

IN RE: PETITION FOR VARIANCE
S/E Corner of York Road
and Haddington Road
8th Election District
3rd Councilmanic District
(1623 York Road)

Hillstead Development, Inc., *Legal Owner*
and Mark M. Ramina, *Contract Purchaser*
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-415-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Hillstead Development, Inc. and the contract purchaser, Mark M. Ramina. The Petitioner is requesting a variance for property located at 1623 York Road. The subject property is zoned R.O. The variance request is to allow 6 parking spaces in lieu of the required 11 spaces and to allow employee parking spaces with no direct access to an aisle and to approve a modified parking plan.

Appearing at the hearing on behalf of the variance request were Lawrence Thanner, Jr., representing the owner of the property, Mark Ramina, the contract purchaser and David Billingsley, the professional engineer who prepared the site plan of the property. Appearing as interested citizens in the matter were John Austin and DeLinda Petrucci, representing the York Manor Improvement Association. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.198 acres, zoned R.O. The property is located on the southeast corner of the intersection of York Road and Haddington Road in Lutherville. The property is improved with an existing building which was previously used as a residence. However, the property is currently zoned R.O. and Mr. Ramina, a CPA by trade, is interested in locating his office therein.

Mr. Ramina's office is currently located at Joppa Road. He is interested in renovating the subject building and proposes to make substantial improvements to same. In addition to the improvements to the building, Mr. Ramina also proposes additional parking area as depicted on Petitioner's Exhibit No. 1, the site plan submitted. Furthermore, he is hopeful of continuing to utilize the existing driveway for employee parking.

As stated previously, Mr. John Austin and DeLinda Petrucci appeared at the hearing on behalf of the York Manor Improvement Association. The representatives of this association support Mr. Ramina in his proposal to renovate the home and his utilization of the structure for his CPA office. Mr. Ramina has met with this community association on several previous occasions. Therefore, the association supports Mr. Ramina subject to conditions and restrictions which shall be imposed at the end of this Order.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which

is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the Baltimore County Zoning Regulations.

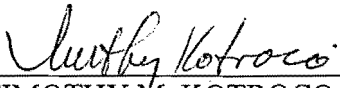
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 19th day of May, 2003, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 409.6A.2 of the Baltimore County Zoning Regulations, to allow 6 parking spaces in lieu of the required 11 spaces and to allow employee parking spaces with no direct access to an aisle and to approve a modified parking plan, be and is hereby APPROVED, subject, however, to the following conditions and restrictions:

1. The Petitioner shall be required to submit a landscaping and lighting plan to Avery Harden, Landscape Architect for Baltimore County, for review and approval prior to the issuance of permits for this property.
2. There shall be no employee or customer parking associated with the Petitioner's business on Haddington Road.
3. The Petitioner shall be required to submit a list of building materials to the Office of Planning for their review and approval regarding the exterior renovations proposed to be made to the structure. Furthermore, the Petitioner shall be required to submit a detail of any signage proposed for his business at this location. Said signage shall be permitted to be illuminated.

IT IS FURTHER ORDERED, that the modified parking plan as presented on Petitioner's Exhibit No. 1 shall be APPROVED. Furthermore, the Petitioner shall be permitted to continue to leave the existing driveway in its current condition. It is not necessary that the existing driveway be closed where it intersects Haddington Road.

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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1623 YORK ROAD PM2
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) 409.6A.2. TO ALLOW 6 PARKING SPACES INSTEAD OF THE REQUIRED 11 SPACES AND SECTION 409.4B.2. TO ALLOW EMPLOYEE PARKING SPACES WITH NO DIRECT ACCESS TO AN AISLE AND SECTION 409.12 TO APPROVE A MODIFIED PARKING PLAN.

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

SEE ATTACHED BRIEF

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:

MARK M. RAMINA

Name - Type or Print

Signature

521 E. JOPPA ROAD (410) 321-4537

Address

Telephone No.

TOWSON

MD.

21286

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

HILLSTEAD DEVELOPMENT, INC.

Name - Type or Print

Signature

Lawrence J. Tharner, Jr., PRES

Name - Type or Print

Signature

P.O. BOX 4127

Address

Telephone No.

LUTHERVILLE

MD.

21094

State

Zip Code

Representative to be Contacted:

DAVID W. BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARWOOD COURT (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

City

State

Zip Code

OFFICE USE ONLY

Case No. 03-415-A

ESTIMATED LENGTH OF HEARING _____

--- UNAVAILABLE FOR HEARING

Reviewed By SM

Date

0307-03

BRIEF TO ACCOMPANY PETITION FOR ZONING VARIANCE

1623 YORK ROAD

The petitioner / contract purchaser is a Certified Public Accountant. He presently leases office space at 521 East Joppa Road and would like to purchase the referenced property to relocate his business.

The property contains 8,638 square feet and is improved with a two (2) story building which had been utilized as a residence / photographic studio until approximately two years ago. Since that time, the building has been vacant and become somewhat of an eyesore for the adjoining community.

Access to any parking area for the proposed use must be gained from Haddington Road because an entrance from York Road is impractical due to it's proximity to the intersection and the volume of traffic traveling along York Road.

Due to the size of the property and the location of the existing structure, a limited amount of space is available to provide the number of off-street parking spaces and direct access to an aisle required by the regulations.

03-45-A



Baltimore County
Department of Permits and
Development Management

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

May 9, 2003

Hillstead Development, Inc.
Lawrence J. Thanner, Jr. President
P.O. Box 4127
Lutherville MD 21094

Dear Mr. Thanner:

RE: Case Number: 03-415-A, 1623 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 7, 2003.

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 dark ink, appearing to read "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c: Mark M. Ramina 521 E. Joppa Road Towson, MD 21286
David W. Billingsley, Central Drafting & Design, Inc. 601 Charwood Ct. Edgewood Md. 21040
People's Council



Lrd
5/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 28, 2003

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

RECEIVED

APR 30 2003

ZONING COMMISSIONER

SUBJECT: 1623 York Road

INFORMATION:

Item Number: 03-415

Petitioner: Mark Ramina

Zoning: RO

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided sign elevations and a detailed landscaping plan are submitted to this office for review and approval prior to the issuance of any building permits.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by:

Mark A. Campbell

Section Chief:
AFK/LL:MAC:

[Signature]



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary
Noel J. Pedersen, Acting Administrator

Maryland Department of Transportation

Date: 3-25-03

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

RE: Baltimore County
Item No. 415 JRA

Dear Mr. Zahner:

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).

Very truly yours,

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

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410-545-0300 • www.marylandroads.com



Baltimore County
Fire Department

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

County Office Building, Room 111
Exit Stop #1105
1 West Chesapeake Avenue
Towson, Maryland 21204

March 26, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 24, 2003

Room No.: 407-418, 420-430

For Ms. Hart:

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

The Fire Marshal's Office has no comments at this time.

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

File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 28, 2003

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

SUBJECT: 1623 York Road

INFORMATION:

Item Number: 03-415

Petitioner: Mark Ramina

Zoning: RO

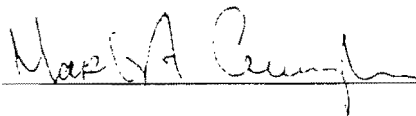
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

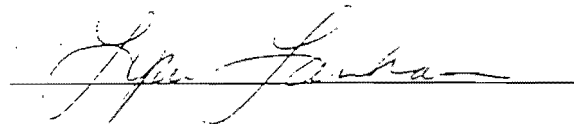
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For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by:



Section Chief:
AFK/LL:MAC:



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 31, 2003
Item No. 415

DATE: April 15, 2003

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

The proposed access, as shown off Haddington Road, is not acceptable. The access should be moved over to line up with existing access.

RWB:CEN:jrb

cc: File

Robert E. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

March 25, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 03/31/03 re: case numbers 03-407-SPH, 03-408-SPH, 03-409-A, 03-410-A, 03-411-A, 03-412-A, 03-413-A, 03-414-SPH, 03-415-A, 03-416-SPH, 03-417-SPH, 03-418-SPH, 03-419-SPHX, 03-420-A, 03-421-A, 03-422-A, 03-423-A, 03-424-SPH, 03-425-SPH, 03-426-SPH, 03-427-A, 03-428-SPHAHSA, 03-429-A, 03-430-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 03/25/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4530 or the above noted reviewer if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'James R. Gatto'.

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 28, 2003

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

SUBJECT: 1623 York Road

INFORMATION:

Item Number: 03-415

Petitioner: Mark Ramina

Zoning: RO

Requested Action: Variance

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For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by: Marla A. Cump

Section Chief: [Signature]
AFK/LL:MAC:

RE: PETITION FOR VARIANCE * BEFORE THE
1623 York Road; SE corner York & Haddington *
8th Election & 3rd Councilmanic Districts * ZONING COMMISSIONER
Legal Owner(s): Lawrence J Thanner, Pres., *
Hillstead Development, Inc.* FOR
Contract Purchaser(s): Mark M Ramina *
Petitioner(s) * BALTIMORE COUNTY
* 03-415-A

COPY

* * * * *

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

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 28th day of March, 2003, a copy of the foregoing Entry of Appearance was mailed to, David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

RECEIVED

MAR 28 2003

Per....*lh*.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County