

IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE
E/S Belair Road, N of Halbert Avenue
11th Election District
5th Councilmanic District
(9423 Belair Road)

1st Preference Mortgage Corporation,
by William Parisi, President
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-236-SPHXA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception, Special Hearing and Variance filed for property located at 9423 Belair Road, located in the Perry Hall area of Baltimore County. The petitions were filed by 1st Preference Mortgage Corporation, by its President, William Parisi. The special hearing request is to amend the site plan which was previously approved in Case No. 92-203-XA. The special exception is to approve a Class B office building in an R.O. zone. Finally, the Petitioner is requesting variance relief to allow a front yard setback of 10 ft. in lieu of the required front yard average of 25 ft. and to allow landscape buffers of 10 ft. in lieu of the required 20 ft.

Appearing at the hearing on behalf of the petitions were William Parisi, appearing on behalf of the owner of the property, J. Scott Dallas, the property line surveyor who prepared the site plan of the property and John B. Gontrum, attorney at law, representing the Petitioner. Appearing in opposition to the Petitioner's request were Gregg and Mary Jones, nearby property owners.

Testimony and evidence indicated that the property, which is the subject of this request, consists of 0.621 acres, more or less, zoned R.O. The subject property is located on the northeast corner of the intersection of Belair Road and Halbert Avenue in Perry Hall. The property is

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J. Gontrum

currently improved with an existing two-story office building wherein 1st Preference Mortgage maintains an office. At the present time, the Petitioner has two separate office locations along Belair Road. They are desirous of constructing an addition to the existing office building on the subject property so that their offices may be consolidated onto this one location. The details of the proposed addition are more particularly shown on Petitioner's Exhibit 1A, the site plan submitted into evidence at the hearing.

Testimony further revealed that the Petitioner proceeded through the 2000 Comprehensive Zoning process, in order to change the zoning of the subject property from R.O.A. to its current zoning classification of R.O. By gaining this approval from the County Council, the Petitioner has established the right to file for this special exception request to construct the office building as shown on their site plan. In addition, it should be noted that the Office of Planning, by their comment dated January 7, 2002, recommends approval and supports the special exception request and variances. Furthermore, the Petitioner testified that the Perry Hall Improvement Association is also in support of the their requests. In order to proceed with the proposed expansion of this office building, the special hearing, special exception and variances are necessary.

As stated previously, two residents from the surrounding community appeared in opposition to the Petitioner's request. Gregg and Mary Jones reside across the street from the subject site. Mr. and Mrs. Jones are concerned over additional commercial development along this area of Belair Road. They indicated that many of the other properties along Belair Road, at this location, have maintained their residential flair and character. They, therefore, oppose this particular request, believing that additional commercial development at this location will have a

2/13/02
R. Jensen

detrimental impact on the value of their home and will infringe on their privacy. They, therefore, ask that the Petitioner's request be denied.

After considering the testimony and evidence offered both in favor of and in opposition to the Petitioner's request, I find that the special hearing, special exception and variances should be granted to allow the Petitioner to move forward with this proposed office building expansion. The Petitioner has received approval from the Office of Planning regarding their plans to expand this office building. Furthermore, it will allow them to consolidate their two separate offices into one location. Finally, the Petitioner received the support of the Perry Hall Improvement Association for this request. The recent change of the zoning of the subject property from R.O.A. to R.O. also permits this type of expansion by way of public hearing. Accordingly, the Petitioner's request shall be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County this 13th day of February, 2002, that the Petitioner's request for a special hearing to amend the site plan previously approved in Case No. 92-203-XA shall be GRANTED.

IT IS FURTHER ORDERED, that the special exception request to approve a Class B office building in an R.O. zone shall be GRANTED.

IT IS FURTHER ORDERED, that the Petitioner's request for variance to allow a front yard setback of 10 ft. in lieu of the required front yard average of 25 ft. and to allow landscape buffers of 10 ft. in lieu of the required 20 ft. shall be GRANTED.

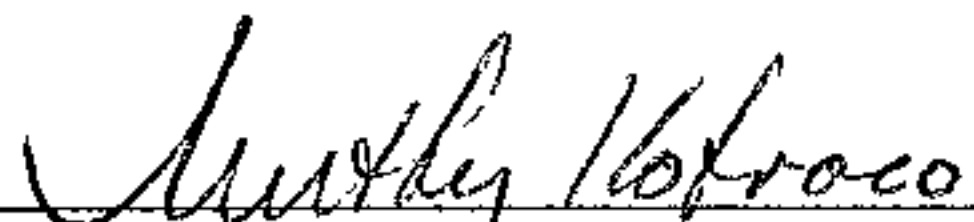
IT IS FURTHER ORDERED, that the granting of the relief herein is conditioned upon the following conditions and restrictions:

1. There shall be no customer or client parking associated with the Petitioner's property along Halbert Avenue. All parking associated with this office building shall occur on site.

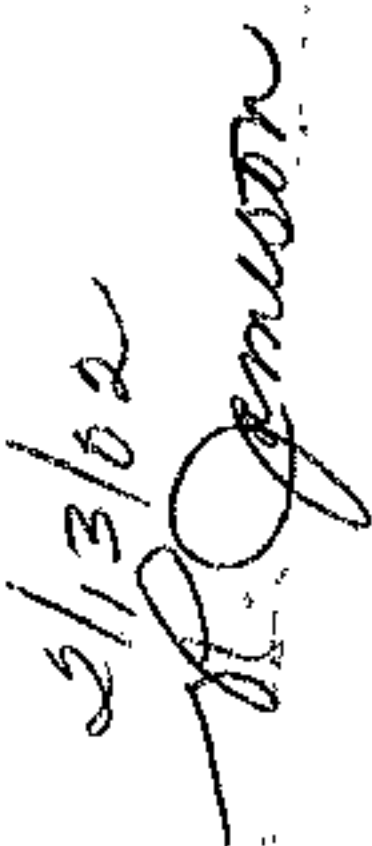
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H. Gammon

2. The Petitioner shall submit a landscape plan to Avery Harden, Landscape Architect for Baltimore County, for his review and approval prior to the issuance of any permits for the construction of the office addition.
3. When applying for a building permit, the site plan/landscape plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

2/13/02


To: Council 2.
ASAP 3/4/02.
- C.R.

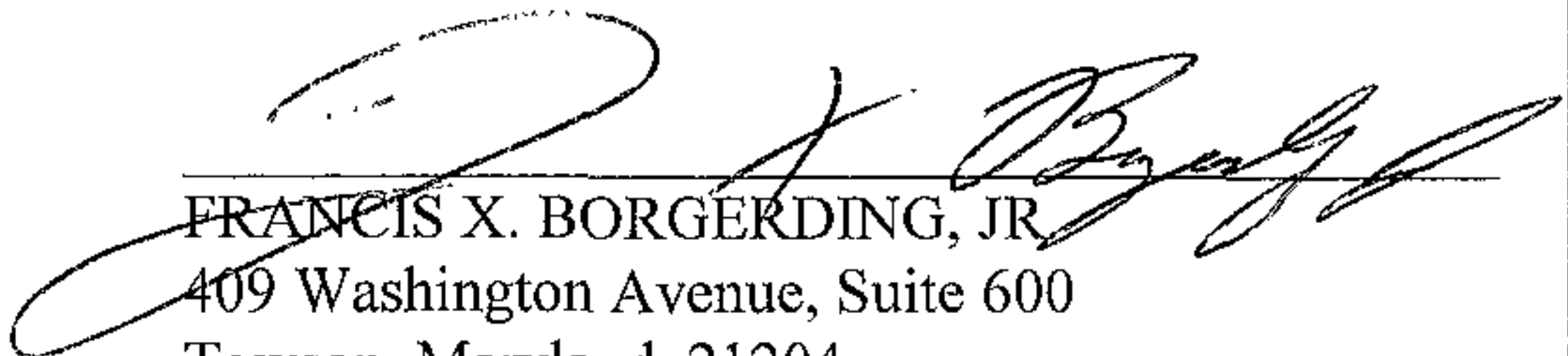
IN RE: PETITION FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE
E/S Belair Road, N of Halbert Avenue * DEPUTY ZONING COMMISSIONER
11th Election District
5th Councilmanic District * OF BALTIMORE COUNTY
(9423 Belair Road)

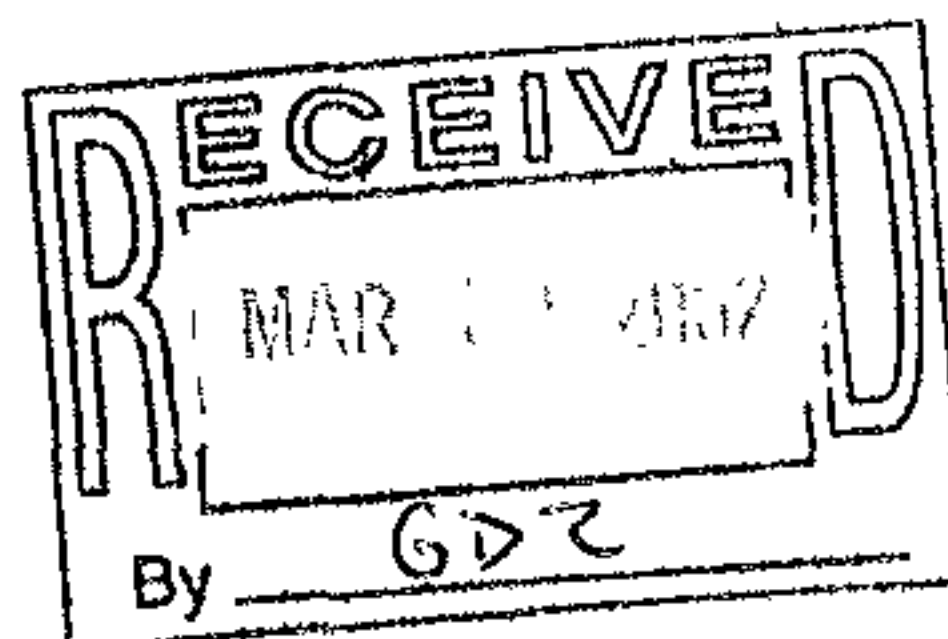
1st Preference Mortgage Corporation, * CASE NO. 02-236-SPHXA
by William Parisi, President
Petitioners *

NOTICE OF APPEAL

Appellants, Greg and Mary Jones, by and through their attorney, Francis X. Borgerding, Jr., hereby note an appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner of Baltimore County rendered on February 13, 2002, and attached hereto and incorporated herein as **Exhibit A**.

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the cost of the appeal.


FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
410-296-6820
ATTORNEY FOR APPELLANTS



IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
1 ST PREFERENCE MORTGAGE CORP.,	*	COUNTY BOARD OF APPEALS
PETITIONER FOR A ZONING SPECIAL		
EXCEPTION, VARIANCES AND	*	OF
HEARING TO AMEND A SITE PLAN		
ON PROPERTY LOCATED ON THE	*	BALTIMORE COUNTY
SIDE OF BELAIR RD AT		
INTERSECTION WITH HALBERT AVE.	*	CASE NO. 02-236-SPHXA
9423 BELAIR ROAD		
11 TH ELECTION DISTRICT	*	
5 TH COUNCILMANIC DISTRICT		

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OPINION

This case comes before the Board on a Petition for Special Exception for a Class B office building in an R.O. zone expanding an existing Class B office building, and thereby requiring a Petition for Special Hearing to amend a previously approved Special Exception and Variances and site plan approved in Zoning Case No. 92-203 XA. A Petition for Variances also was filed requesting a variance from Section 204.4C.3 of the Baltimore County Zoning Regulations (hereinafter cited as the "BCZR") to allow a front yard setback of 10 feet for the expanded portion of the building in lieu of the required front yard setback of 25 feet and a variance from BCZR §204.9C (1) to allow landscape buffers of 10 feet in lieu of the required 20 feet. The subject Property is part of a larger tract of land owned by the Petitioner containing approximately 1.6 acres which was assembled by the Petitioner in 1997. The remaining property is zoned D.R. 3.5 and D.R. 5.5. Virtually identical petitions were filed by Petitioner before this Board along with a reclassification petition in Case No. CR-99-185-XA. In that Case the Special Exception and Variance petitions were declared Moot, for the reclassification petition seeking a reclassification from R-O-A to R.O. was denied.

This case comes before the Board in a very different posture than the previous reclassification case. In this case the Petitioner and the Appellants Gregg Jones and Mary Jones, his wife, have reached an agreement on a statement of facts proffered to the Board and have

entered into a Consent Agreement to be attached to the Opinion. In addition, the parties have waived their rights to public deliberation as otherwise required by law. The parties have requested the Board to incorporate their agreement into the zoning case, and for that reason have not dismissed the appeal.

The Board was made a proffer of facts indicating that the subject property lies at the northeast intersection of Belair Roads and Halbert Avenue. The property subject to the petitions currently is zoned R.O., and is occupied by an office building erected and improved approximately ten (10) years ago. That building was approved by special exception when the property on which it was located also was zoned R.O. in Case No. 92-203XA. At that time variances also were approved for the existing sign on the property as well as for a setback of the existing building from the then proposed right of way of Belair Road of ten (10) feet in lieu of the required twenty-five (25) feet. Variances also were approved from landscaping requirements for the interior of the parking lot and from landscaped buffer requirements of twenty (20) feet to a landscaped buffer of ten (10) feet along Halbert Avenue and the then adjacent residential property.

Since the petitions in Case No. 92-203XA were approved, the Petitioner in this case has acquired the surrounding property thereby allowing an expansion of the existing office building. The building is sought to be expanded in accord with the site plan introduced as Petitioner's Exhibits 1 and 1a showing the elevations and setbacks of the building. The proposed expansion would be in line with the existing building thereby setting up the request for the variance above noted for a setback of ten feet (10') in lieu of the required twenty-five feet (25'). The other

variance sought from the landscape buffer requirements are from Petitioner's own lot lines rather than from any external lot lines. These variances had previously been granted.

Petitioner proffered through its counsel that the property is unique from other properties situated in the area and in the zone as a whole in that the property enjoys a unique relationship to Belair Road. The expansion furthermore is located adjacent not to neighboring properties that may be impacted but to Petitioner's own property. It would not only create a practical difficulty to set the improvement in line with the zoning requirements but also would more severely impact the residential property to the rear and would make the appearance of the existing building, which is part of the land, ungainly and inappropriate. The proposed expansion is otherwise in compliance with the R.O. area requirements.

The landscape buffer variance is from Petitioner's own property, not part of the R.O. zoning located to the side and rear of the site which is the subject of this Petition. The relationship of this site to the surrounding properties is unique in this aspect in that no surrounding property is impacted by the variance requested. In addition, it makes little sense to buffer the existing site from Petitioner's own property.

The Petitioner's counsel also proffered testimony with respect to the special exception and special hearing requests that indicated that the proposed Class B office building expansion would not create any adverse impacts over and above those normally associated with such use at this location as opposed to other locations in the R.O. zone. Belair Road is a heavily traveled roadway, part of the federal highway system. The zoning on Belair Road is mixed but clearly was intended to permit offices at this location. Petitioner's counsel proffered that the petitions, if

granted, would not be injurious to the public health, safety and general welfare and would meet the conditions of BCZR §502.1.

There is no opposition to any of the requests, and the Baltimore County Office of Planning has recommended approval of the requests.

In order to grant a special exception the Board must conduct a review based on the principles of Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981). In that case the Court of Appeals stated:

“...The special exception use is part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to all enumerated uses which the legislature has determined to be permissible absent any facts or circumstances negating the presumption.” 291 Md.1, 11, 432 A.2d at 1319, 1325 (1981).

The court went on to state:

“...Thus, these cases establish that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.” 291 Md. 1, 15, 432 A.2d 1319, 1327 (1981).

The special exception standard, however, is modified somewhat by the variance requests.

In Chester Haven Beach Partnership v. Board of Appeals for Queen Anne's County, 103 Md.

App. 324, 653 A.2d 532 (1995), the Court of Special Appeals stated:

“The policy that establishes certain uses as permitted is predicated upon the satisfaction, not avoidance, of conditions. Conditions the legislative body attaches to the granting of a conditional use normally must be met in accordance with the statute--not avoided. In any event, even if such a procedure would pass muster, if the variance process fails, the entire application fails.” Id. 103 Md. App. 324, 336,

653 A.2d 532, 538 (1995).

Consequently, a review must be made of the variances requested prior to a determination on the special exception and special hearing requests.

The standards for variance review begin with a determination of whether there are any unique features pertaining to the property which create a practical difficulty in compliance with the area requirements of the zoning code. Mastandrea v. North, 361 Md. 107, 760 A.2d 677 (2000); Cromwell v. Ward, 102 Md. App. 691, 710, 651 A.2d 424 (1995

In this case there is uncontested evidence that the property possesses unique characteristics that are not shared by other properties in the area and due to that fact there is a practical difficulty with strict compliance with the zoning regulations. Based on that evidence the Board finds that the variances are warranted and meet the conditions of the cases cited above and recited in McLean v. Soley, 270 Md. 208, 310 A.2d 783 (1973).

Since there are adequate facts from which a finding can be made that the variances requested should be granted, the special exception and the special hearing requests enjoy a presumption of correctness, which also has not been contested. The Board accordingly finds that the presentation of evidence has been sufficient to indicate that the requirements of Section 502.1 of the Baltimore County Zoning Regulations have been met.

ORDER

IT IS, THEREFORE, this 6th day of May, 2002 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception filed by 1st Preference Mortgage

Corporation requesting a Class B office building in an R.O. zone be and the same is hereby **GRANTED**; and it is further

ORDERED that the Special Hearing filed by 1st Preference Mortgage Corporation requesting an amendment to the site plan and order in Case No. 92-203 XA be and the same is hereby **GRANTED**; and it is further

ORDERED that the Variance Petition filed by 1st Preference Mortgage Corporation to permit variances from BCZR Section 204.4C.3 to permit a front yard setback of 10' in lieu of the required front yard setback of 25' and from Section 204.4C.9C (1) to allow landscape buffers of 10' in lieu of the required 20' be and the same is hereby **GRANTED**; and it is further

ORDERED that the granting of the aforesaid petitions is conditioned upon the **Consent Development Agreement**, attached hereto and made a part hereof.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence S. Wescott, Panel Chairman


C. Lynn Barranger

CONSENT DEVELOPMENT AGREEMENT

THIS CONSENT DEVELOPMENT AGREEMENT (the "Agreement") Made this 24th day of April, 2002, by and between 1ST PREFERENCE MORTGAGE CORPORATION, INC., hereinafter referred to as "Owner" and GREGG JONES and MARY JONES, his wife, (hereinafter referred to as "Residents")

WITNESSES,

WHEREAS the parties hereto are parties to a Baltimore County Zoning Administrative Appeal before the County Board of Appeals of Baltimore County in Case No. 02-236-SPHXA; and

WHEREAS the parties have agreed to present the Board an agreed statement of facts that would permit the Owner to go forward with its development project on property it owns known as 9423 Belair Road (the "Property"); and

WHEREAS the Owner has agreed to certain conditions to limit the development and to compensate the Residents for inconvenience arising from the development;

NOW, THEREFORE, in consideration of the premises and the conditions and covenants contained herein the parties agree as follows:

1. Subject to approval by the Baltimore County Landscape Architect and subject to providing adequate site lines from the entrance on Halbert Avenue there shall be a minimum of a ten foot (10') landscaping strip planted with mature shrubs and trees on the Property buffering the Property from Halbert Avenue so as to provide privacy through a hedging effect. The Owner agrees to provide the Residents a copy of the landscaping plan for comment at the time of filing with Baltimore County.
2. The Owner agrees to make best efforts to provide an entrance to the site from Belair Road and has indicated the entrance on the site plan filed with the Special Exception. In the event that subsequent to an Order approving the Special Exception and the filed site plan the Owner becomes unable to provide access to the site from Belair Road, Owner agrees to seek a public Special Hearing to amend the site plan prior to proceeding with the development of the Property.
3. All lighting on the Property shall be directed onto the Property and shielded from reflecting onto Residents' properties across Halbert Avenue.
4. Owner agrees to direct its contractors to park only on its site and not on the street, and to direct its exterior contractors to begin work no earlier than 7 a.m. Monday-Friday with no exterior work on weekends.

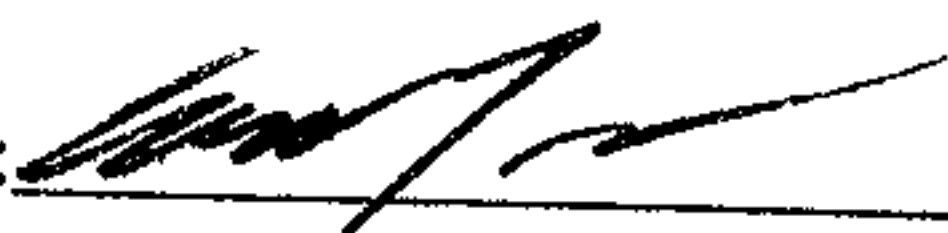
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5. Owner agrees that normal business hours shall be as limited on the site plan from 8 a.m. to 6 p.m. Monday through Friday unless a Special Hearing is sought and granted to expand the normal business hours. Residents agree, however, that loan agents may meet with clients on the Property in the evening and on weekends with the understanding that such use is more limited in scope than normal business usage.
6. Owner agrees to compensate the Residents in the amount of Two Thousand Two Hundred Fifty Dollars (\$2,250.00) to cover the costs of additional landscaping on Residents' property and to cover any cleaning costs caused by dust coming from the proposed construction on Owner's Property. Said funds shall be placed into an escrow account to be held by Residents' Attorney Francis X. Borgerding, to be held by him until the Order from the Board of Appeals issued along with this Agreement becomes final and unappealable at which time the funds shall be disbursed to the Residents.
7. The Owner agrees that the signage on the Property shall be the same or similar to the existing signage on the site.
8. The form and content of the proposed Opinion and Order of the Board of Appeals attached hereto and made a part hereof is acceptable to all parties, and this Agreement shall be attached thereto as Exhibit A.
9. This Agreement contains the full and complete agreement between the parties and may be amended only in writing by them.
10. This Agreement is intended to run with the land and be binding upon the parties hereto and their personal representatives, successors and assigns.

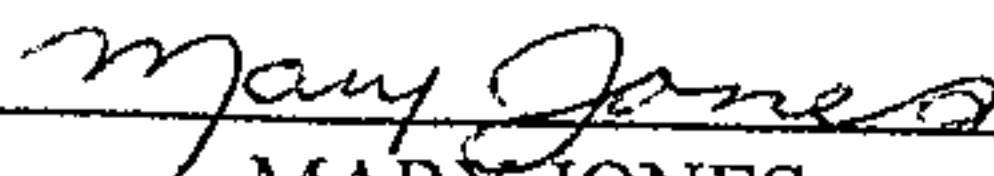
IN WITNESS WHEREOF the parties hereto have set their hands and seals the date and year first above written.

ATTEST:

1ST PREFERENCE MORTGAGE
CORPORATION, INC.

BY:  (SEAL)
WILLIAM PARISI, President

 (SEAL)
GREGG JONES

 (SEAL)
MARY JONES

APPEAL SIGN POSTING REQUEST

CASE NO. 02-236-SPHXA

4/24

1ST PREFERENCE MORTGAGE CORP.
Legal Owners

9423 Belair Road
E/S Belair Road, N of Halbert Avenue

11th Election District

Appealed: 03/13/02

Attachment – (Plat to accompany Petition -
Petitioner's Exhibit No.1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No. 02-236-SPHXA
Petitioner/Developer:
1st. Preference Mort. Corp.

This is to certify that the necessary appeal sign(s) was posted conspicuously on
property located at 9423 Belair Rd.

The sign(s) was posted on 4/1, 2002.

By Gary C. Freund
(Signature of Sign Poster)

GARY C. FREUND
(Printed Name)



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 9423 BELAIR ROAD

which is presently zoned R.O.

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 in an R.O. zone.

(B.C.Z.R. 204.3B.2) *JS*

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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

JOHN B. GONTRUM

Name - Type or Print

Signature

ROMADKA, GONTRUM & MCLAUGHLIN

Company

814 EASTERN BOULEVARD 410-686-8274

Address

BALTIMORE, MARYLAND 21221

Telephone No.

City

State

Zip Code

Legal Owner(s):

FIRST PREFERENCE MORTGAGE CORPORATION

Name - Type or Print

[Signature]
X Signature

WILLIAM PARISI, PRESIDENT

Name - Type or Print

Signature

9309 BELAIR ROAD

410-529-7300

Address

BALTIMORE, MARYLAND 21236

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D. THOMPSON

Date 10/06/01

Case No. 02-236-SPHXA

REU 09/15/98



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9423 BELAIR ROAD

which is presently zoned R.O.

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)

204.4C.3 TO ALLOW A FRONT YARD SETBACK OF 10' IN LIEU OF REQUIRED FRONT YARD AVERAGE OF 25'; FROM SECTION 204.4C.9.c (1) TO ALLOW LANDSCAPE BUFFERS OF 10' IN LIEU OF THE REQUIRED 20'.

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

*extension of existing building and internal lot lines
Per laws to grant variances would result in incompatible building
Other good and sufficient reasons 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

JOHN B. GONTRUM

Name - Type or Print

Signature

ROMADKA, GONTRUM & MCLAUGHLIN

Company

814 EASTERN BOULEVARD 410-686-8274

Address

Telephone No.

BALTIMORE, MARYLAND 21221

City

State

Zip Code

Legal Owner(s):

FIRST PREFERENCE MORTGAGE CORPORATION

Name - Type or Print

Signature

WILLIAM PARISI, PRESIDENT

Name - Type or Print

Signature

9309 BELAIR ROAD 410-529-7300

Address

Telephone No.

BALTIMORE, MARYLAND 21236

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D. THOMPSON

Date 12/06/01

Case No. 02-236-SPHXA

REV 9/15/98



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9423 Belair Rd
which is presently zoned R.O.

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 AMENDMENT TO SITE PLAN AND ORDER IN CASE NO. 92-203-XA

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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

JOHN B. GONTRUM

Name - Type or Print

Signature

ROMADKA, GONTRUM & MCLAUGHLIN

Company

814 EASTERN BOULEVARD 410-686-8274

Address

Telephone No.

BALTIMORE, MARYLAND 21221

City

State

Zip Code

Legal Owner(s):

1st Preference Mortgage Corporation

Name - Type or Print

Signature

WILLIAM PARISI, PRESIDENT

Name - Type or Print

Signature

9309 BELAIR ROAD 41-529-7300

Address

Telephone No.

BALTIMORE, MARYLAND 21236

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D. Thompson Date 12/06/01

Case No. 02-236-SPHXA

220 9/15/98

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/neighbor 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.

For Newspaper Advertising:

Item Number or Case Number: 02-236-SPHXA

Petitioner: 1ST PREFERENCE MORTGAGE CORP.

Address or Location: 9423 BELAIR RD., 21236

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN B. GONTRUM, ESQUIRE

Address: ROMADKA, GONTRUM + McLAUGHLIN
814 EASTERN BLVD., 21221

Telephone Number: 410-686-8274

**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: #02-236-SPHXA
9423 Belair Road
E/S Belair Rd. N of Halbert Ave.
11th Election District
5th Councilmanic District
Legal Owner(s): William Parisi, President

Variance: to allow a front yard setback of 10 feet in lieu of the required front yard average of 25 feet, to allow landscape buffers of 10 feet in lieu of the required 20 feet

Hearing: Tuesday, February 12, 2002 at 9:00 a.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

JT/1/794 Jan 29 C517555

CERTIFICATE OF PUBLICATION

1/31/, 2002

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 1/29/, 2002.

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

S. Williams

LEGAL ADVERTISING

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

4932 HAZELWOOD AVENUE

BALTIMORE, MD 21206

(410) 866-2001

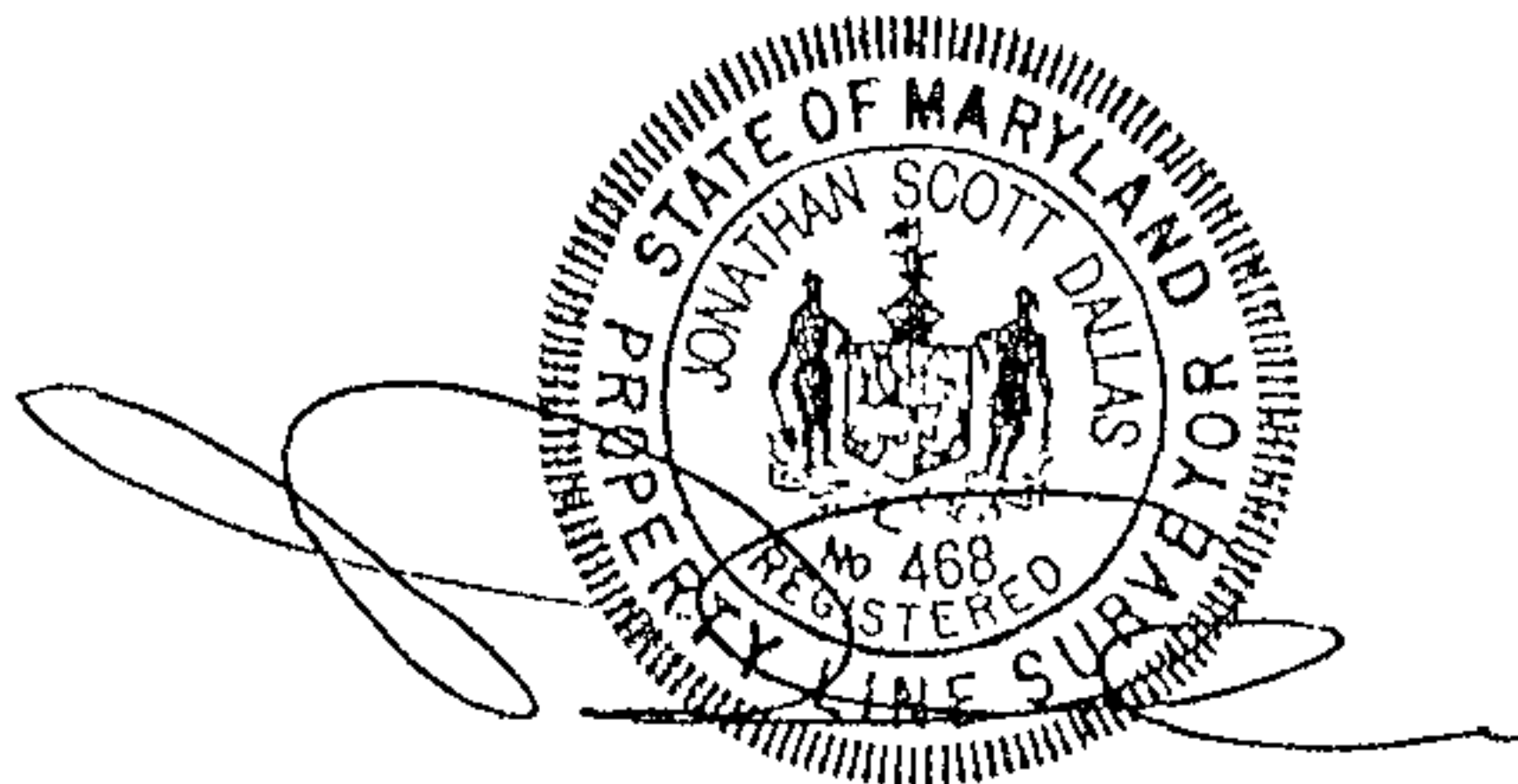
FAX (410) 866-2003

ZONING DESCRIPTION 9423 BELAIR ROAD

BEGINNING at a point on the East side of Belair Road, which is 80 feet wide, at its intersection with the North side of Halbert Avenue, variable width, thence running with and binding on the East side of Belair Road 1) N 49-00'00" E 148 feet, thence leaving said Road and running for lines of zoning description the three following courses and distances: 2) S 42-35'39" E 125.00 feet, 3) S 01-41'11" W 85.86 feet and 4) S 52-27'52" W 69.00 feet to intersect said North side of Halbert Avenue thence running with and binding on said North side of Halbert Avenue, as widened, the five following courses and distances: 5) N 62-45'24" W 123.00 feet, 6) N 38-01'16" E 6.66 feet, 7) northwesterly by a curve to the right with a radius of 202 feet for an arc length of 40.63 feet, 8) N 40-27'15" W 9.70 feet and 8) N 04-32'50" E 25.46 feet to the place of beginning.

CONTAINING 27029 square feet or 0.621 acres, more or less.

ALSO known as 9423 Belair Road and located in the 11th Election District.



1

RE Case No. _____

Petitioner Developer _____

Date of Hearing to show _____

Attention Ms Gwendolyn Stephens & GEORGE ZAHNER

This letter is to certify, under the penalties of perjury that the notices sent as required by law were posted conspicuously on the property located at 4000 E. 1st St. #100 Phoenix, AZ 85016

Month Day, Year

Sincerely,

Signature: _____ Sign: _____ Date: _____

PATRICK M O'KEEFE

(Printed Name)

523 PENNY LANE

{ Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; cell - 410-905-8571

(Telephone Number)

Post-it [®] Fax Note	7671	Date	# of pages ▲
To		From	
Co, Dept		Co	
phone #		Phone #	
Fax #		Fax #	

ZONING NOTICE

CASE # 02-0236 SPXA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE Room 402, County Courts Bldg, 401 Bosley Ave

DATE AND TIME RESCHEDULED FEBRUARY 22-23 @ 9:00 AM

REQUEST VARIANCE TO ALLOW A FRONT YARD
SETBACK OF 10 FEET IN LIEU OF THE REQUIRED FRONT
AND AVERAGE OF 20 FEET, TO ALLOW A LANDSCAPE
BETWEEN 10 FEET AND 20 FEET OF THE REQUIRED 20 FEET
SETBACK REQUIREMENT

ONE WILL NECESSARY

AND MUST ENTER THE HEARING

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # Z C 1

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE
DATE AND TIME
REQUEST
SPECIAL HEARING

70
CASE
A POSSIBLE
TIME
PLACE
DATE AND
REGL
178-2-1
NO. 11741
4011
178-2-1

X (1st Council 2
As AD 3/4/02
Cael

IN RE: PETITION FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE
E/S Belair Road, N of Halbert Avenue * DEPUTY ZONING COMMISSIONER
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * CASE NO. 02-236-SPHXA
(9423 Belair Road)

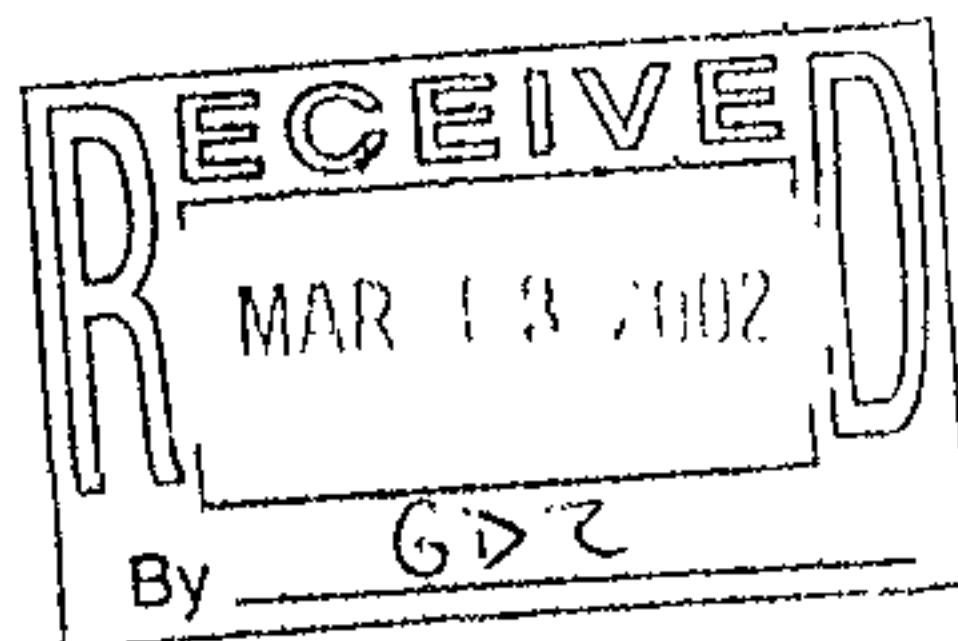
1st Preference Mortgage Corporation,
by William Parisi, President *
Petitioners

NOTICE OF APPEAL

Appellants, Greg and Mary Jones, by and through their attorney, Francis X. Borgerding, Jr., hereby note an appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner of Baltimore County rendered on February 13, 2002, and attached hereto and incorporated herein as **Exhibit A**.

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the cost of the appeal.


FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
410-296-6820
ATTORNEY FOR APPELLANTS



TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 29, 2002 Issue -- Jeffersonian

Please forward billing to:

John B Gontrum, Esquire
Romadka Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore MD 21221

410 686-8274

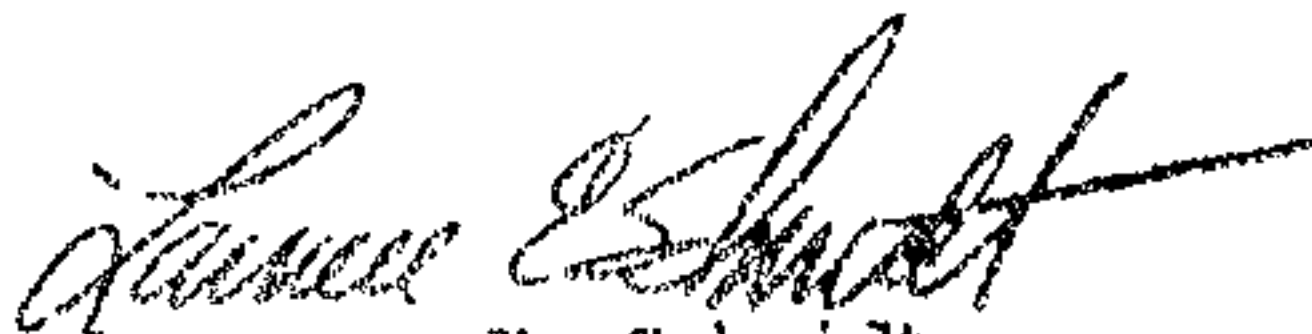
NOTICE OF ZONING HEARING

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: 02-236-SPHXA
9423 Belair Road
E/S Belair Road N of Halbert Avenue
11th Election District -- 5th Councilmanic District
Legal Owner: William Parisi, President

Variance to allow a front yard setback of 10 feet in lieu of the required front yard average of 25 feet; to allow landscape buffers of 10 feet in lieu of the required 20 feet.

HEARING: Tuesday, February 12, 2002 at 9:00 a.m. Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDS
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

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

January 15, 2002

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: 02-236-SPHXA
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HEARING: Tuesday, February 12, 2002 at 9:00 a.m. Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon GDC
Director

C: John B Gontrum, Romadka Gontrum & McLaughlin, 814 Eastern Boulevard,
Baltimore 21221
William Parisi, 1st Preference Mortgage Corp, 9209 Belair Road, Baltimore 21236

- NOTES. (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 28, 2002.
(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



Baltimore County
Department of Permits and
Development Management

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111 West Chesapeake Avenue
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January 15, 2002

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BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 11277

DATE 03-13-02 ACCOUNT 001 006 6150
AMOUNT \$ 635.00

RECEIVED FROM: FRANCIS X BORGERDING JR
APPEAL SPECIAL HEARING, SPECIAL
FOR: EXCEPTION + VARIANCE 02-236-SPHAX
9423 BELAIR ROAD
1ST PREFERENCE MORTGAGE CORP

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
3/14/2002 3/14/2002 09:04:20
REG WS05 CASHIER RECS LRB DRAWER 5
RECEIPT # 25660 CFLN
Per 5 520 ZONING VERIFICATION
CR NO. 011277

Recpt Tot. 635.00
635.00 OK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION



Baltimore County
Department of Permits and
Development Management

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

February 8, 2002

John B Gontrum
Romadka Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore MD 21221

Dear Mr. Gontrum:

RE: Case Number: 02-236-SPHXA, 9423 Belair Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 06, 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. GDT
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: 1st Preference Mortgage Corporation, William Parisi, President,
9309 Belair Road, Baltimore 21236
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** January 24, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For January 7, 2002
Item No. 236

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

The comments from a prior zoning case (No. CR99-185-XA) for this site, remain the same. Halbert Avenue is an existing road which shall ultimately be improved as a 30-foot street cross section on a 40-foot right-of-way.

The developer's responsibilities along the existing road frontage of the subdivision to include the construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County standards.

The entrance locations are subject to approval by the Bureau.

Entrances shall be a minimum of 24 feet and a maximum of 35 feet wide, shall have 10-foot minimum radii curb returns, shall be located a minimum of 15 feet from any property line, and shall be constructed in accordance with Baltimore County standards as the developer's total responsibility.

The proposed access should be moved approximately 40 feet further away from Belair Road.

RWB:HJO:jrb

Attachment

cc: File

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
5423 Belair Road, E/S Belair Rd, N of Halbert Ave
11th Election District, 5th Councilmanic

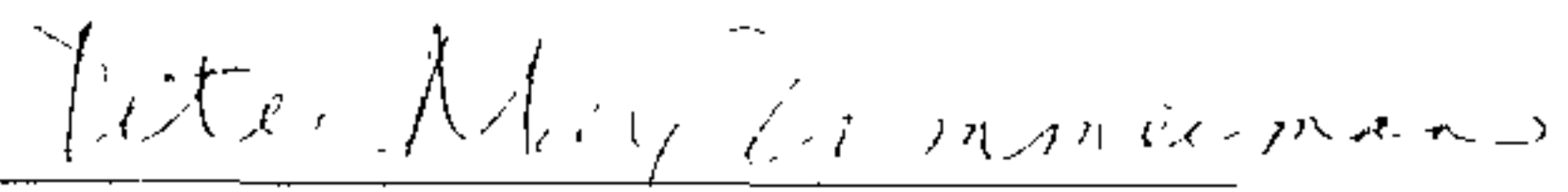
Legal Owner: 1st Preference Mortgage Corp.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-236-SPHXA

* * * * *

ENTRY OF APPEARANCE

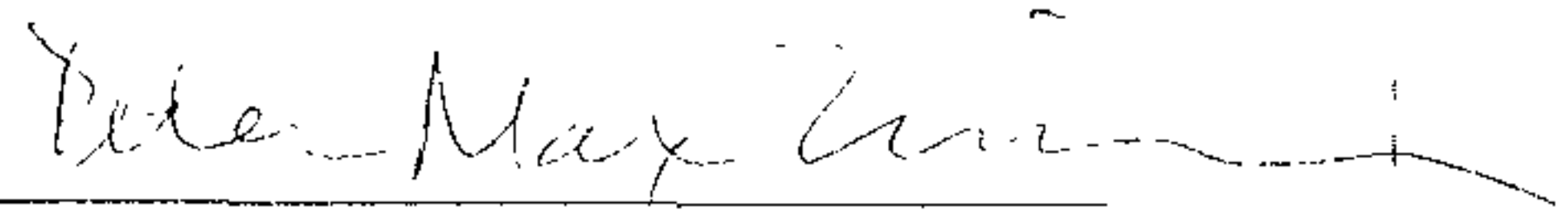
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation 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 23rd day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esq., Romadka, Gontrum & McLaughlin, 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

Jim
2/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 7, 2002

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

SUBJECT: 9423 Belair Road

JAW

INFORMATION:

Item Number: 02-236

Petitioner: 1st Preference Mortgage Corporation

Zoning: R.O.

Requested Action: Special Hearing/Special Exception/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request for a special exception to allow an addition to a Class B office building in an RO zone. This office also supports the request to allow a front yard setback of 10 feet in lieu of the required front yard of 25 feet, and a landscape buffer of 10 feet in lieu of the required 20 feet.

A landscape plan should be submitted to the Office of Planning for review and approval prior to the issuance of any building permits.

Prepared by:

Mark A. Cunniff

Section Chief:

Jeffrey M. Long

AFK:MAC:



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: January 4, 2002

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 236 (DT)
9423 Belair Road

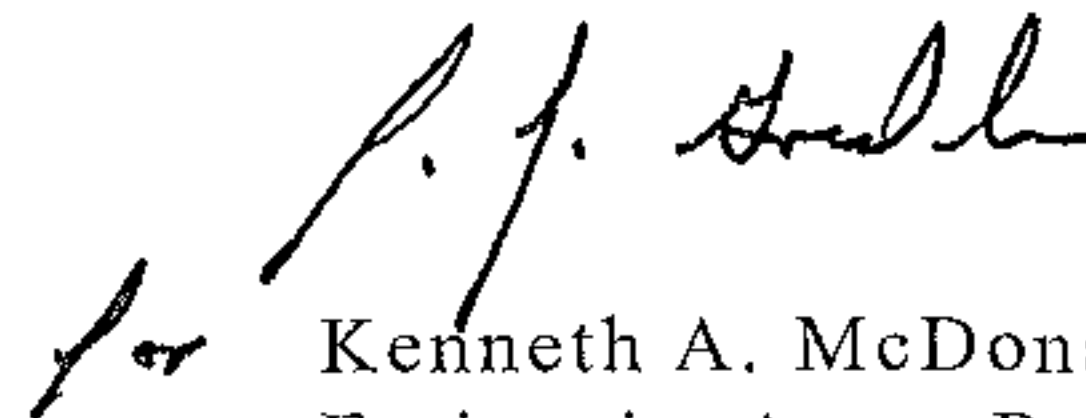
Dear Mr. George Zahner:

This office has reviewed the referenced item and we have no objection to approval of the Variance.

However we will not permit the proposed entrance on to US Route 1.

Should any additional information be required please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,



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

CC: Mr. Robert W. Boling, P.E.

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



Baltimore County
Fire Department

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

January 4, 2002

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: SEE BELOW

Location: DISTRIBUTION MEETING OF December 31, 2001

Item No.: See Below

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234,
235, 236, 237, 238, 239, and 240

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

cc: File

Come visit the County's Website at www.co.ba.md.us



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

March 4, 2002

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 336 (JJS)
US 1 @ I-95

Dear Mr. Zahner:

We have reviewed the referenced plan and have no objection to the Special Exception.

However, we will require the owner/developer to obtain an access permit from our office and as a minimum the following will be required:

- A traffic impact analysis. The final design for any required roadway improvements will be determined following the review and approval of the traffic impact analysis.

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

Very truly yours,

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

CC: Robert W. Bowling, P.E.

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



Baltimore County
Zoning Commissioner

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

February 13, 2002

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

Re: Petitions for Special Hearing, Special Exception & Variance
Case No. 02-236-SPHXA
Property: 9423 Belair Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case. The Petitions for Special Hearing, Special Exception and Variance have been granted in accordance with the enclosed 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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



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

February 8, 2002

John B Gontrum
Romadka Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore MD 21221

Dear Mr. Gontrum:

RE: Case Number: 02-236-SPHXA, 9423 Belair Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 06, 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,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

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

WCR: gdz

Enclosures

c: 1st Preference Mortgage Corporation, William Parisi, President,
9309 Belair Road, Baltimore 21236
People's Counsel

Come visit the County's Website at www.co.ba.md.us





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

May 6, 2002

Francis X. Borgerding, Jr., Esquire
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: 1st Preference Mortgage Corporation*
Case No. 02-236-SPHXA

Dear Mr. Borgerding:

Enclosed please find a copy of the final Opinion and Order issued this date in the subject matter by the County Board of Appeals of Baltimore County, with a copy of the Consent Development Agreement attached thereto.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Greg and Mary Jones
John B. Gontrum, Esquire
William Parisi / 1st Preference Mortgage Corp.
Office of People's Counsel
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director /PDM



ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

April 10, 2002

* Also Admitted In the District of Columbia

Ms. Kathleen Bianco, Administrator
County Board of Appeals of Baltimore County
401 Washington Avenue
Room 49
Towson, Maryland 21204

Re: 1st Preference Mortgage Corp.
Case No. 02-236 SPHXA

Dear Ms. Bianco:

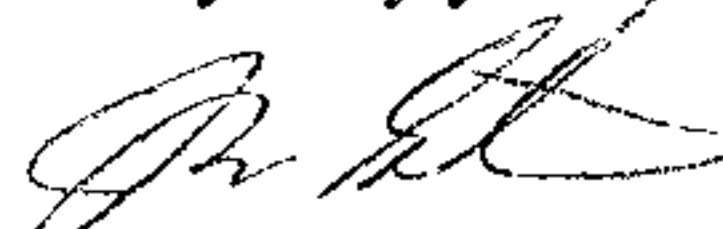
Our office represents the Appellee and Petitioner 1st Preference Mortgage Corporation, and we do intend to pursue the Petitions for Special Exception, Special Hearing and Variance before the County Board of Appeals of Baltimore County.

On behalf of our client we would like to request an expedited hearing on this matter. Several years ago our client was the petitioner in a reclassification, special exception and variance case before the Board in Case No. 99-185-XA. The petition to reclassify the property was denied, but subsequently, the property was reclassified in the comprehensive zoning map process. Our special exception and variance requests are virtually identical to those raised at that previous hearing. It would be my estimate that this case would take no more than a single day to try and probably much less.

Our client is in desperate need of an expanded office. Currently, the business is located in two separate offices within a couple of blocks of each other on Belair Road. Unless and until this issue is determined, it will have no choice but to look elsewhere probably outside of Baltimore County for new quarters instead of using property it already owns here. This could well impact the jobs of the employees of this rapidly growing business.

Thank you for your consideration.

Very truly yours,



John B. Gontrum

SPH – To amend site plan approved in 92-203-XA

SE – To approve Class B office building in R.O. zone

VAR – To allow front yard setback of 10' in lieu of required front yard
average of 25' and to allow landscape buffers of 10' in lieu of required
20'.

2/12/02 - DZ.C.'s decision in which requested relief was GRANTED
subject to restrictions.

4/11/02 – Letter from John Gontrum, Esquire, counsel for Petitioner; requesting expedited hearing in this matter;
property was reclassified in the CZMP; requested relief was granted by ZC; operation of business could be
impacted by delay.

-- To be assigned to date of 4/24/02 at 9 a.m. per agreement of Mr. Gontrum and Mr. Borgerding; to
submit proffer as to facts, agreement as to restrictions /conditions, and proposed Order.

Notice of Assignment sent to following; scheduled for hearing on Wednesday, April 24, 2002 at 9 a.m.:

Francis X. Borgerding, Jr., Esquire
Greg and Mary Jones
John B. Gontrum, Esquire
William Parisi /1st Preference Mortgage Corp.
Office of People's Counsel
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director /PDM

4/19/02 – Letter from People's Counsel w/attached copy of Board's decision in prior CR-99-185-XA with
comments.

4/24/02 – Hearing before the Board (Wescott and Barranger by agreement of Counsel to two members only);
agreement reached between parties; facts proffered by counsel; proposed order submitted; unanimous
decision of Board from the bench that special hearing, special exception and variance requests are granted ,
subject to terms and conditions of agreement between parties. Order to be issued by the Board granting
same, upon receipt of executed agreement between parties, which will be attached to the Order of the Board
when issued.

4/29/02 – Received Consent Development Agreement dated 4/24/02 between 1st Preference and Gregg and Mary
Jones. To be attached to Board's Opinion and Order and Opinion/Order to be issued.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 13th day of March, 2002, a copy of the foregoing was mailed, postage prepaid to:

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21221

People's Counsel for Baltimore County
Old Court House, Room 47
400 Washington Avenue
Towson, Maryland 21204

County Board of Appeals for
Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204


FRANCIS X. BORGERDING, JR.



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

March 18, 2002

Mr. John B. Gontrum
Romadka Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore MD 21221

Dear Mr. Gontrum:

RE: Case No. 02-236-SPHXA, 9423 Belair Road

Please be advised that Francis X. Borgerding, Jr. filed an appeal of the above-referenced case in this office on March 13, 2002 on behalf of Greg and Mary Jones. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

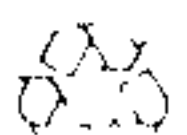
Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon GDZ
Director

AJ: gdz

c: 1st Preference Mortgage Corporation, William Parisi, President, 9309 Belair Road, Baltimore 21236
Francis X Borgerding, Jr, 409 Washington Avenue, Suite 600, Towson 21204
People's Counsel





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

March 18, 2002

Mr. John B. Gontrum
Romadka Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore MD 21221

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RE: Case No. 02-236-SPHXA, 9423 Belair Road

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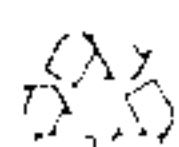
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Francis X Borgerding, Jr, 409 Washington Avenue, Suite 600, Towson 21204
People's Counsel



BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: July 9, 2002

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton *TRS*
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following cases have been finalized and the Board of Appeals is closing the copy of the appeal case files and returning the file and exhibits (if applicable) attached herewith.

<u>BOARD OF APPEALS CASE NUMBER</u>	<u>PDM FILE NUMBER</u>	<u>NAME</u>	<u>LOCATION</u>
R-01-439	<i>R-01-439 Cycle I</i>	7-ELEVEN	BOWLEYS QUARTER
R-01-455	<i>R-01-455 Cycle I</i>	MICHAEL JAMES LYNCH	SWEET AIR ROAD
CR-02-154-A	<i>CR-02-154-A CYCLE II, 2001/2002 ITEM #2</i>	BETTY KREUZBURG	8919 REISTERSTOWN ROAD
CBA-02-110	<i>CIVIL CITATION 01-1870</i>	WAL-MART REAL ESTATE	2399 NORTH POINT BLVD.
02-223	<i>02-223</i>	NANCY WEHR NIERMANN	1210 BERWICK ROAD
02-236-SPHXA	<i>02-236-SPHXA</i>	1 ST PREFERENCE MORTGAGE	9423 BELIAR ROAD
94-227-SPHA 94-228-SPHA	<i>94-227-SPHA 94-228-SPHA</i>	GEORGE SEARS	22 CLYDE AVENUE
01-96-SPH	<i>01-96-SPH</i>	LORRAINE AND DANIEL NARANGO	2635 MEREDITH ROAD
CBA-92-204	<i>WESBURY SECTION 8 CRG DECISION</i>	WESTBURY SECTION 8	TARRAGON ROAD NW OF CARAWAY ROAD
01-156-A	<i>01-156-A</i>	STEFANIA MALKOWSKI	401 ARMSTRONG ROAD
01-469-A	<i>01-469-A</i>	ANGELA AND THOMAS NEIMILLER	19 WAGON WHEEL COURT

Attachment: SUBJECT FILE(S) ATTACHED

Case Number 02-236-SPHA

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Gregg + Mary Jones	4001 Halbert Ave	Baltimore, MD	21236

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

02-236-S1

NAME _____

ADDRESS

~~Sam~~
J. Scott Dallas
W. PAUL SMITH
JANE GRIFFIN

9309 Belair Rd. Balb. Md 212
13523 Long Green Pike ^{BALOW} 2101
1559 DELLSWAY RD Towson,
9429 Belair Rd Perry Hall ²¹²
212



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