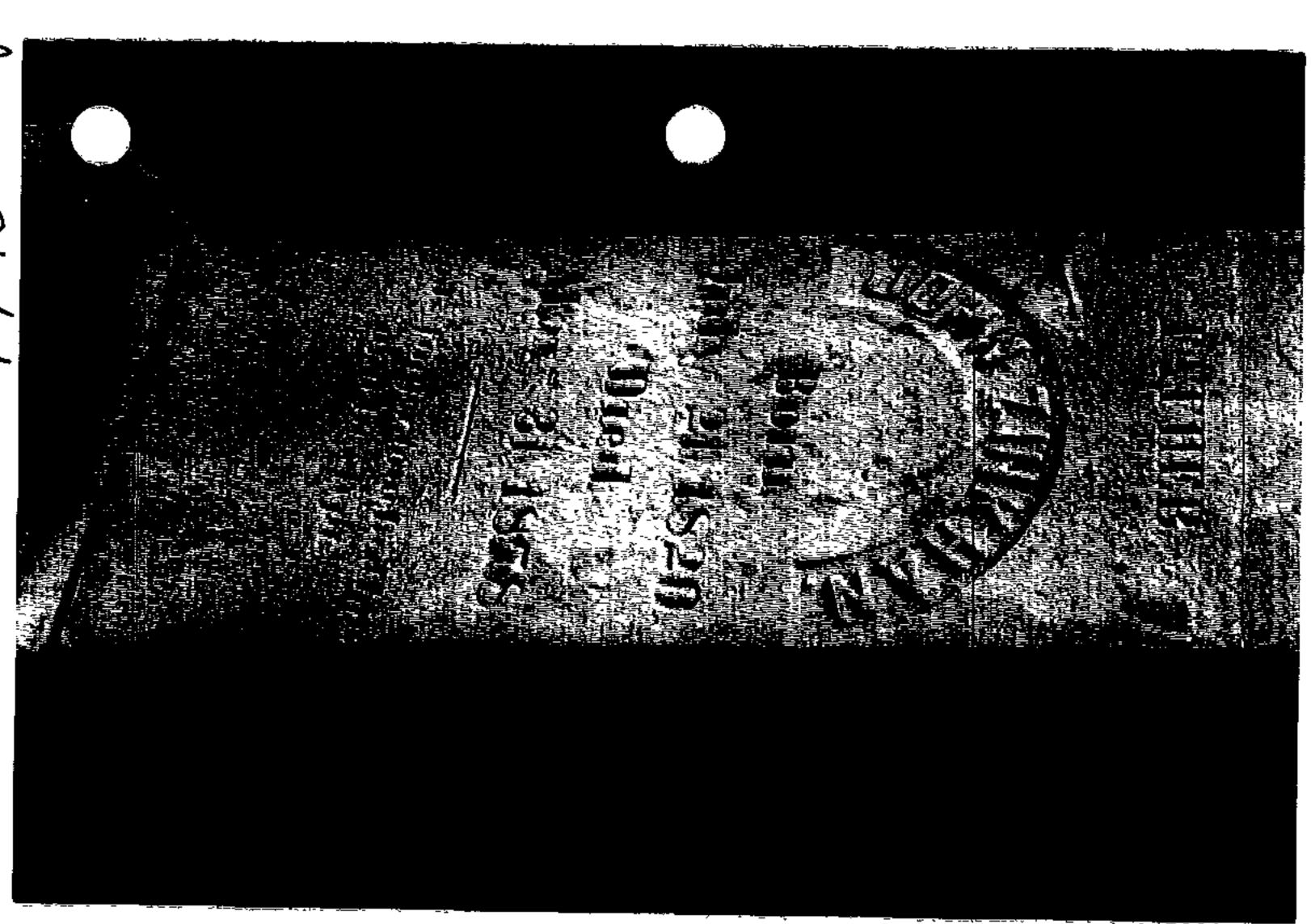


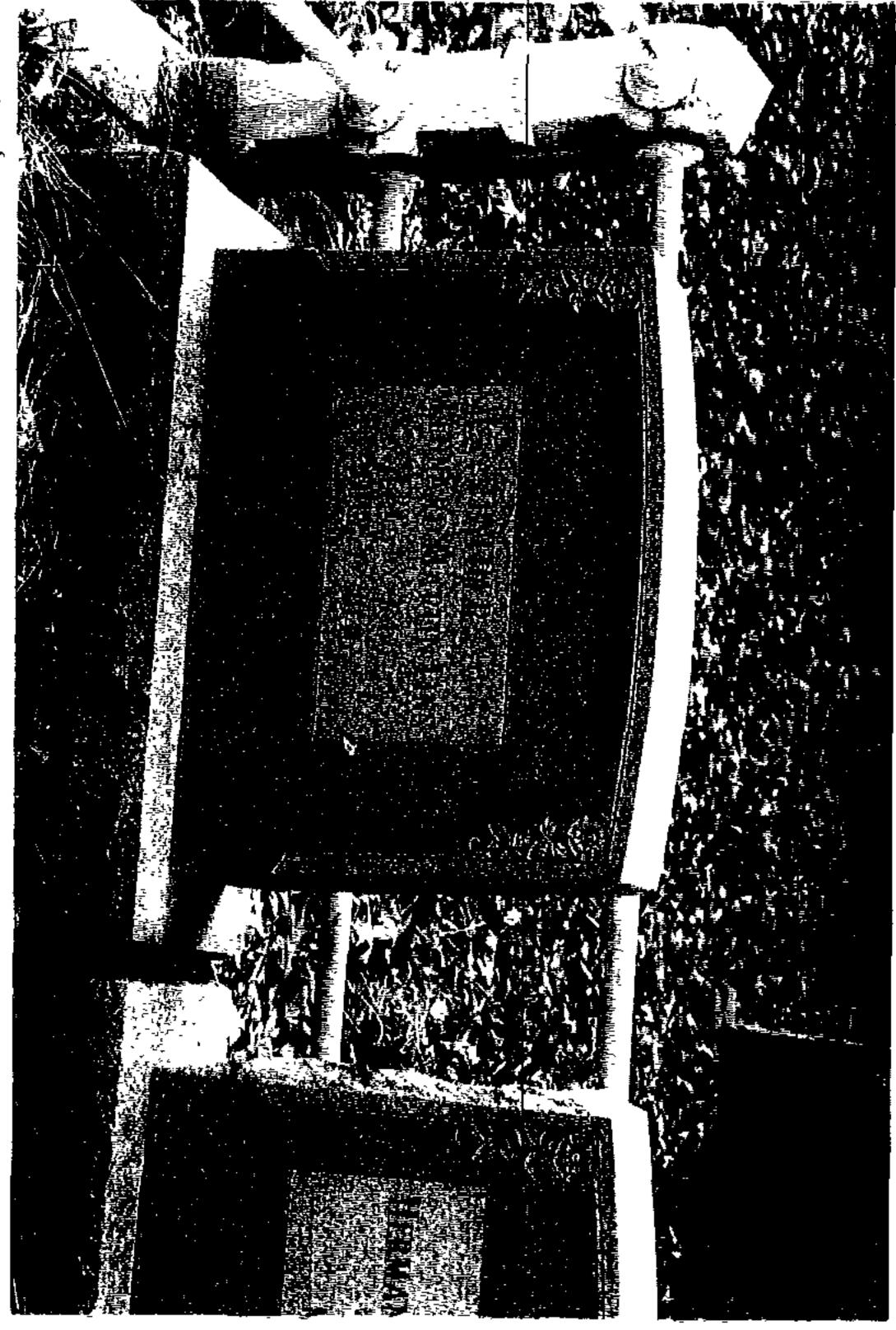


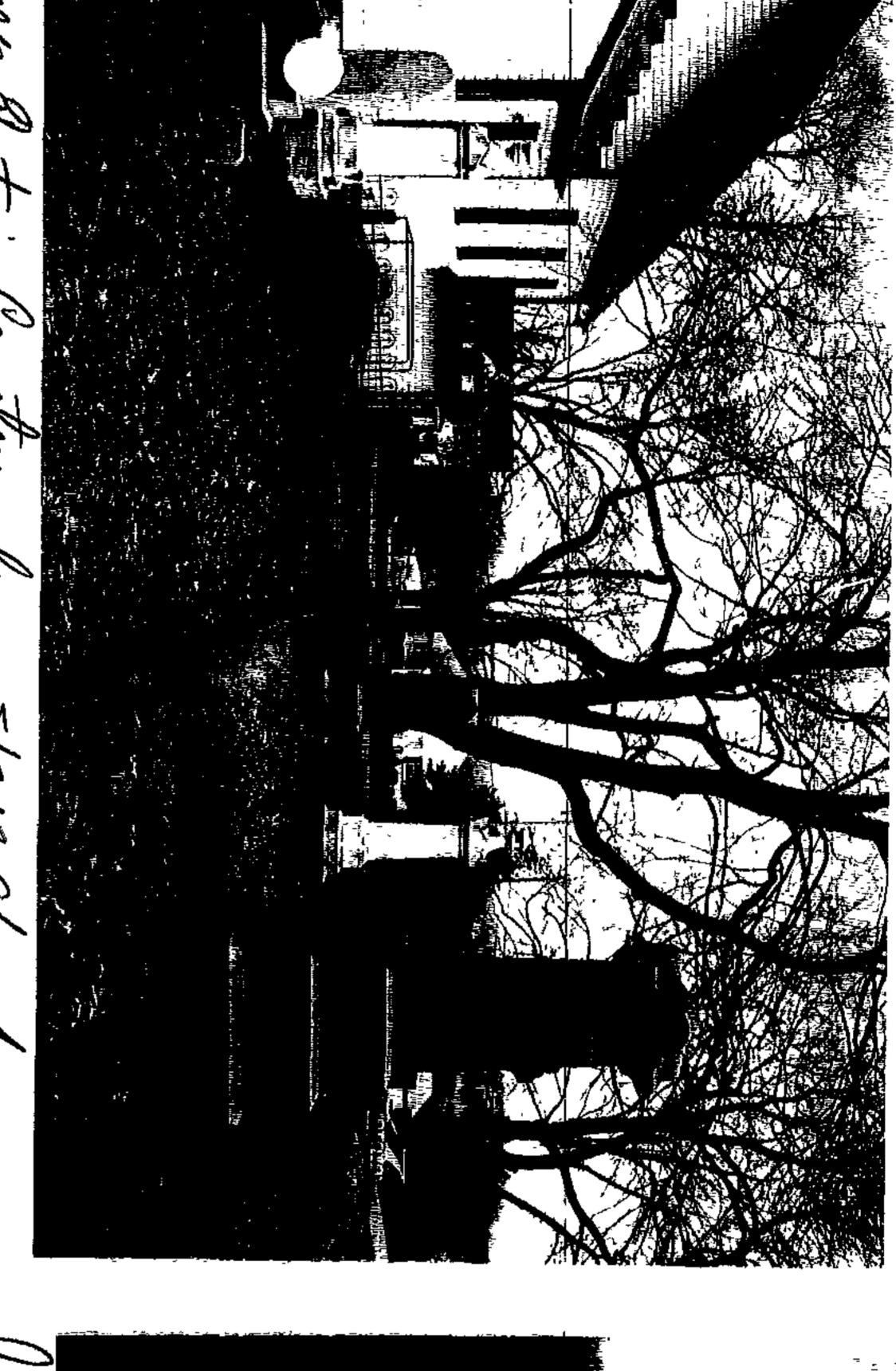
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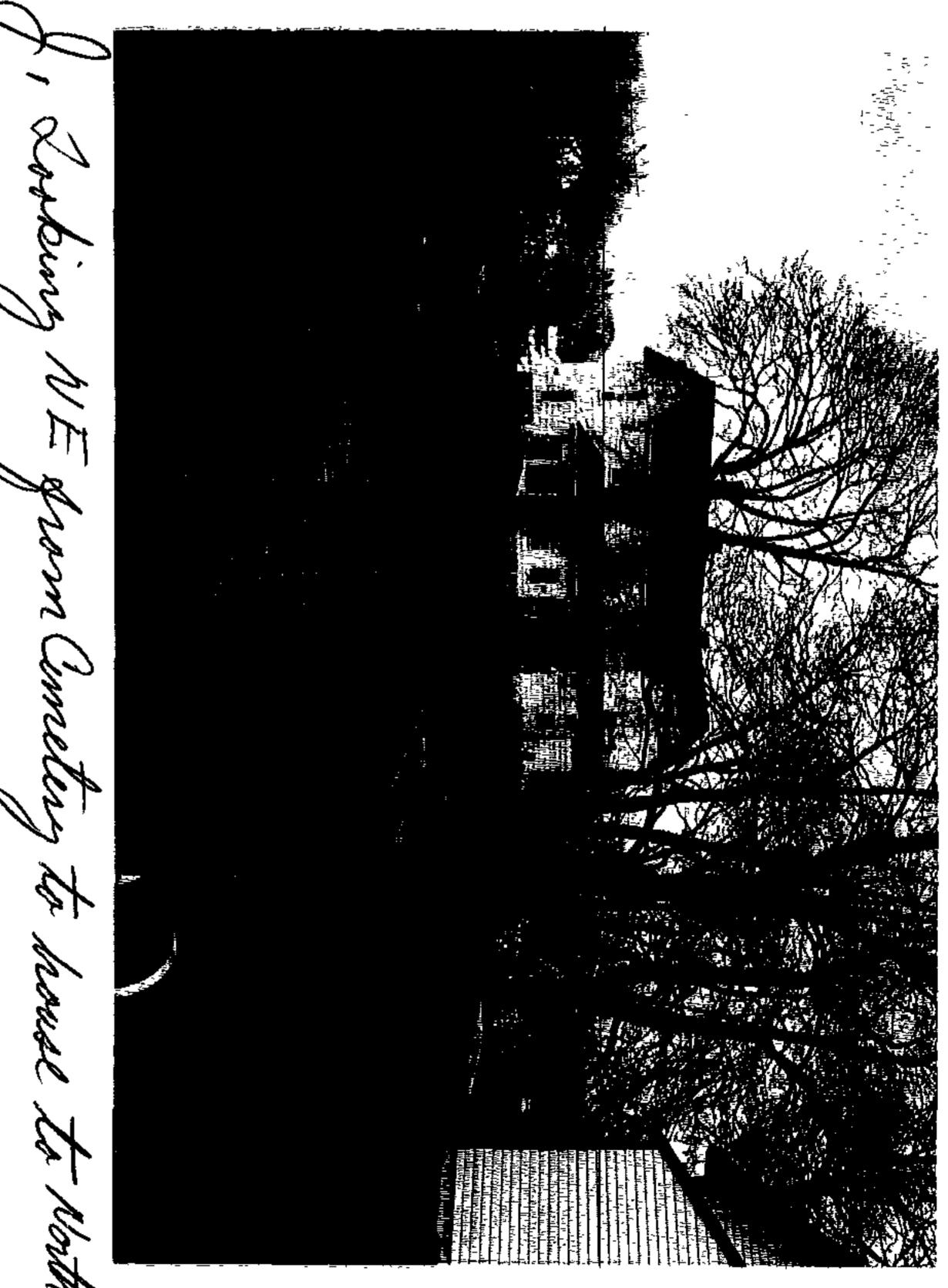


6. John Zinkhan 7/2/1820 to 5/31/1878





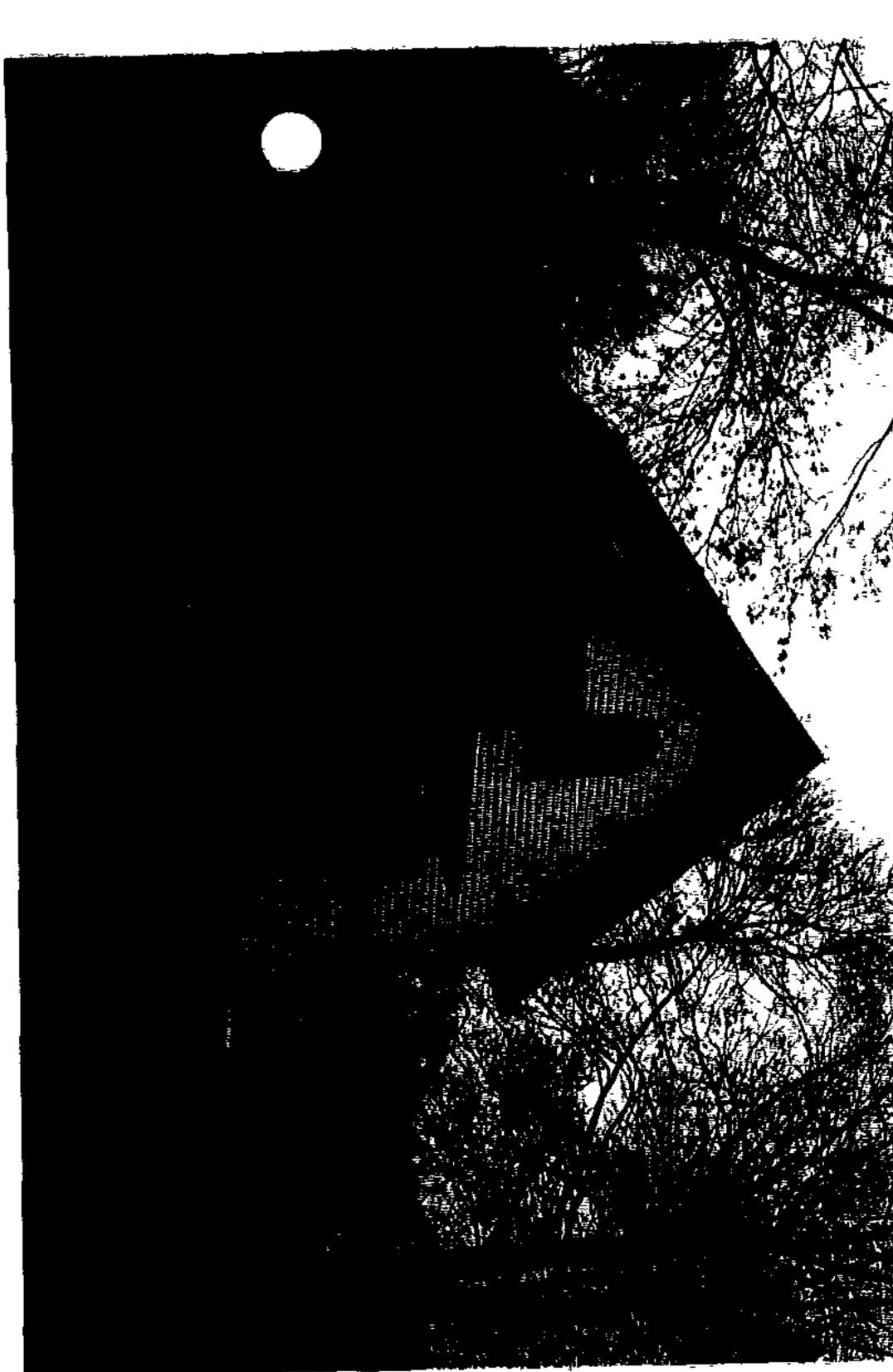




". South still of Church - towards Four Corner



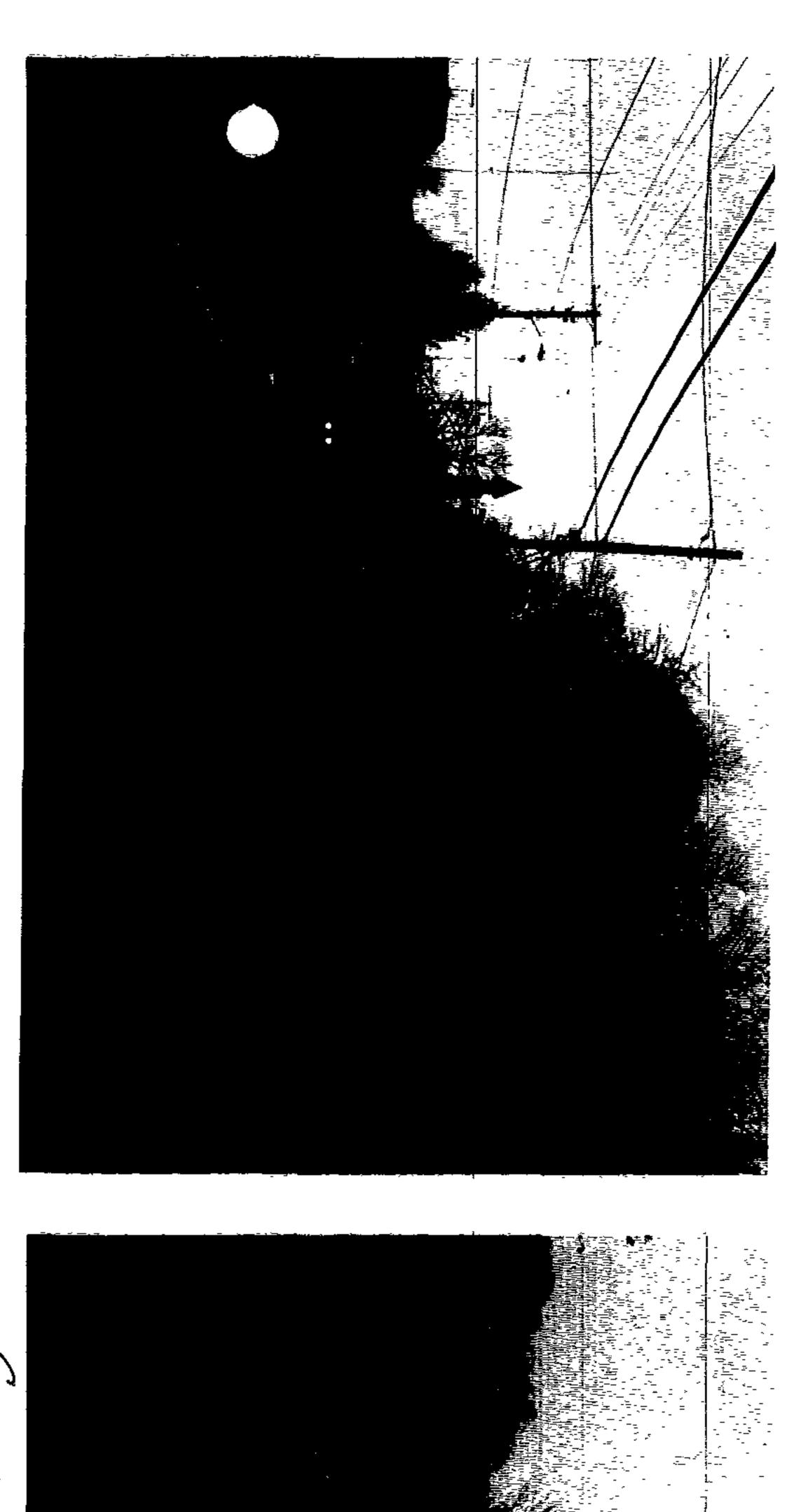
A; Church - proposed



House to Morth

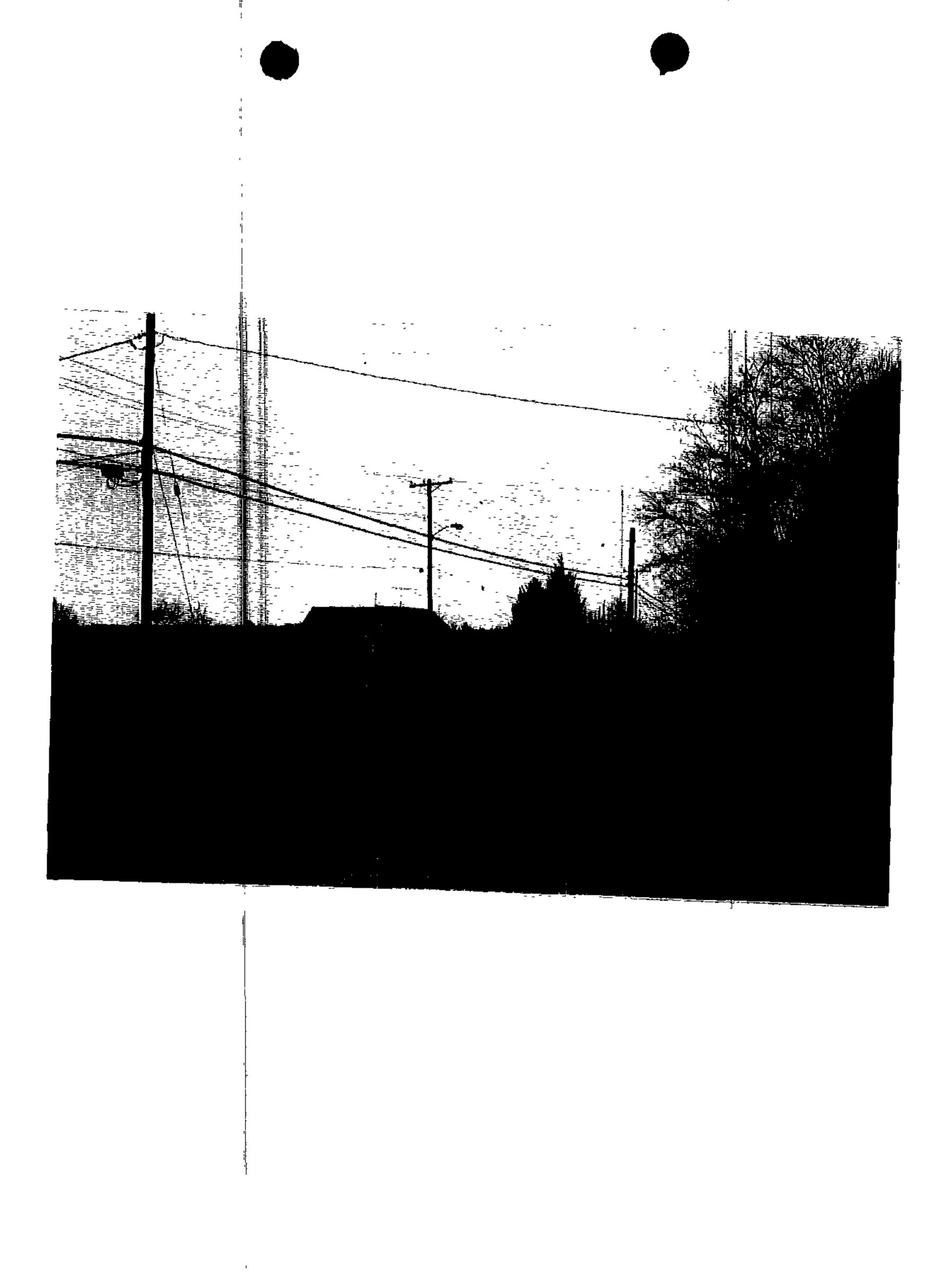
The Ruttermen Reports
Former Stermen Reformed Church
14346 Janetteville Ribe
100 100 100 199-173-5PHXA.

Looking South on Juntaville Pike



Tooking Moth on Janutteville Pake

D, Mus

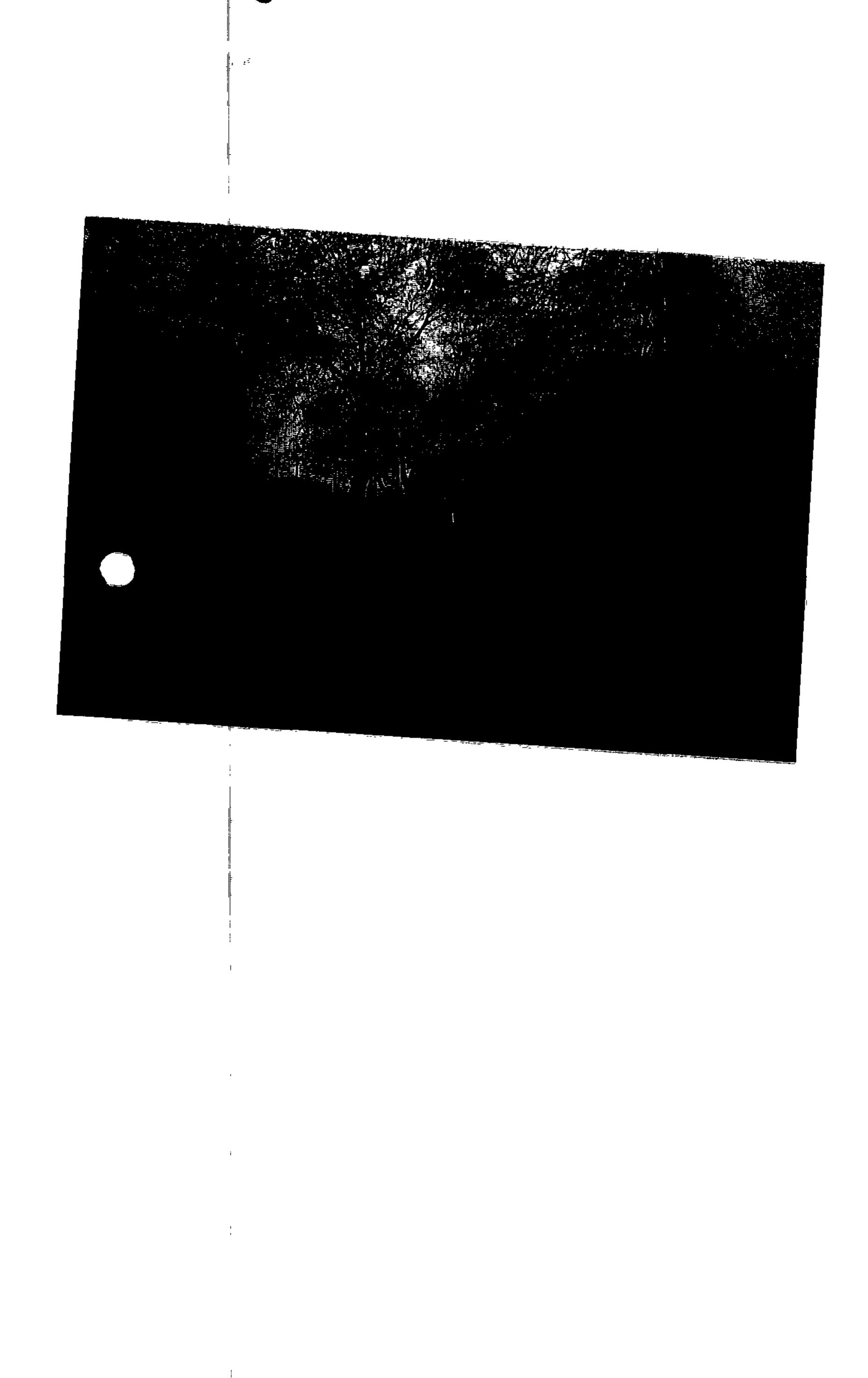


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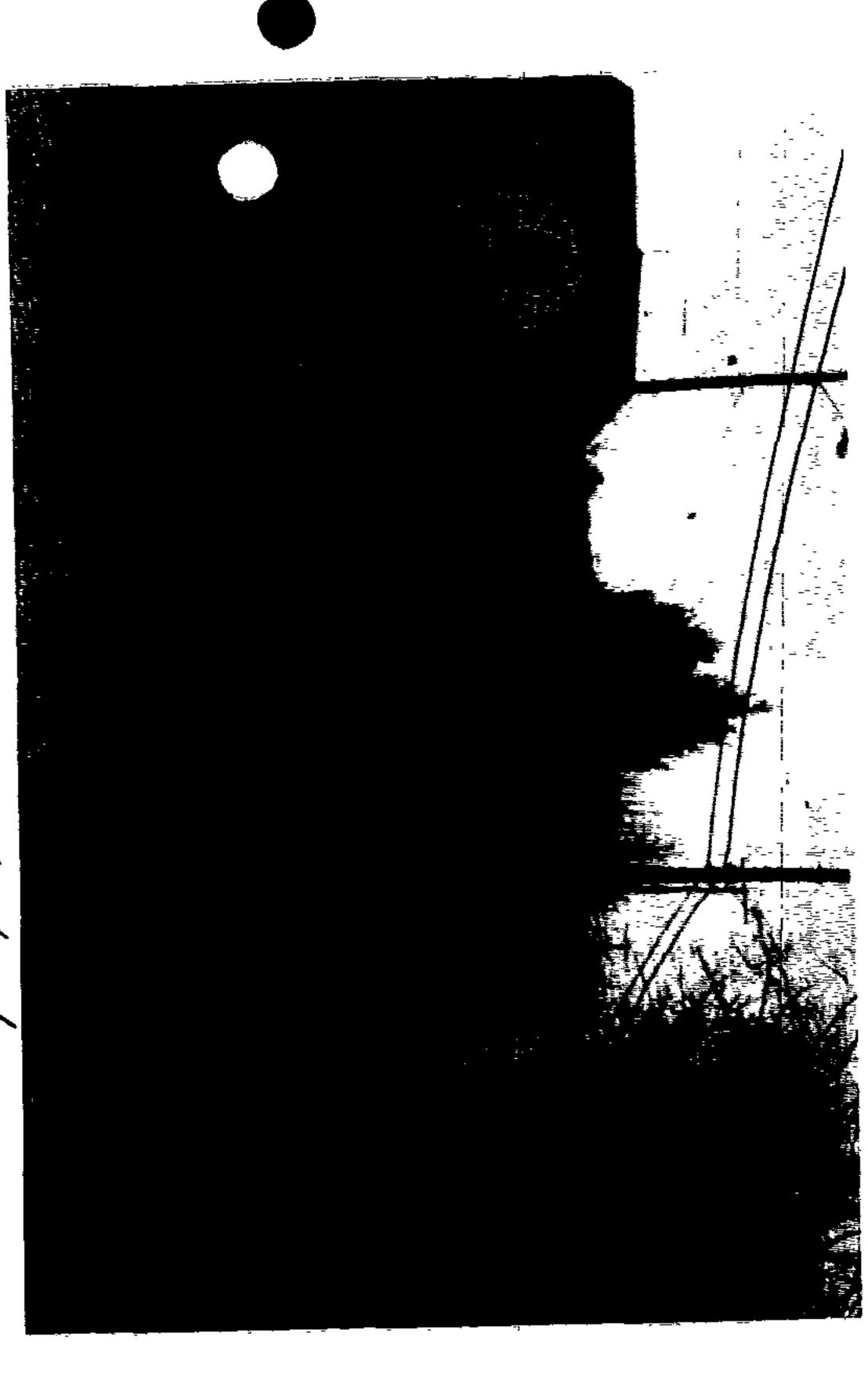
House and Sheds to North



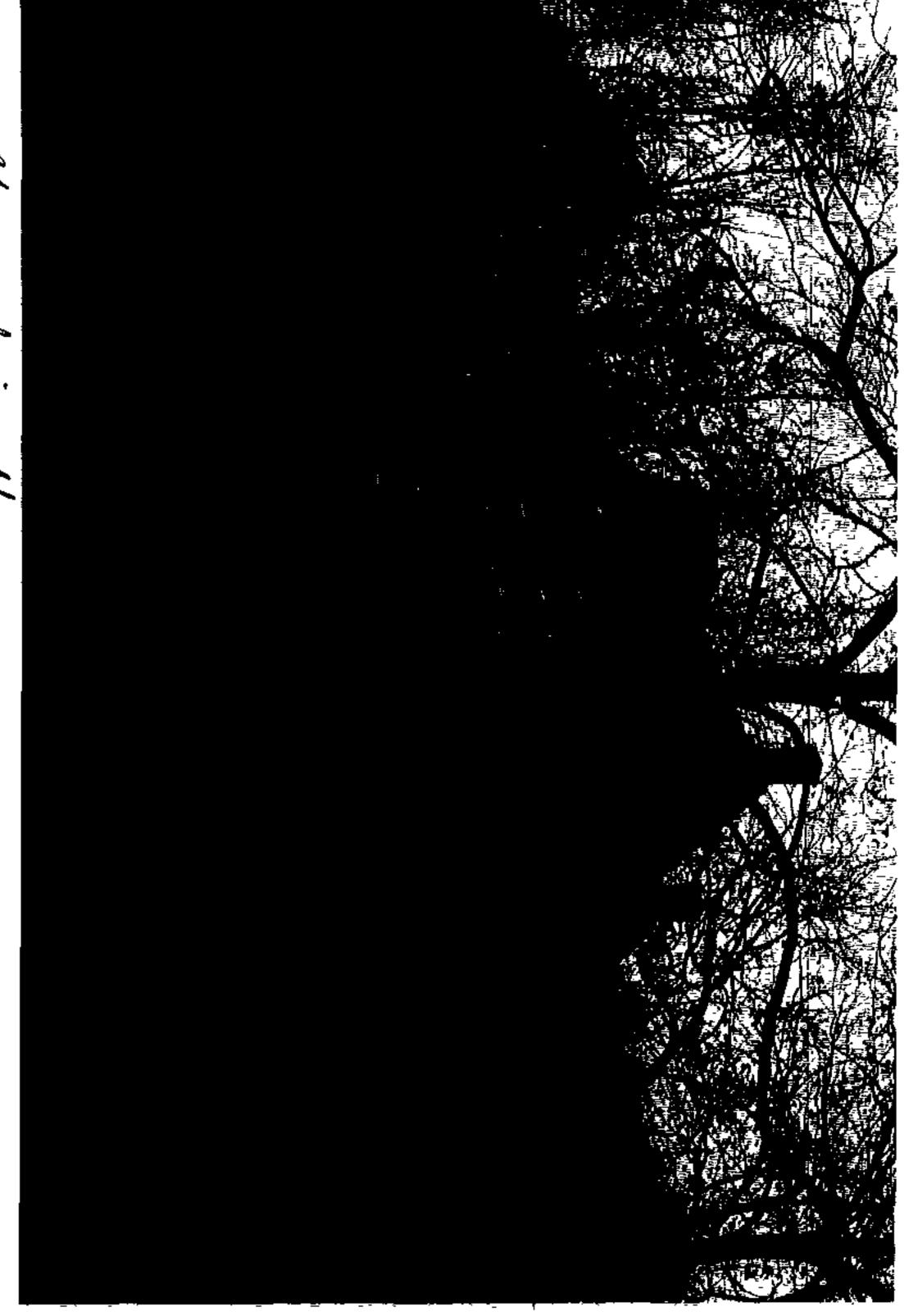
F. Lynson site



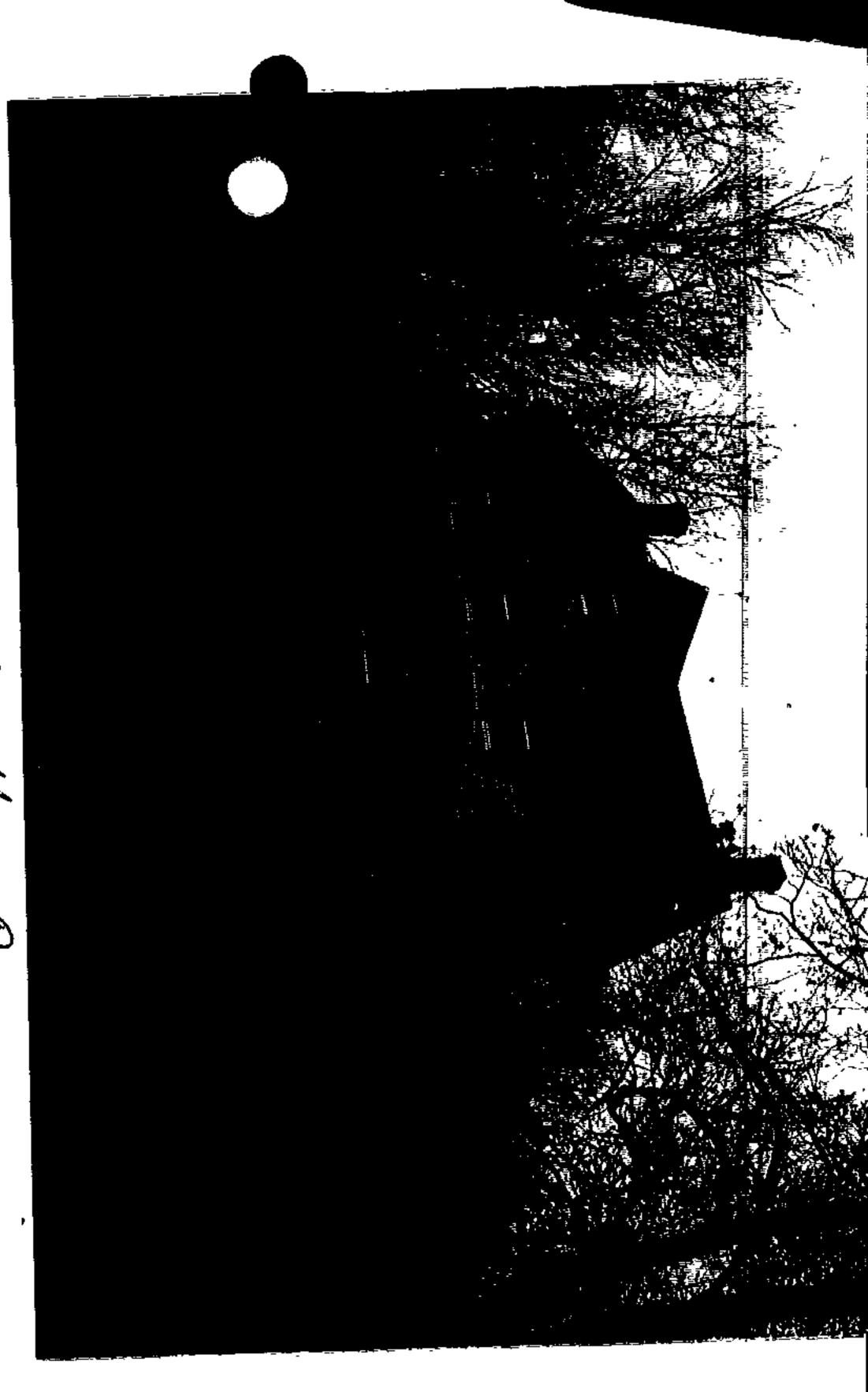
D. Lyn on antiques shop to south



A, antique shop.

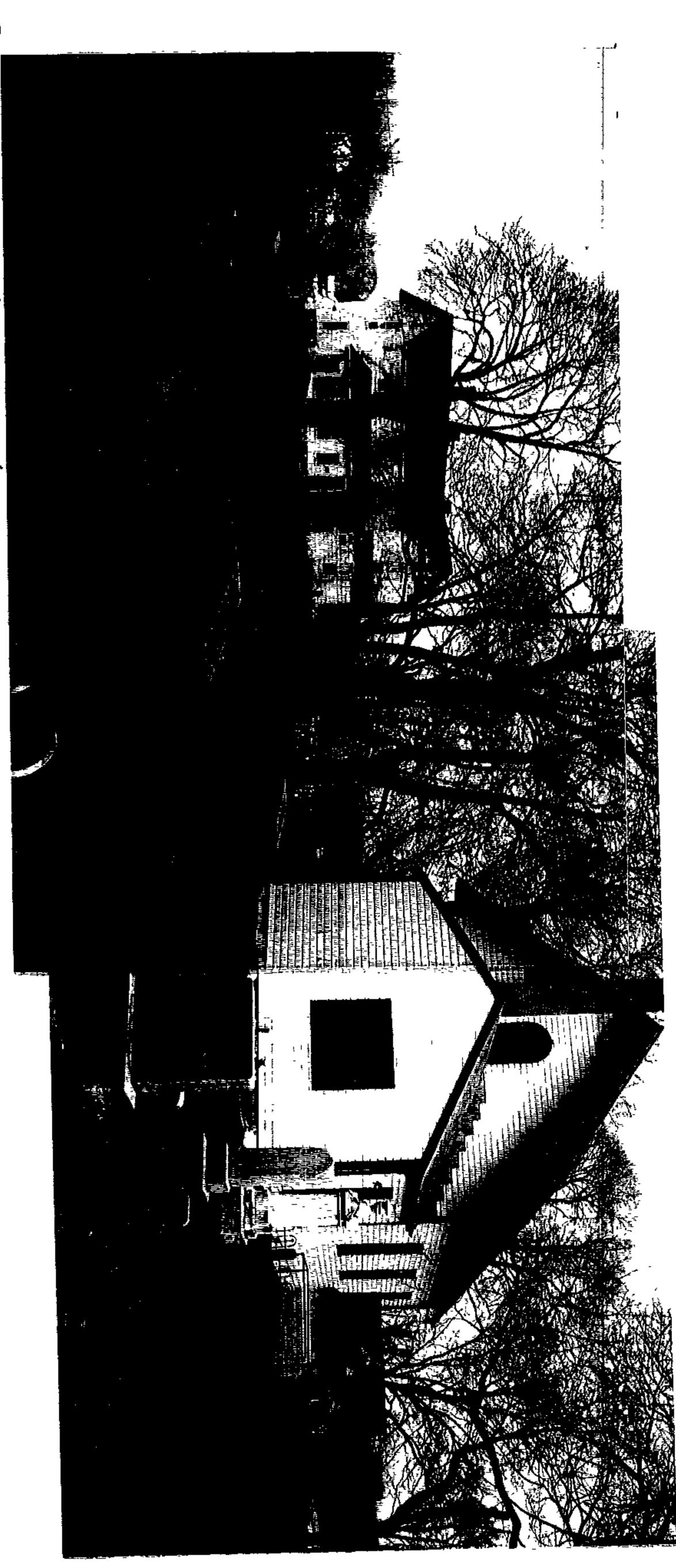


d. Close up of antique Shop & awaren



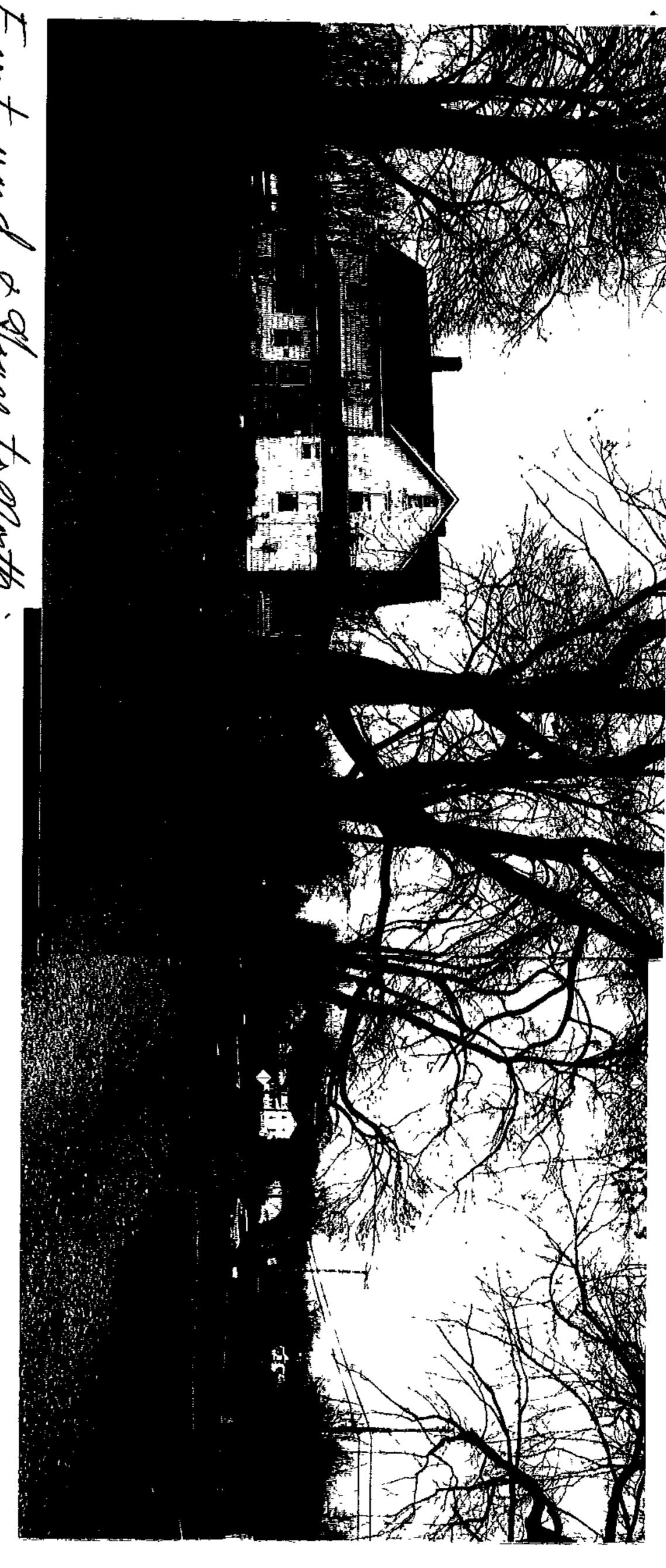
9. antique Shop Dunung and Baken

2. Rear of Church, - w/



W 2 C

M. Front yard & House to north



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