

IN RE: PETITIONS FOR SPECIAL HEARING,  
SPECIAL EXCEPTION & VARIANCE -  
N/S E. Joppa Road, 295' E of the c/l  
Mylander Lane  
(1400 E. Joppa Road)  
9<sup>th</sup> Election District  
4<sup>th</sup> Council District

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 01-401-SPHXA

Marye D. Kellerman  
Petitioner

\*

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This most unusual case comes before this Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Marye D. Kellerman. As filed, the Petitioner requests a special hearing to approve an existing accessory apartment use to remain not subject to density standards, and a special exception to approve a Class "B" office building in an R.O. zone. In addition, the Petitioner requests variance relief as follows: From Section 409.4.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a two-way driveway width of 11 feet in lieu of the required 20 feet; and, from Section 204.4.C.4 of the B.C.Z.R. to permit a minimum side yard setback of 6 feet in lieu of the required 20 feet along the eastern property line, adjacent to a residential use; from Section 204.4.C.6 to permit pervious amenity open space of 0% in lieu of the required 7%; and, from Section 204.4.C.9.c.(1) and (2) to permit setbacks and buffers of 0 feet each in lieu of the required 20 feet and 10 feet, respectively. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Marye D. Kellerman, property owner, and Paul Lee, Professional Engineer, who prepared the site plan for this property. Donna Spicer, who is active on behalf of community associations in the impacted area, appeared. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING

Date 6/19/01

By [Signature]

The subject property under consideration is a small rectangular shaped lot located on the north side of East Joppa Road, just east of Mylander Lane and Drumwood Road in Towson. The property contains approximately 5,700 sq.ft. in area, zoned R.O., and is improved with a 1.5 story building, which features an attached one-story addition to the rear, and a covered porch which leads to a wrap-around deck/ramp on the side. The main structure is 25 feet by 25 feet in dimension, and the addition measures 16 feet wide by 12 feet deep. As shown on the site plan, the first floor of the building and the attached addition are used as office space, while the second floor is used for residential purposes. A basement level is used for storage. The Petitioner is desirous of enclosing the covered porch and deck area to provide more interior space. Due to the size of the lot, the location of the building thereon, and the nature of its use, the instant Petitions were filed.

Ms. Kellerman owns the property and testified in some detail about her occupation. She is a Nurse Practitioner by vocation and teaches and lectures throughout the country and internationally about her specialty. Generally, the subject property is utilized as her office, at which she stores educational and reference materials. However, Ms. Kellerman frequently travels to conferences and conventions where she lectures. Although in the medical field, the subject building cannot be considered a medical office. In this regard, a medical office is defined in Section 101 of the B.C.Z.R. as "A place for the treatment of outpatients by one or more medical practitioners." There is no treatment rendered at the subject location and indeed few clients visit the building. Rather, the building serves as a home base for Mrs. Kellerman.

As noted above, the first floor contains Ms. Kellerman's office. The second floor contains residential quarters. In this regard, Ms. Kellerman testified that she employs a retired nun whose permanent residence is in Delaware. Because Ms. Kellerman is frequently out of town, it was indicated that the nun does not work at the premises full-time; however, when she commutes to this property, she will frequently spend nights in the living quarters provided on the second floor of this building. The special hearing relief requesting approval for an accessory apartment is sought in order to validate this situation.

ORDER RECEIVED FOR FILING  
Date 6/19/01  
By [Signature]

The building itself is of note and is shown in a series of photographs submitted at the hearing. As noted above, the property is improved with a building that was apparently originally a dwelling, but has been converted for office use. To the side of the structure is a covered porch. Moreover, to the rear and side of the structure is a wrap-around deck/ramp, which provides access for wheelchair-bound individuals.

Under the Petition for Special Exception, Ms. Kellerman seeks approval of the subject building, which is zoned R.O., as a Class B office building. The differences between Class A and Class B office buildings are to be noted and are particularly relevant in this case. A Class A office building is defined in Section 101 of the B.C.Z.R. as "A principal dwelling that was originally constructed as a one-family or two-family detached dwelling and that is converted by proper permit to office use without any external enlargement for the purpose of creating the office space or otherwise accommodating the office use. For the purposes of this definition, enclosure of a porch of a house or the addition of an exterior stairway at the side or rear of the building does not constitute external enlargement." Under the R.O. zoning regulations, a Class A office building is permitted by right. A Class B office building is defined as "A principal building used for offices and which is not a Class A office building." Essentially, a Class B office building is anything that is not a Class A office building. A Class B office building is permitted only by special exception in the R.O. zone.

As more particularly shown on the site plan and explained by Mr. Lee, the Petitioner generally proposes to enclose the existing porch and deck/ramp to provide additional interior space. The proposed improvements encompass the entire area of the porch and deck/ramp. Additionally, in order to "square-off" the building, a slight area outside the curvature of the handicap ramp will be enclosed. As noted above, Ms. Kellerman indicated that these proposed improvements are generally for the purpose of providing more interior usable space.

Addressing first the requested special exception relief, it is the judgment of this Zoning Commissioner, based upon the facts and circumstances presented in this particular case, that the Petition for Special Exception is not needed. It is obvious that the enclosure/addition primarily

encompasses the area of the existing covered porch and deck/handicap ramp. The improvements proposed are consistent with the language found within the Class A office building definition which allows a property owner to enclose certain exterior improvements without losing the integrity of the Class A definition. This is admittedly a close case, but in my judgment, the proposed improvements fall within the spirit and intent of the Class A office building definition.

Having reached this determination, the Petition for Special Exception is not necessary and shall therefore be dismissed as moot. The subject building will continue to be designated as a Class A office building, which is permitted by right on the subject R.O. zoned property.

Turning next to the Petition for Special Hearing, I am persuaded that same should be granted. The apartment use in this case is clearly accessory to the primary use of the premises as offices. Under the present arrangement, the apartment is not used on a full-time basis and its occupant is an employee of the business. The apartment use is therefore accessory to the principal use of the structure as an office. Moreover, it is clear that the use can be carried on without any detrimental impact to the health, safety and general welfare of the locale.

Lastly, the Petitioner has requested certain variance relief as described above. Most of the relief sought is from Section 204.4.C of the B.C.Z.R. These variances relate to required distances and buffers which are applicable for Class B office buildings. In view of the finding above that the subject structure is and will remain a Class A office building, variance relief is not required. That is, the requirements under Section 204 of the B.C.Z.R. are not applicable here.

The variance from Section 409.4.A of the B.C.Z.R., however, is necessary. That Section requires that a two-way driveway be 20 feet in width. Variance relief is justified in this instance in view of the existing circumstances and configuration of the lot. As shown on the site plan, the lot is of relatively narrow dimension and a 20-foot driveway width cannot be maintained. The 11-foot width proposed is consistent with existing circumstances and represents the driveway width between the end of the proposed addition/existing porch and a fence adjacent to the side property line. The uniqueness of the parcel is its shape and the building, which has existed on the site for many years. I am satisfied that the Petitioner would suffer practical difficulty if relief was

denied, and that relief can be granted without adverse impact to the surrounding locale. Thus, the Petition for Special Exception is rendered moot, as are certain of the variance requests, and the Petition for Special Hearing and the variance from Section 409 shall be granted.

Lastly, the testimony of Ms. Spicer and the Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning are of note. Ms. Spicer appeared in support of the request for the current use of the building. She indicated that Ms. Kellerman's operation was quiet and not disruptive to adjacent properties. In this regard, the property is located in an area that contains both commercial and residential uses. Immediately west of the property is the Susquehanna Bank building, which is a large commercial structure with accessory parking. However, on the east side of the property is a residential parcel, although the next parcel down is used for office purposes. The D.R.5.5/R.O. zoning line is located in front of the property, within the bed of East Joppa Road. Ms. Spicer is agreeable to Ms. Kellerman's proposed expansion and continued use of the property; however, she expressed concern in the event the building is sold and used for other purposes.

The Office of Planning also expressed a concern and requested a restriction requiring that the existing curb cut be widened and relocated. As noted on the site plan, the curb cut is not aligned with the 11-foot driveway. That is, motorists are required to enter the site and travel across the frontage of the property to reach the driveway. Moreover, the Office of Planning objects to the paving of the property, which is necessary to accommodate this configuration.

If Ms. Kellerman's present use continues, only the Petition for Special Hearing and the single variance from Section 409 for the driveway need be required. It is appropriate that this relief be granted at this time. However, a restriction will be added that in the event of a different user on the property, that new owner/tenant need file a Petition for Special Hearing to amend the site plan, which has been marked in this case as Petitioner's Exhibit 1. At that time, the then Zoning Commissioner can reevaluate the site plan to determine if any additional improvements are needed; i.e., relocation or realignment of the driveway. That is, this site shall be approved for the existing use, including Ms. Kellerman's business and the accessory apartment. In the event such

use changes, the then owner/tenant will be required to file a Petition for a Special Hearing to amend this site plan to incorporate the proposed new use. In considering the Petition at that time, a decision can be made about the relocation of the curb cuts and/or driveway or other necessary improvements to the property.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth herein, the Petition for Special Hearing and the variance from Section 409 shall be granted, and the Petitions for Special Exception and remaining variance requests dismissed as moot.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of June, 2001 that the Petition for Special Hearing to approve an existing accessory apartment use to remain not subject to density standards and the Petition for Variance seeking relief from Section 409.4.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a two-way driveway width of 11 feet in lieu of the required 20 feet, in accordance with Petitioner's Exhibit 1, be and are 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special hearing and variance relief granted herein are limited to the current use of the property by Ms. Kellerman. In the event the property is leased or sold to another individual who proposes a different use, then a Petition for Special Hearing must be filed to determine the appropriateness of such use and to amend the current site plan.
- 3) The accessory apartment use is limited to Ms. Kellerman's part-time employee as identified herein. A public hearing will be required in the event another tenant or full-time use is proposed for this apartment.
- 4) Within sixty (60) days of the date of this Order, a new deed shall be recorded in the Land Records of Baltimore County incorporating this matter and the restrictions attached hereto. A copy of the recorded deed shall be forwarded to the Department of Permits and Development Management for inclusion in the case file.

ORDER RECEIVED FOR FILING

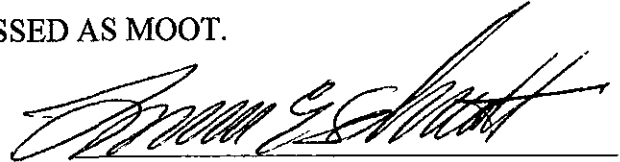
Date 6/19/01

By [Signature]

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

IT IS FURTHER ORDERED that the Petition for Special Exception to approve a Class "B" office building in an R.O. zone, be and is hereby DISMISSED AS MOOT; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 204.4.C.4 of the B.C.Z.R. to permit a minimum side yard setback of 6 feet in lieu of the required 20 feet along the eastern property line adjacent to a residential use; from Section 204.4.C.6 to permit pervious amenity open space of 0% in lieu of the required 7%; and, from Section 204.4.C.9.c.(1) and (2) to permit setbacks and buffers of 0 feet each in lieu of the required 20 feet and 10 feet, respectively, be and is hereby DISMISSED AS MOOT.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 6/19/07

By [Signature]



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

June 19, 2001

Ms. Marye D. Kellerman  
1511 Providence Road  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE  
N/S East Joppa Road, 295' E of the c/l Mylander Lane  
(1400 E. Joppa Road)  
9<sup>th</sup> Election District - 4<sup>th</sup> Council District  
Marye D. Kellerman - Petitioner  
Case No. 01-401-SPHXA

Dear Ms. Kellerman:

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 and/or dismissed as moot, 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Paul Lee, Century Engineering, Inc.  
32 West Road, Towson, Md. 21204  
Office of Planning; People's Counsel; Case File

A handwritten signature in black ink, appearing to read "Dana Spicer".

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 1400 E. Joppa Road  
which is presently zoned RO

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, 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 accessory (existing) apartment use to remain not subject to density standards.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

~~Contract Purchaser/Kussey~~ Engineer:

Paul Lee, Century Engineering, Inc.  
Name - Type or Print  
Signature  
32 West Road 410-823-8070  
Address Telephone No.  
Towson MD 21204  
City State Zip Code

Attorney For Petitioner:

Name - Type or Print  
Signature

Company  
Address Telephone No.  
State Zip Code

Legal Owner(s):

Marve D. Kellerman  
Name - Type or Print  
Signature  
Name - Type or Print  
Signature  
1511 Providence Road 410-494-1404  
Address Telephone No.  
Towson MD 21286  
City State Zip Code

Representative to be Contacted:

Paul Lee, Century Engineering, Inc.  
Name  
32 West Road 410-823-8070  
Address Telephone No.  
Towson MD 21204  
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By JRP Date 4-3-01

ORDER RECEIVED FOR FILING

Case No. 01-401-SPHXA

Date 9/15/98  
By



# Petition for Special Exception

## to the Zoning Commissioner of Baltimore County

for the property located at 1400 E. Joppa Road

which is presently zoned RO

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, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A Class "B" office building (addition to an existing Class "A" office) in an "RO" zone.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

~~Contract Purchaser/Vessee~~ Engineer:

Paul Lee, Century Engineering, Inc.  
Name - Type or Print  
Signature  
32 West Road 410-823-8070  
Address Telephone No.  
Towson MD 21204  
City State Zip Code

Attorney For Petitioner:

Name - Type or Print  
Signature  
Company  
Address Telephone No.  
City State Zip Code

Legal Owner(s):

Marye D. Kellerman  
Name - Type or Print  
Signature  
Name - Type or Print  
Signature  
1511 Providence Road 410-494-1404  
Address Telephone No.  
Towson MD 21286  
City State Zip Code

Representative to be Contacted:

Paul Lee, Century Engineering, Inc.  
Name  
32 West Road 410-823-8070  
Address Telephone No.  
Towson MD 21204  
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_  
UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By JRF Date 4-3-01

ORDER RECEIVED FOR FILING

Date

By

01-401-SPHXA

2004/15/98



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1400 E. Joppa Road

which is presently zoned RO

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, hereby petition for a Variance from Section(s)

409.4.A of the BCZR to permit a two way driveway of 11' in lieu of the req'd 20' & Section 204.4.C...(Class "B" office building). 4. Min. side yard of 6' along east prop. line in lieu of 20' (adjoining residential use). 6. Variance to permit 0% pervious amenity open space in lieu of req'd 7%. 9.c.(1)&(2) To permit a 0' in lieu of the req'd 20' & 10' setbacks & buffers.

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

To be presented at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

~~Contract Purchaser/Lessee~~ Engineer:

Paul Lee, Century Engineering, Inc.

Name - Type or Print

Signature

32 West Road

410-823-8070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Marye D. Kellerman

Name - Type or Print

Signature

Name - Type or Print

Signature

1511 Providence Road

410-494-1404

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

Representative to be Contacted:

Paul Lee, Century Engineering, Inc.

Name

32 West Road

410-823-8070

Address

Telephone No.

Towson

MD

410-823-8070

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING

Reviewed By JRF

Date 4-3-01

ORDER RECEIVED FOR FILING

Case No. 01-401-SPHXA

Date 9/15/98

By

**DESCRIPTION**  
**1400 E. Joppa Road**  
**Elec. Dist 9 - Baltimore County, MD**

Beginning for the same at a point on the north side of E. Joppa Road, said point also being located 295'± easterly from the intersection of Joppa and the center of Mylander Lane; thence running with and binding on the north side of Joppa Road 1) by a curve to the right with a radius of 3,182.67' for a distance of 54.89', thence leaving said north side of Joppa Road 2) North 04 degrees 05 minutes 56 seconds west - 117.26' to intersect the southern boundary of the "Resubdivision of part of the property of LeRoy M. Merritt property as recorded in Plat Book EHK JR 55 folio 108 thence running with and binding on a portion of said southern boundary and continuing along the boundary of said plat the 3 following courses and distances 3) South 88 degrees 51 minutes west - 48.83', thence 4) by a curve to the left with a radius of 160.74' for a distance of 41.81' and 5) South 04 degrees 24 minutes west - 72.02' to the north side of E. Joppa Road and point of beginning.

Property known as 1400 E. Joppa Road and containing 5,750 S.F. (0.13 Ac. ±) of land more or less.

WfileLogin2\Land-Dev\LD01\desc\E.JoppaRd\1400-3-22-01



401

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. **92808**

DATE 4-3-01 ACCOUNT 001-006-6150  
AMOUNT \$ 650.00

RECEIVED FROM: Marye D. Kellerman  
1400 E. Joppa Rd.  
FOR: Variance SPH & X ITEM # 401  
TAKEN BY: JRF

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

**PAID RECEIPT**  
PAYMENT ACTUAL TIME  
4/04/2001 4/03/2001 15:06:39  
REC WSO5 CASHIER NOTE NES DRAWER 5  
>> RECEIPT # 207406 OFLH  
Desc 5 528 ZONING VERIFICATION  
CR 10. 092808  
Recpt Tot 650.00  
650.00 CK .00 CA  
Baltimore County, Maryland

CASHIER'S VALIDATION

# 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: # 01-401-SPHXA

1400 E. Joppa Road

N/S E. Joppa Road, 295' +/- E of centerline Mylander Lane  
9th Election District - 4th Councilmanic District

Legal Owner(s): Marye D. Kellerman

Contract Purchaser: Engineer: Paul Lee, Century Engineering

**Special Hearing:** to approve an accessory (existing) apartment use to remain not subject to density standards; **Special Exception:** to permit use of A Class "B" office building (addition to an existing Class "A" office) in an R.O. zone and

**Variance:** to permit a two way driveway of 11 feet in lieu of the required 20 feet; side yard of 6 feet along east property line in lieu of 20 feet; to permit 0% previous amenity open space in lieu of the required 7% and to permit a 0" in lieu of the required 20 feet and 10 feet setbacks and buffers.

**Hearing:** Monday, May 21, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

**Hearing:** Monday, May 21, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

5/017 May 3

C466232

## CERTIFICATE OF PUBLICATION

5/3/, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/3/, 2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

*S. Wilkinson*

LEGAL ADVERTISING

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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.

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For Newspaper Advertising:

Item Number or Case Number: 401

Petitioner: MARYE D. KELLERMANN

Address or Location: 1400 E. JOPPA ROAD, TOWSON, MD 21286

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARYE, KELLERMANN

Address: 1400 E. JOPPA ROAD, TOWSON, MD. 21286

Telephone Number: 410-494-1404



Baltimore County  
Department of Permits and  
Development Management

Director's Office  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
410-887-3353  
Fax: 410-887-5708

April 17, 2001

## 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: 01-401-SPHXA  
1400 E Joppa Road  
N/S E Joppa Road, 295' +/- E of centerline Mylander Lane  
9<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District  
Legal Owner: Marye D Kellerman  
Contract Purchaser: Engineer: Paul Lee, Century Engineering

Special Hearing to approve an accessory (existing) apartment use to remain not subject to density standards; Special Exception to permit use of A Class "B" office building (addition to an existing Class "A" office) in an R.O. zone and Variance to permit a two way driveway of 11 feet in lieu of the required 20 feet; side yard of 6 feet along east property line in lieu of 20 feet; to permit 0% previous amenity open space in lieu of the required 7% and to permit a 0' in lieu of the required 20 feet and 10 feet setbacks and buffers.

HEARING: Monday, May 21, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon G.D.Z.  
Director

C: Paul Lee, Century Engineering Inc, 32 West Road, Towson 21204  
Marye D Kellerman, 1511 Providence Road, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 5, 2001.**  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY  
Thursday, May 3, 2001 Issue -- Jeffersonian

Please forward billing to:  
Marye D Kellerman  
1400 E Joppa Road  
Towson MD 21286

410 494-1404

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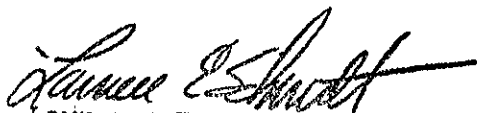
## NOTICE OF ZONING HEARING

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: 01-401-SPHXA  
1400 E Joppa Road  
N/S E Joppa Road, 295' +/- E of centerline Mylander Lane  
9<sup>th</sup> Election District -- 4<sup>th</sup> Councilmanic District  
Legal Owner: Marye D Kellerman  
Contract Purchaser: Engineer: Paul Lee, Century Engineering

Special Hearing to approve an accessory (existing) apartment use to remain not subject to density standards; Special Exception to permit use of A Class "B" office building (addition to an existing Class "A" office) in an R.O. zone and Variance to permit a two way driveway of 11 feet in lieu of the required 20 feet; side yard of 6 feet along east property line in lieu of 20 feet; to permit 0% previous amenity open space in lieu of the required 7% and to permit a 0' in lieu of the required 20 feet and 10 feet setbacks and buffers.

HEARING: Monday, May 21, 2001 at 2:00 p.m. in Room 407, County Courts Building,  
401 Bosley Avenue

  
Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G.D.Z.  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

May 18, 2001

Marye D Kellerman  
1511 Providence Road  
Towson MD 21286

Dear Ms. Kellerman:

RE: Case Number: 01-401-SPHXA, 1400 E Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 3, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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, please do not hesitate to contact the commenting agency.

Very truly yours,

*W. Carl Richards, Jr.*

W. Carl Richards, Jr. GDZ  
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Paul Lee, Century Engineering Inc, 32 West Road, Towson 21204  
People's Counsel



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** April 23, 2001

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

**SUBJECT:** 1400 E. Joppa Road

**INFORMATION:**

**Item Number:** 01-401

**Petitioner:** Marye D. Kellerman

**Zoning:** RO

**Requested Action:** Special Hearing, Special, & Variance

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning recommends denial of the following requests:

1. Variance to permit a two-way driveway of 11 feet in width. The curb cut should be a minimum of 15 feet wide; existing curb cut is too narrow to accommodate a two-way driveway. In addition, the curb cut should align with the existing 11 foot driveway located on the west side of property.
2. Variance to permit 0% pervious amenity open space - Once the curb cut is aligned with the driveway, grass should be put in the front yard to meet (or partially meet) this requirement.

**Prepared by:** Marta Cunniff

**Section Chief:** Jeffrey M. Long

**AFK: MAC:**



**Baltimore County  
Fire Department**

700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4500

April 17, 2001

Department of Permits and  
Development Management (PDM)  
County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: Rolling Height Lot A LTD Partn. - 408  
Frederick J. Beste - 410  
Essex Church of God - 403  
Marye D. Kellerman - 401

Location: DISTRIBUTION MEETING OF April 16, 2001

Item No.: 401, 403, 408, and 410

Dear Ms. Stephens:

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: LIEUTENANT JIM MEZICK, Fire Marshal's Office  
PHONE 887-4881, MS-1102F

cc: File 1005 01 07A

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits & Development Mgmt. **DATE:** May 15, 2001

**FROM:** Robert W. Bowling, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For April 23, 2001  
Item No. 401

The Bureau of Development Plans Review has reviewed the subject zoning item.

Driveway entrance is to be rebuilt by the petitioner per the Department of Public Works' Standard Plate R-32.

RWB:HJO:jrb

cc: File



**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 4.12.01

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

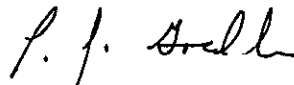
RE: Baltimore County  
Item No. 401 JRF

Dear Ms. Jackson:

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

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](mailto:lgredlein@sha.state.md.us)).

Very truly yours,

  
for Kenneth A. McDonald Jr., Chief  
Engineering Access Permits Division

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

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

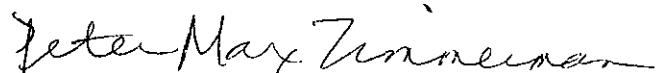
RE: PETITION FOR SPECIAL HEARING  
PETITION FOR SPECIAL EXCEPTION  
PETITION FOR VARIANCE  
1400 E. Joppa Road, N/S E. Joppa Rd, 295' +/- E of c/l  
Mylander Ln  
9th Election District, 4th Councilmanic  
  
Legal Owner: Marye D. Kellerman  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 01-401-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 or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



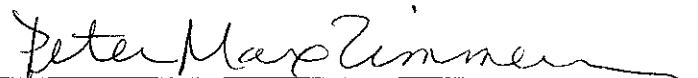
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



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 26th day of April, 2001 a copy of the foregoing Entry of Appearance was mailed to Paul Lee, 522 Holden Road, Towson, MD 21286, representative for Petitioners.



PETER MAX ZIMMERMAN

*File*

WORKING TOGETHER

Loch Raven  
Business  
Association  
P.O. Box 42083  
Loch Raven, MD 21284-2083



Loch Raven  
Community  
Council  
P.O. Box 42115  
Loch Raven, MD 21284-2115

Donna Spicer, Executive Director

TO ENHANCE BUSINESS AND COMMUNITY

Phone: 410-665-4322

FAX: 410-668-0569

8-27-01

*Commissioner Lawrence Schmidt,*

*I hope it is not out of line to comment on a "previous" case, but had to say a couple of things about case # 01-401 SPHXA - 1400 E. Joppa Rd - Kellerman property.*

*Don't let anyone tell you differently - There are possible win/win endings to a story!*

*Wow! What a concept! Address community concerns and the needs of the property owner.*

*Great job! "Soloman" DNA in there somewhere!*

*I very much appreciate all your consideration and patience on the above case (as well as many others).*

*Thank you for listening to all sides.*

*Sincerely,*

*Donna Spicer*

AUG 29

Case Number 01-401-SPHXA

PLEASE PRINT LEGIBLY

## PROTESTANT'S SIGN-IN SHEET

[illegible]

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

MARYE KELLERMANN

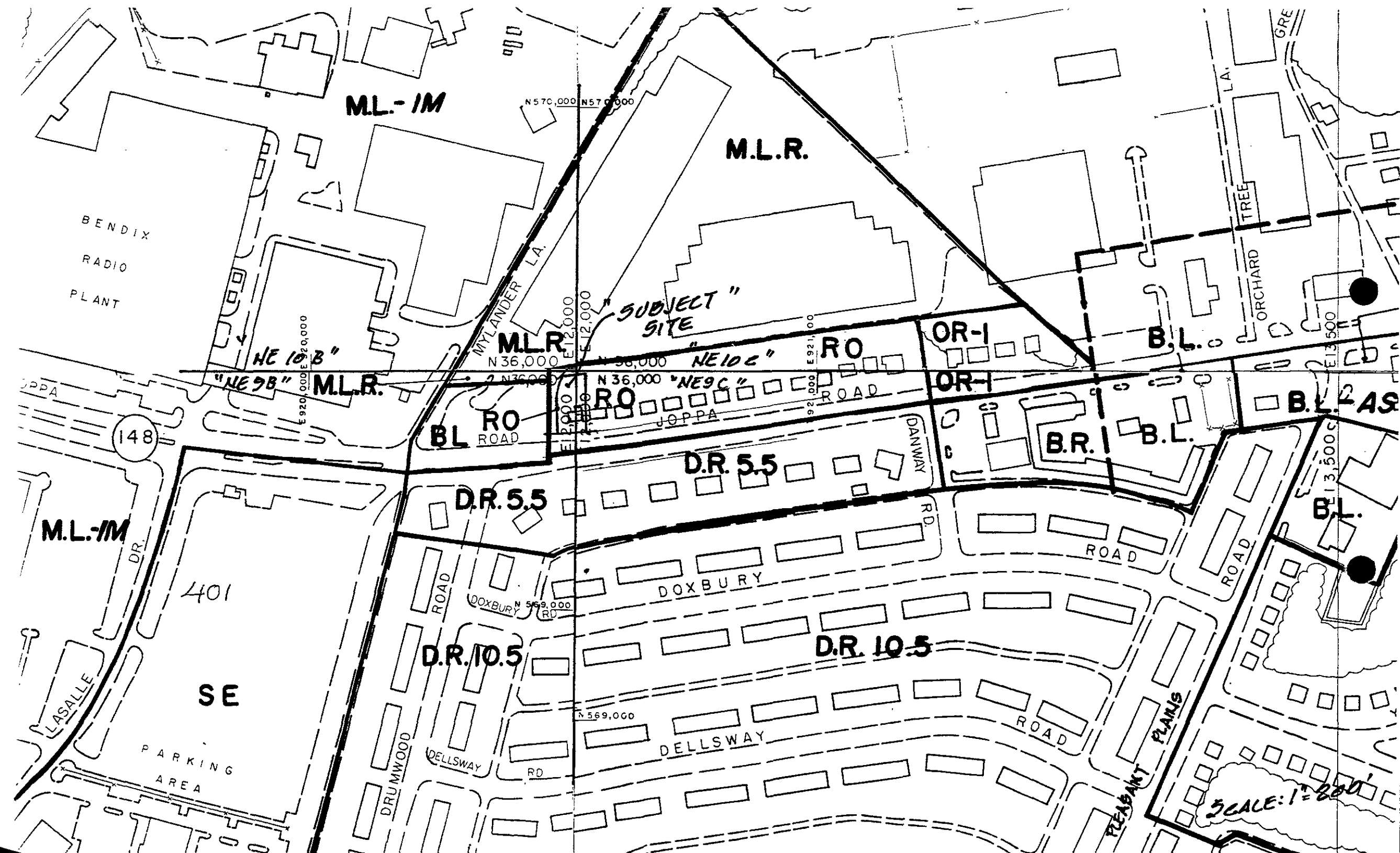
1400 EAST Joppa Road

TOWSON, Md 21286

Paul Lee Contingency

32 West Road Towson, 21204



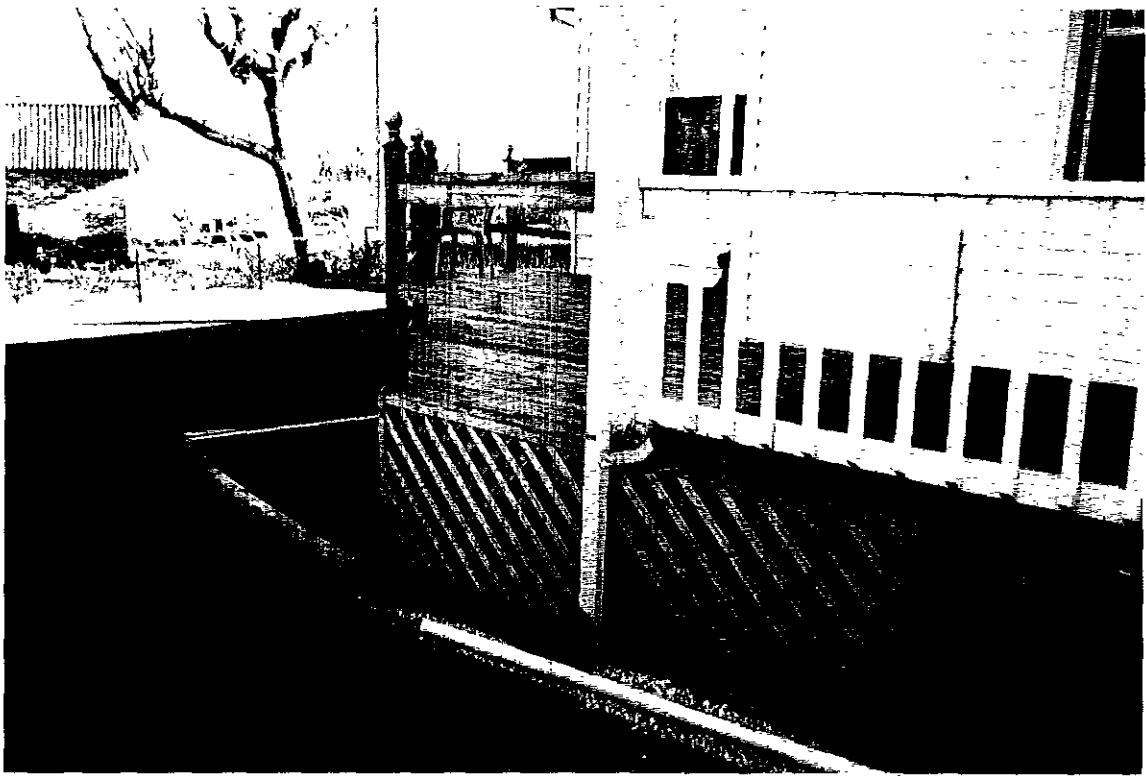


photograph

#01-401-SPNKA

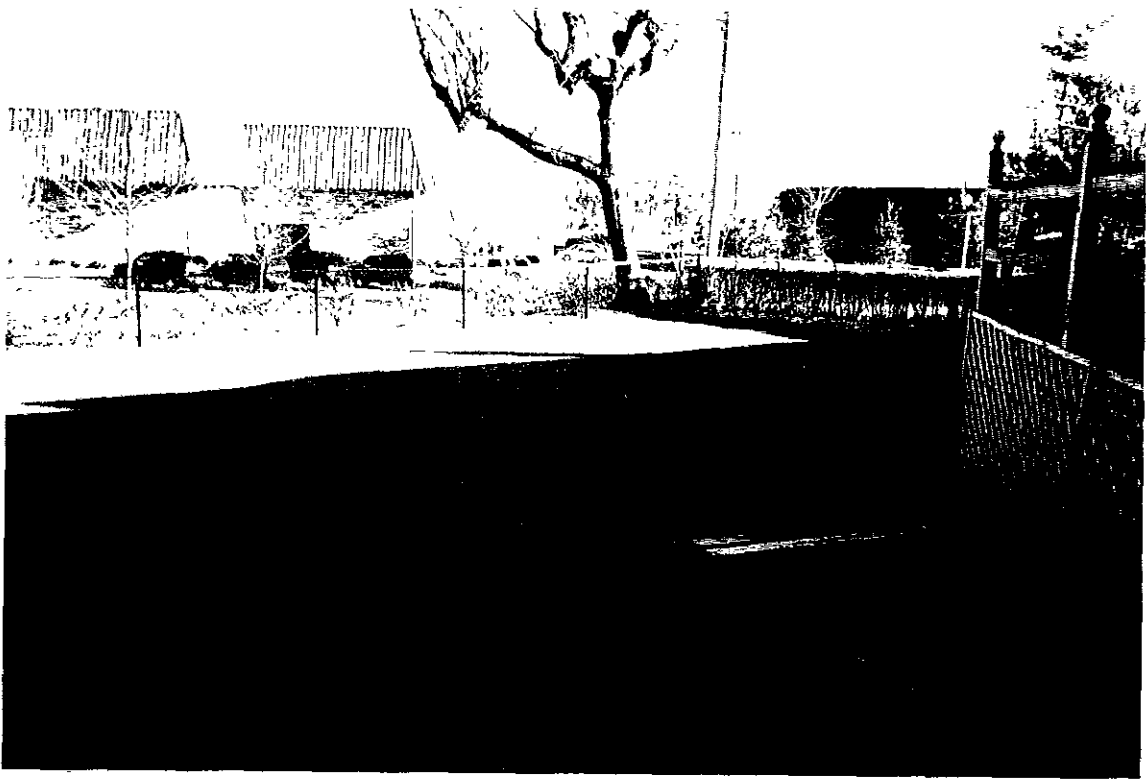










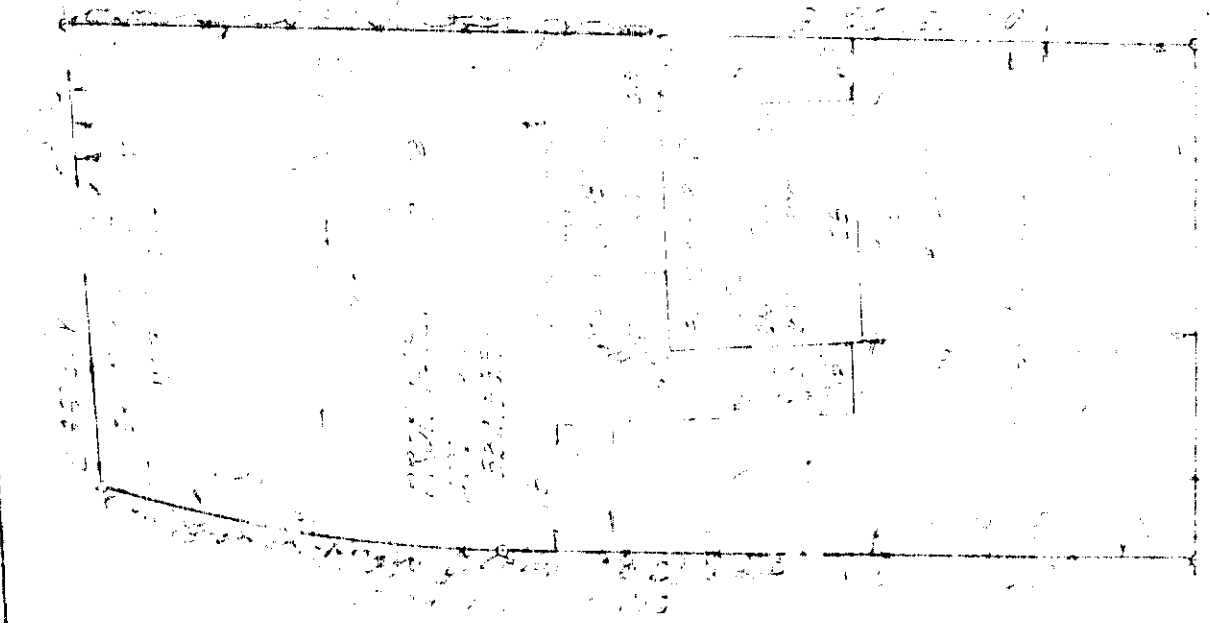




REVIEWED FOR THE CITY OF  
LEWIS & CLARK  
ON 11/10/04  
TOWN ENGINEER

11/10/04

11/10/04



11/10/04  
11/10/04  
11/10/04

11/10/04

11/10/04

11/10/04

General Notes

1. Area of site = 5,750 S.F. (Gross 7,122 S.F. ±)
2. Existing zoning of site = "R-O"
3. Existing use: Residential and office
4. Proposed zoning of site = "R-O" with special exception
5. Proposed use: Residential and office
6. Required off street parking:  
A. Existing Bldg 1 flr = 692 S.F. ofc. 2<sup>nd</sup> flr = 500 S.F. Basement = 500 S.F.  
1. 1<sup>st</sup> flr ofc. 500 x 100 = 50,000 S.F. @ 2.000 = 2.0  
2. 2<sup>nd</sup> flr resident 500 S.F. = 2  
3. Basement storage = 500 S.F. = 0  
B. Prop 1<sup>st</sup> flr ofc. Addn 7.5 X 31' = 8.5 X 2' = 1.10  
232.5 x 102 = 334.5 @ 3.5/1000 = 1.10  
C. Total parking spaces req'd = 5.4 = 6 P.S.  
D. Prop parking spaces shown = 6
7. Petitioner requesting a Special Exception to permit a Class "B" office building, addition to an existing Class "A" office in an "R-O" zone.
8. Petitioner requesting a Special Hearing for an accessory existing apartment use to remain not subject to density standards.
9. Petitioner requesting a Variance to Sect. 409.4 A of the B.U.C. to permit a two way driveway of 11' in lieu of the required 20' in order to provide access to parking area in rear of the building. The existing building is located 13' off the west property line and 6' off the east property line.
10. The petitioner is requesting Variances to Sect. 4.4 C (Class B Office Building) the following:  
4. A three side yard or equivalent rear yard area = 11' in lieu of the required 20' residential use.  
6. Variance to permit 0% pervious amenity open space in lieu of the req'd 7%  
9. C(1) & (2): To permit a 0' in lieu of the 20' and 10' setbacks and buffers  
11. Permitted F.A.R. 0.33  
Proposed F.A.R. = 692/334.5 = 2.07  
12. Height of existing building less than 35'  
13. Average setback req'd 12' = 12' = 2/4  
Ex. front setback = 35' rear yard setback 45' = 14  
14. Exist. lot size = 0.13 Ac ± (5,750 S.F.)  
15. Only one principal building on site  
16. Property served by public sewer & water  
17. Permit # B078760 for repairing wood deck of covered porch 12-13-98