PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING, AND VARIANCE 14346 Jarrettsville Pike W/S Jarrettsville Pike, N of Papermill Road	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	
10th Election District 3rd Councilmanic District	*	Case No.: 03-511-SPHXA
Walter Ratterman, Legal Owner Gaylord Brooks Realty Co., Inc., Contract Purchaser	*	
	*	
	*	

* *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner of Baltimore County for consideration of Petitions for Special Exception, Special Hearing, and Variance filed by Walter Ratterman, legal owner of the subject property, and Gaylord Brooks Realty Co., Inc., contract purchaser ("Petitioner"), through attorney Robert A. Hoffman, Esquire. The subject property is located at 14346 Jarrettsville Pike in Jacksonville. Specifically, Petitioner has filed a Petition for Special Exception, pursuant to B.C.Z.R. Section 204.3.B.2, for approval of a Class B office building and for approval, pursuant to B.C.Z.R. Sections 259.3.B.3 and 259.3.C.1.c, of a maximum building height of 35 feet in lieu of the 30 feet permitted in the CR district. Petitioner has filed a Petition for Special Hearing to confirm that the special hearing and variance relief granted in Case No. 99-173-SPHXA may be utilized in conjunction with the proposed Class B office building and to modify/eliminate Restriction No. 2 from the Order in that case. Lastly, Petitioner has filed a Petition for Variance requesting the following variances: (1) variance to permit a maximum front yard setback of

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By

80 feet in lieu of the 62 feet (average) front yard setback required by B.C.Z.R. Section 259.3.C.2.a; (2) variance to permit a 0 foot rear yard setback between the existing church structure and the existing cemetery use in lieu of the 15 feet required by B.C.Z.R. Section 259.3.C.2.b and the 30 feet required by B.C.Z.R. Section 204.4.C.5; (3) variance from the requirement of B.C.Z.R. Section 204.4.C.9.a to provide an opaque fence, wall, or berm to screen a parking lot abutting a residential zone; (4) variance from B.C.Z.R. Section 204.4.C.9.c.1 to permit a 12 foot landscape buffer along a property line abutting a residential zone in lieu of the required 20 foot landscape buffer.

Appearing at the requisite public hearing in support of the petitions were Steve Smith, President of Gaylord Brooks Realty Co., Inc.; John Trueschler, registered landscape architect, whose firm Site Resources, Inc. prepared the site plan filed in this case; Pamela Wright, licensed architect with Rubeling & Associates; and Patricia Malone, Esquire, attorney for Petitioner. The hearing was also attended by Nancy Jones, a reporter for *The County Chronicle.* There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence revealed that the subject property is an approximately 1.91 acre lot zoned RO-CR and RC-5. The property is located on the west side of Jarrettsville Pike just above the "Four Corners" intersection of Paper Mill Road and Sweet Air Road in Jacksonville. The site is improved with an existing church building that dates back to 1888. An existing cemetery is located directly behind the church. In approximately 1998, the cemetery was placed on the Maryland Historical Trust's Inventory of Historic Properties as MHT No. BA 2872 and identified as Cemetery of First Evangelical and Reformed Church.

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As shown on the site plan introduced as Petitioner's Exhibit 1, Petitioner proposes to restore and reuse the existing church building and construct an addition on the north side of the church for use as a Class B office building with a total square footage of 8,791 square feet. The proposed office building and associated site improvements, *i.e.*, parking lot, driveway, and septic reserve area, are located on the front portion of the site in the RO-CR zone. Only the well is proposed to be located on the rear portion of the property, which is zoned RC-5. I have reviewed the well location, and I am convinced by the testimony and evidence that the well location, as shown on the site plan, is appropriate. The well is located on the same lot as the proposed office building, is subordinate and incidental to, and serves the office building. No relief, therefore, is required in this regard. I note that the cemetery will not be impacted by the proposed construction. Petitioner proposes to provide access to the cemetery in the form of a sidewalk. In response to the Zoning Advisory Comment from the Maryland State Highway Administration (SHA), Petitioner introduced as Petitioner's Exhibit 2 a revised site plan showing road improvements and site changes as requested by SHA. On the revised site plan, the entrance into the site is shifted to the southern end of the site. On behalf of Petitioner, Mr. Smith indicated that he is still in the process of working out the details with SHA, but that the improvements will be substantially in accordance with those shown on Petitioner's Exhibit 2.

The undersigned Zoning Commissioner considered a similar proposal for this site in a prior case. In 1999, the legal owner proposed to convert the church building into a Class B office building with a 100 square foot addition. Specifically, in Case No. 99-173-SPHXA, the legal owner requested a special exception to permit the conversion of the church building to a Class B office building; special hearing relief relating to the nonconforming

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nature of the existing cemetery and also for confirmation that the CR district regulations did not apply to the existing improved site; and variance relief from certain sections of the bulk regulations applicable to the RO zone. By my opinion and Order, dated January 8, 1999, I granted all of the relief necessary to approve the proposal.

The Order issued at that time did not establish a date by which the special exception use needed to be utilized. In such a circumstance, special exception relief expires after two years, pursuant to Section 502.3 of the B.C.Z.R., unless construction has commenced during the authorized two year period. In that there has been no construction, the special exception approval granted in the prior case has lapsed and is no longer valid. Petitioner has now come forward with a similar proposal for the conversion of the church building into a Class B office building and the construction of a larger addition to the church than proposed in 1999. Because the special exception has lapsed, Petitioner has filed the instant Petition for Special Exception. Petitioner has also requested a determination that the special hearing and variance relief granted in Case No. 99-173-SPHXA have not expired and that this relief may be utilized in conjunction with the proposed Class B office building as shown on Petitioner's Exhibits 1 and 2. In the event that I determine that the special hearing and variance relief may not be so utilized, Petitioner has also requested approval of a series of variances from the RO and CR bulk regulations.

Unlike special exception relief, there is no language within the B.C.Z.R. indicating that variance or special hearing relief lapses or expires if not utilized. The undersigned is aware of no case law or other authority to that effect. Under the circumstances, to the extent the variance relief has not changed from what was requested and granted in 1999, the Petition for Variance filed in the instant case is unnecessary and will, therefore, be dismissed

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as moot. To the extent that the variance relief is different from the prior case due to the revised layout of the building, variance relief is needed and will be considered as an amendment to the prior relief. In making this determination, I intend that the entirety of my prior opinion and Order be incorporated into this decision with the exception of Restriction No. 2, which I find no longer applicable in light of the new site plan and the Zoning Advisory Committee comment from the Office of Planning dated June 13, 2003.

With respect to the special hearing relief, the relief granted in 1999 pertaining to the continued use of the cemetery remains in effect. However, because the proposal has changed, not in terms of use but in layout, I will reconsider whether or not the exemption provision of B.C.Z.R. Section 259.3.F applies to this project. Section 259.3.F provides that buildings or structures in existence as of the date the CR district regulations were passed (July 5, 1988) would not be subject to those regulations. In the prior case, I ruled that compliance with the CR district regulations would not be appropriate in view of the existing use of the site and the fact that the building, which dates back to 1888, would be restored and not razed. However, while the use is the same, the proposed addition to the church is significantly larger than what was proposed in 1999. Therefore, I find the exemption contained in Section 259.3.F does not apply under these circumstances, and Petitioner will be required to comply with the CR district regulations.

Based upon the testimony and evidence offered, I am persuaded to grant the relief necessary to permit the proposed use of the property. With respect to the Petition for Special Exception for a Class B office building, I have reviewed the criteria stated in B.C.Z.R. Section 502.1, and I find that the proposal satisfies each of the criteria outlined in that section. In granting this relief, I am mindful that I previously granted a special

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Date 6/27/03
By

exception for this use on this property. While the size and layout of the building have changed somewhat from what was originally approved in 1999, the proposed use remains the same, which is the focus of the inquiry under Section 502.1. From the evidence presented, I find that there will be no adverse impact resulting from the use and that the other special exception criteria are satisfied.

Petitioner also produced as Petitioner's Exhibit 4 a copy of a letter signed by Timothy Kotroco, Director of the Department of Permits and Development Management, confirming that the project is entitled to an (a)(2) limited exemption under Section 26-171 of the Baltimore County Code. This letter confirms that the project is exempt from compliance with the development plan review and approval process. I find that the requirements of B.C.Z.R. Sections 204.3.B and 259.3.D are, therefore, met.

I also find that the additional requirements for the granting of a special exception in a CR district, contained in B.C.Z.R. Section 259.3.E, have been satisfied in this case, including demonstrating the need for the proposed development; that the existing site conditions have been taken into account; that architecturally or historically significant buildings are preserved and integrated into the site plan; that scenic views are preserved; and that the proposed use will not have a detrimental impact on the surrounding locale.

Further, in accordance with B.C.Z.R. Section 259.3.C.8 and Section 26-282 of the Baltimore County Code, Petitioner's architect, Pamela Wright, has prepared and submitted as Petitioner's Exhibit 5 a Compatibility Report for the proposed project. This report has been submitted to and reviewed by the Office of Planning, and, as indicated in its comment of June 13, 2003, the Office of Planning has recommended approval of the project.

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Petitioner has also requested approval of a maximum building height of 35 feet in lieu of the 30 feet permitted in the CR district. B.C.Z.R. Section 259.3.B.3 specifies that this type of relief is to be granted through special exception procedures. The evidence and testimony demonstrates that a maximum height of 35 feet would be appropriate for this site. In making this determination, I have considered the Compatibility Report (Petitioner's Exhibit 5), photographs of the site (Petitioner's Exhibit 6), and a rendering of the proposed office building (Petitioner's Exhibit 7). I find that the scale and height of the proposed addition is appropriate, and the special exception should be approved.

Lastly, several variances were requested. As indicated above, I find that, to the extent modifications to previously granted variances are necessary due to the application of the CR district, those modifications should be approved, and the variances should be granted in accordance with B.C.Z.R. Section 307.1. As with the prior case, I find that this site presents unique circumstances, which result in practical difficulty for Petitioner in complying with the strict requirements of the B.C.Z.R. Therefore, I will approve the following variances as modifications to the prior granted relief: variance to permit a maximum front yard setback of 80 feet in lieu of the 62 feet (average) front yard setback required by B.C.Z.R. Section 259.3.C.2.a; and variance to permit a 0 foot rear yard setback between the existing church structure and the existing cemetery use in lieu of the 15 feet required by B.C.Z.R. Section 259.3.C.2.b.

With respect to the variance, pursuant to B.C.Z.R. Section 204.4.C.9.a, for approval not to provide an opaque fence, wall, or berm to screen a parking lot abutting a residential zone and the variance, pursuant to B.C.Z.R. Section 204.4.C.5, to permit a 0 foot rear yard setback between the church and cemetery in lieu of the 30 foot setback required in the RO

CERTIFIED PROOF OF MAILING
03/27/03

zone, I find that these variances were granted in the prior case and, thus, are unnecessary. I will dismiss these variances as moot. Petitioner had requested one "new" variance and that was a variance from B.C.Z.R. Section 204.4.C.9.c.1 to permit a 12 foot landscape buffer along a property line abutting a residential zone in lieu of the required 20 foot landscape buffer. As with the modified variances, I find there to be substantial evidence to support the grant of this variance, and I will grant it.

Pursuant to the advertising, posting of the property, and public hearing on the Petition for Special Exception, Petition for Special Hearing, and Petition for Variance, and for the reasons set forth above, the requested relief should be granted in part, denied in part, and/or dismissed as moot as follows:

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of June, 2003, that the zoning relief granted in prior Case No. 99-173-SPHXA, with the exception of the special exception, has not expired, and, as such, the Petition for Special Hearing is hereby GRANTED; and,

IT IS FURTHER ORDERED that Restriction No. 2 of the Order issued in prior Case No. 99-173-SPHXA may be eliminated, and, as such, the Petition for Special Hearing, is hereby GRANTED; and,

IT IS FURTHER ORDERED that the exemption provision contained in Section 259.3.F, does not apply under the circumstances of this case, and Petitioner will, therefore, be required to comply with the CR district regulations, and, as such, that portion only of the Petition for Special Hearing, is hereby DENIED; and

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Date 6/27/03
By

IT IS FURTHER ORDERED that the Petition for Special Exception for approval of a Class B office building, pursuant to B.C.Z.R. Section 204.3.B.2, is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception for a maximum building height of 35 feet in lieu of the 30 feet permitted in the CR district, pursuant to B.C.Z.R. Sections 259.3.B.3 and 259.3.C.1.c, is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from B.C.Z.R. Section 259.3.C.2.a to permit a maximum front yard setback of 80 feet in lieu of the 62 feet (average) front yard setback, and from B.C.Z.R. Sections 259.3.C.2.b to permit a 0 foot rear yard setback between the existing church structure and the existing cemetery use in lieu of the required 15 feet required in the CR district are hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from B.C.Z.R. Section 204.4.C.9.c.1 to permit a 12 foot landscape buffer along a property line abutting a residential zone in lieu of the required 20 foot landscape buffer is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from B.C.Z.R. Section 204.4.C.9.a requesting permission not to provide an opaque fence, wall, or berm to screen a parking lot abutting a residential zone, and the Petition for Variance for relief from B.C.Z.R. Section 204.4.C.5 to permit a 0 foot rear yard setback between the church and cemetery in lieu of the 30 foot setback required in the RO zone, were granted previously and, therefore, these Petitions for Variance are unnecessary and are hereby DISMISSED AS MOOT; all relief subject to the following restriction:

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Date 4/27/13
By

The Petitioner may apply for building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Lawrence E. Schmidt,
Zoning Commissioner of Baltimore County

RECEIVED FOR
11/22/13

Baltimore County
Zoning Commissioner

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

June 27, 2003

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
W/S Jarrettsville Pike, N of Papermill Road
(14346 Jarrettsville Pike)
10th Election District – 3rd Council District
Walter Ratterman, Owner; Gaylord Brooks Realty Co., Inc., C.P. - Petitioners
Case No. 03-511-SPHXA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception & Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Walter Ratterman, 2633 Reeds Road, Felton, Pa. 17322
Mr. Stephen R. Smith, President, Gaylord Brooks Realty Co., Inc.
3312 Paper Mill Road, Phoenix, Md. 21131
Ms. Pamela Wright, Rubeling & Assoc., Inc., 401 Jefferson Avenue, Towson, Md. 21286
Mr. John Treuschler, Site Resources, Inc., 14307 Jarrettsville Pike, Phoenix, Md. 21131
People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 14346 Jarrettsville Pike

which is presently zoned RO-CR

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, 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

Special Hearing to confirm that the zoning relief granted in Case No. 99-173-SPHXA has not expired, with the exception of the special exception.

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:

Gaylord Brooks Realty Co., Inc.
Name - Type or Print By: Stephen R. Smith, President

Signature
P.O. Box 400
3312 Paper Mill Road (410) 667-0800
Address Telephone No.
Phoenix, Maryland 21131
City State Zip Code

Legal Owner(s):

Walter Ratterman
Name - Type or Print

Signature

Name - Type or Print

Signature

2633 Reeds Road
Address Telephone No.
Felton, Pennsylvania 17322
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue (410) 494-6200
Address Telephone No.
Towson, Maryland 21204
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue (410) 494-6200
Address Telephone No.
Towson, Maryland 21204
City State Zip Code

ORDER RECEIVED FOR FILING
Date 12/2/03
By

Case No. 03-511-SPHX

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LTM Date 4/29/03

REV 9/15/98

REVISED

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 14346 Jarrettsville Pike

which is presently zoned RO-CR

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, leg owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto a made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use t herein described property for

SEE ATTACHED

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 t 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:

Gaylord Brooks Realty Co., Inc.
Name - Type or Print By: Stephen R. Smith, President

Signature

P.O. Box 400
3312 Paper Mill Road (410) 667-0800
Address Telephone No.

Phoenix, Maryland 21131
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Robert A Hoffman
Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue (410) 494-6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

Walter Ratterman
Name - Type or Print

Walter Ratterman
Signature

Name - Type or Print

Signature

2633 Reeds Road
Address Telephone No.

Felton, Pennsylvania 17322
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue (410) 494-6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

ORDER RECEIVED FOR FILING
Date 4/22/03
By

Case No. 03 511 SPHXA

REV 09/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____
Reviewed By LTM/JL Date 5/28/03

Petition for Special Exception

Special Exception, pursuant to B.C.Z.R. Section 204.3.B.2, to permit a Class B office building; and

Special Exception pursuant to B.C.Z.R. Section 259.3.B.3 and 259.3.C.1.c to permit a maximum building height of 35 feet in lieu of the maximum permitted 30 feet.

ORDER RECEIVED FOR FILING
Date 4/22/13
By

REVISED

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 14346 Jarrettsville Pike

which is presently zoned RO-CR

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached

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 determined 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:

Gaylord Brooks Realty Co., Inc.
Name - Type or Print By: Stephen R. Smith, President
Signature P.O. Box 400
3312 Paper Mill Road (410) 667-0800
Address Telephone No.
Phoenix, Maryland 21131
City State Zip Code

Legal Owner(s):

Walter Ratterman
Name - Type or Print
Signature
Name - Type or Print
Signature
2633 Reeds Road
Address Telephone No.
Felton, Pennsylvania 17322
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print
Signature
Venable, Baetjer and Howard, LLP
Company
210 Allegheny Avenue (410) 494-6200
Address Telephone No.
Towson, Maryland 21204
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name
210 Allegheny Avenue (410) 494-6200
Address Telephone No.
Towson, Maryland 21204
City State Zip Code

ORDER RECEIVED FOR FILING
Date 1/29/03
By RBO 9/15/98

Case No. 03 511 SPHXA

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By LTM/JL Date 5/23/03

Petition for Variance

If the Zoning Commissioner determines that the special hearing relief and the variance relief granted in Case No. 99-173-SPHXA may not be utilized in conjunction with the proposed Class B office building, the following variances will be requested:

(1) variance to permit a maximum front yard setback of 80 feet in lieu of the 62 feet (average) front yard setback required by B.C.Z.R. Section 259.3.C.2.a;

(2) variance to permit a 0 foot rear yard setback between the existing church structure and the existing cemetery use in lieu of the 15 feet required by B.C.Z.R. Section 259.3.C.2.b and the 30 feet required by B.C.Z.R. Section 204.4.C.5;

(3) variance from the requirement of B.C.Z.R. Section 204.4.C.9.a to provide an opaque fence, wall, or berm to screen a parking lot abutting a residential zone;

(4) variance from B.C.Z.R. Section 204.4.C.9.c.1 to permit a ~~15~~ 12 foot landscape buffer along a property line abutting a residential zone in lieu of the required 20 foot landscape buffer.

amended

ORDER RECEIVED FOR FILING
Date 4/27/13
By

SITE RESOURCES
incorporated
Comprehensive Land Planning & Site Design Services

14346 Jarrettsville Pike
RATTERMAN PROPERTY
Phoenix, Maryland 21131

ZONING DESCRIPTION

Beginning at a point on the centerline of Jarrettsville Pike (which has a paved road section of varying width) at the distance of 260' southwest of the centerline of Southside Avenue. Thence the following courses and distances:

1) North 70 degrees 27 minutes 17 seconds West, 518.15 feet;

2) South 08 degrees 26 minutes 14 seconds West, 164.81 feet;

3) South 69 degrees 12 minutes 02 seconds East, 479.61 feet to a point in the centerline at Jarrettsville Pike; and

4) Running thence and binding along the centerline of Jarrettsville Pike, North 21 degrees 50 minutes 28 seconds East, 172.36 feet to the point of beginning.

Being all that land more particularly described in a deed dated November 30,1994 and recorded among the land records of Baltimore County in liber 10851, folio 494, containing 1.9106 acres, more or less.

Lg\02034\Zoning.doc

STATE OF MARYLAND
GREGORY TRESCHER
REGISTERED
LANDSCAPE ARCHITECT

#511

14307 Jarrettsville Pike · Phoenix, MD 21131

(410) 683·3388 · fax (410) 683·3389

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23672

DATE 5/23/03 ACCOUNT 001-006-6150

AMOUNT $ 75.00

RECEIVED FROM: [illegible]

FOR: [illegible]

3-511-SPHXA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
5/23/2003 5/23/2003 15:16:15 4
ITEM 006 [illegible]
RECEIPT # 158[illegible] 5/23/2003 OPLN
[illegible] VERIFICATION
CSH [illegible] 23672
Rec'd tot $75.00
75.00 CR .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23645

DATE 4/29/03 ACCOUNT R001 6150

AMOUNT $ 705.00

RECEIVED FROM: GAYLORD EROCKS REALTY CO.

FOR: 03-511-SPHX

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
HEGHESS ACTUAL TIME PRO
4/30/2003 4/29/2003 11:28:41 4
R006 VALUE KMOK FXM
RECEIPT # 151504 4/30/2003 UTLR
5 530 ZONING VERIFICATION
OP NO. 023645
Rcpt Tot $705.00
705.00 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: #03-511-SPHX
14346 Jarrettsville Pike
Centerline Jarrettsville Pike, 260 feet southwest of centerline Southside Avenue
10th Election District - 3rd Councilmanic District
Legal Owner(s): Walter Ratterman
Contract Purchaser: Gaylord Brooks Realty Co., Inc.

Special Hearing: to confirm that the zoning relief granted in Case No. 99-173-SPHX has not expired, with the exception of the special exception. **Special Exception:** to permit a Class B office building and to permit a maximum building height of 35 feet in lieu of the maximum permitted 30 feet. **Variance:** to permit a maximum front yard setback of 80 feet in lieu of the 62 feet (average) front yard setback required, to permit a 0 foot rear yard setback between the *existing church structure and the existing cemetery use in* lieu of the 15 feet required by BCZR Section 259.3.C.2.b and the 30 feet required by BCZR Section 204.4.C.5; variance from the requirement to provide an opaque fence, wall, or berm to screen a parking lot abutting a residential zone and to permit a 15 foot landscape buffer along a property line abutting a residential zone in lieu of the required 20 foot landscape buffer.

Hearing: Tuesday, June 24, 2003 at 11:00 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.

6/049 June 5 C607816

CERTIFICATE OF PUBLICATION

6/5/, 2003

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 6/5/, 2003.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-511-SPHXA

Petitioner/Developer: GAYLORD BROOKS REALITY CO. INC.

Date of Hearing/Closing: 6/24/03

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

ATTN: Becky Hart {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 14346 JARRETTSVILLE PIKE

(1) SIGN / NEEDED (2) SIGNS FOR VERBAGE

The sign(s) were posted on 6/7/03
(Month, Day, Year)

Sincerely,

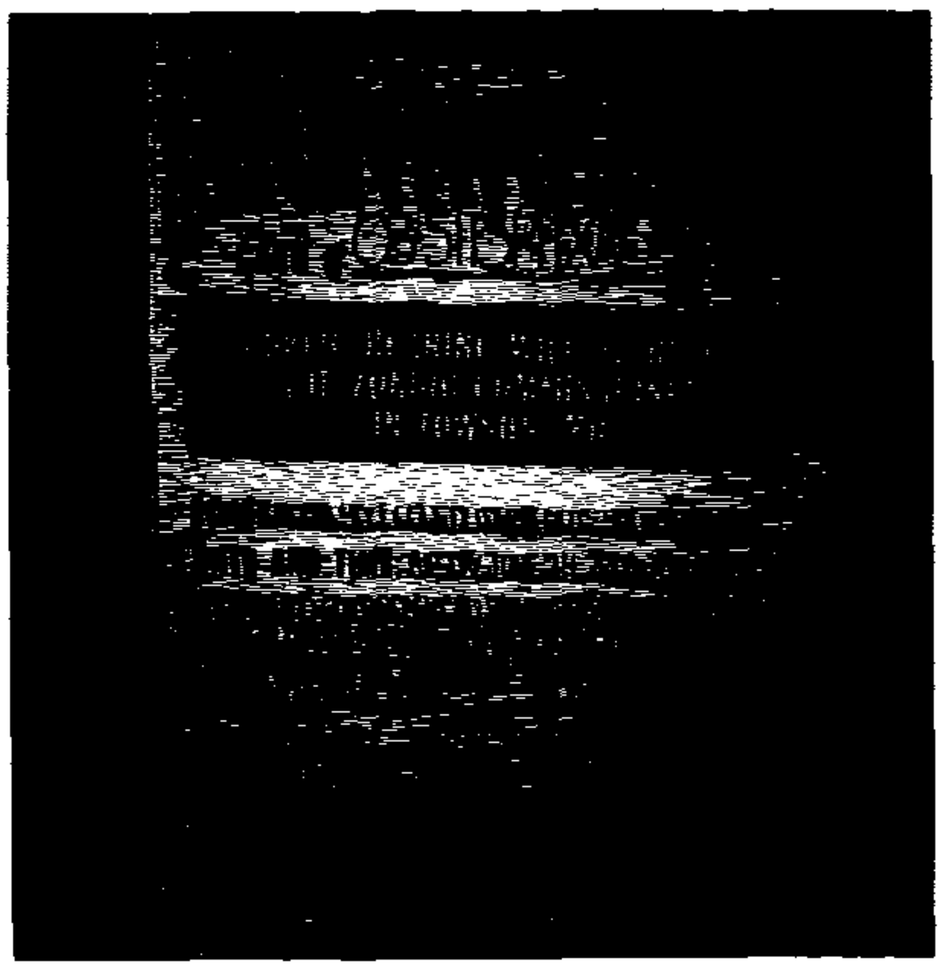
(Signature of Sign Poster) 6/7/03 (Date)

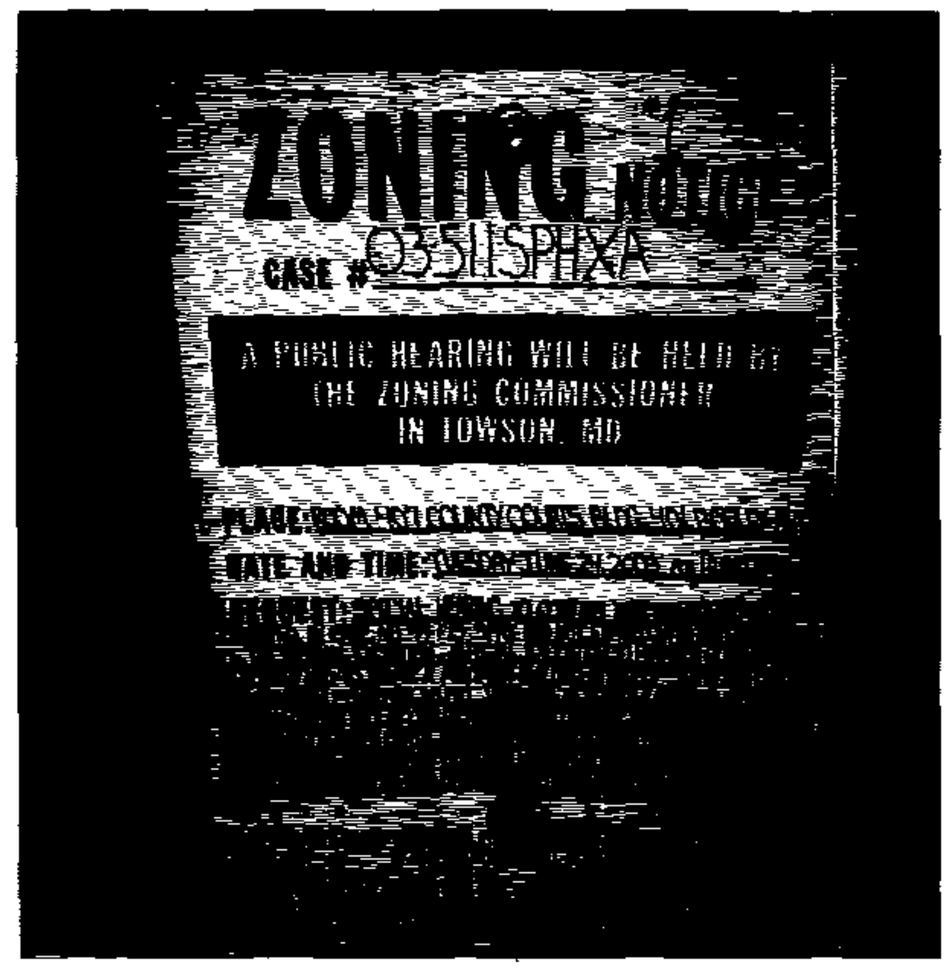
SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)




ZONING NOTICE
CASE # 03-511-SPHXA
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

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

May 23, 2003

CORRECTED 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: 03-511-SPHX
14346 Jarrettsville Pike
Centerline Jarrettsville Pike, 260 feet southwest of centerline Southside Avenue
10th Election District – 3rd Councilmanic District
Legal Owner: Walter Ratterman
Contract Purchaser: Gaylord Brooks Realty Co., Inc.

Special Hearing to confirm that the zoning relief granted in Case No. 99-173-SPHX has not expired, with the exception of the special exception. Special Exception to permit a Class B office building and to permit a maximum building height of 35 feet in lieu of the maximum permitted 30 feet. Variance to permit a maximum front yard setback of 80 feet in lieu of the 62 feet (average) front yard setback required; to permit a 0 foot rear yard setback between the existing church structure and the existing cemetery use in lieu of the 15 feet required by BCZR Section 259.3.C.2.b and the 30 feet required by BCZR Section 204.4.C.5; variance from the requirement to provide an opaque fence, wall, or berm to screen a parking lot abutting a residential zone and to permit a 15 foot landscape buffer along a property line abutting a residential zone in lieu of the required 20 foot landscape buffer.

Hearings: Tuesday, June 24, 2003 at 11:00 in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: Walter Ratterman, 2633 Reeds Road, Felton, PA 17322
Robert A. Hoffman, Venable, Baetjer, & Howard, 210 Allegheny Avenue, Towson 21204
Gaylord Brooks Realty Co., Inc., P.O. Box 400, 3312 Paper Mill Road, Phoenix 21131

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 9, 2003.**
(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.

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 5, 2003 Issue - Jeffersonian

Please forward billing to:
Amy Dontel 410-494-6244
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

NOTICE OF ZONING HEARING

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Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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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

May 2, 2003

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Arnold Jablon
Director

AJ:rlh

C: Walter Ratterman, 2633 Reeds Road, Felton, PA 17322
Robert A. Hoffman, Venable, Baetjer, & Howard, 210 Allegheny Avenue, Towson 21204
Gaylord Brooks Realty Co., Inc., P.O. Box 400, 3312 Paper Mill Road, Phoenix 21131

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Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 5, 2003 Issue - Jeffersonian

Please forward billing to:
Amy Dontel 410-494-6244
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

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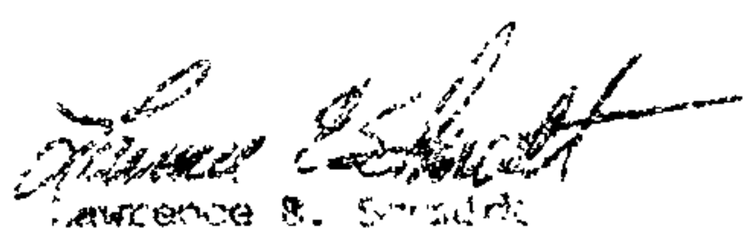
Hearings: Tuesday, June 24, 2003 at 11:00 in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.

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.

For Newspaper Advertising:

Item Number or Case Number: 03-511-SPHX

Petitioner: WALTER RATTERMAN

Address or Location: 14346 JARRETTSVILLE PIKE

PLEASE FORWARD ADVERTISING BILL TO:

Name: AMY DONTELL

Address: 210 ALLEGHENY AVENUE
TOWSON, MD 21204

Telephone Number: (410) 494-6244

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

June 20, 2003

Robert A. Hoffman
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Case Number: 03-511-SPHXA, 14346 Jarrettsville Pike

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 23, 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,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Walter Ratterman, 2633 Reeds Road, Felton, Pennsylvania 17322
Gaylord Brooks Realty, Co., Stephen Smith, President, 3312 Paper Mill Rd., P.O. Box 400, Phoenix 21131

Printed with Soybean Ink
on Recycled Paper

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

SHA State Highway Administration Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Acting Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

May 7, 2003

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

RE: Baltimore County
Item No. 511 (LTM)
MD 146
Ratterman Property
Mile Post 9.71

Dear Ms. Hart:

We have reviewed the referenced plan and have no objection to approval of the Special Hearing.

However we will require the owner to obtain an access permit through our office and as a minimum the following roadway improvements will be required:

- Highway widening dedication to an ultimate 80' right-of way.
- Deceleration lane 15' wide, 150' long, consisting of a 50' curbed section with sidewalk, and a 100' painted taper.
- Acceleration lane shall tie into the proposed widening for the Klein's Development to include curb, gutter and sidewalk.
- Relocate the entrance southerly as far as possible to improve intersection sight distance.
- The proposed entrance shall be 25' wide with 25' curbed radii and a minimum landing grade of 3% for 50'
- Reconfigure the parking at the entrance throat to avoid any internal vehicular conflicts which would disrupt operation along MD 146.
- Hydraulic analysis will be required.

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,

L. J. Gredlein

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

Baltimore County
Fire Department

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

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

May 6, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 5, 2003

Item No.: 497-504, 506-511

Dear Ms. Hart:

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.

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

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

cc: File

6/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 13, 2003

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

SUBJECT: Ratterman Property

INFORMATION:

Item Number: 03-511

Petitioner: Gaylord Brooks Realty Co, Inc

Zoning: RO-CR & RC 5

Requested Action: Special Exception and Special Hearing

RECEIVED
JUN 17 2003
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a Class B office building Pursuant to Section 204.3.B.2 of the Baltimore County Zoning Regulations.

Section 26-282 (2) of The Baltimore County Development Regulations requires the Director of Planning to make compatibility recommendations to the Hearing Officer for development in the CR District. The Office of Planning has reviewed the following information submitted by the applicant: a compatibility analysis, site plan, sketches, architectural elevations and floor plans of the proposed addition and the existing church. The existing church will be preserved, retaining and reusing existing materials such as stained glass windows, siding, trim etc. where feasible. The addition is sited to the north of the existing church to maintain visibility of the church from Jarrettsville Pike. The style of the proposed addition respects the Queen Anne Style of the existing church. The mass of the addition is scaled to the existing church by replicating the mass of the church with its projecting front elevation and through the use of a lower, recessed connector. The Office of Planning recommends to the Hearing Officer that this development meets the Compatibility Objectives of the CMDP and Baltimore County Development Regulations.

The Office of Planning does not object to the petitioner's request to confirm that the zoning relief granted in Case No. 99-173-SPHXA has not expired.

Prepared by: _____

Section Chief: _____
AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 13, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For May 12, 2003
Item Nos. 496, 497, 498, 501, 502,
503, 504, 505, 508, 509, and 511

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

RE:	PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
	14346 Jarrettsville Pike, Cline Jarrettsville Pike, 260' SW c/line Southside Avenue	*	ZONING COMMISSIONER
	10th Election & 3rd Councilmanic Districts	*	FOR
	Legal Owner(s): Walter Ratterman		
	Contract Purchaser(s): Gaylor Brooks Realty Co., Inc, Stephen R Smith, President	*	BALTIMORE COUNTY
	Petitioner(s)	*	03-511-SPHX

* * * * * * * * * * * * *

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 15th day of May, 2003, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable, Baetjer & Howard, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
MAY 15 2003
Per ....

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

May 12, 2003

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

Re: **Zoning Advisory Committee Agenda, 05/12/03 re: case numbers 03-496-X, 03-497-A, 03-498-A, 03-499-A, 03-500-A, 03-501-A, 03-502-SPH, 03-503-A, 03-504-A, 03-505-A, 03-506-A, 03-507-SPHX, 03-508-SPH, 03-509-A, 03-510-A, 03-511-SPHX**

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 05/05/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Planning Services

cc: Mike Nortrup

301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2305
Tel: 410.767.4500 • Fax: 410.767.4480 • Toll Free: 1.800.767.6272 • TTY Users: Maryland Relay
Internet: www.mdp.state.md.us

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
John Truescheler	Site Resources Inc 14300	Jarrettsville Pike Phoenix MD 21131	410-683-3388 jtruescheler@siteresources.org
Pamela Wright	Rubeling & Associates 401	Jefferson Ave Towson MD 21286	pmwright@rubeling.com
Patricia A. Malone	VBH	210 Allegheny Ave 410-337-2886	
Stephen R. Smith	Crawford Brooks Realty 3312	Paper Mill Rd. Phoenix 21131	smithghrc@aol.com

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Nancy Jones	18718 Falls Rd	Hampstead md 21074	jnl@mindspring.com

HISTORIC

APPLICATION FOR PERMIT
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 2-19-04
OEA: EDW/MR

PERMIT #: B 546613
RECEIPT #: 1489825
CONTROL #: GRC-
XREF #:

FEE: 61.42
PAID: 61.42
PAID BY: appl.
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

PROPERTY ADDRESS 14346 JARRETTSVILLE PIKE
SUITE/SPACE/FLOOR
SUBDIV:
TAX ACCOUNT #: 1006020025

HISTORIC DISTRICT/BLDG: [X] YES [ ] NO [ ] DO NOT KNOW

DISTRICT/PRECINCT 60 2

OWNER'S INFORMATION (LAST,FIRST)
NAME: RST PROPERTIES LLC
ADDR: PO BOX 400, PHOENIX MD 21131-0400

DOES THIS BLDG. HAVE SPRINKLERS YES — NO —

APPLICANT INFORMATION
NAME: Robert L. Royer
COMPANY: SITE RESOURCES INC
STREET 14307 JARRETTSVILLE PIKE
CITY,ST,ZIP PHOENIX MD 21131
PHONE #: 410 583-3388 MHIC # MHBR #
APPLICANT SIGNATURE: Robert L Royer DRC#
PLANS: CONST 0 PLOT 8 PLAT 0 DATA 0 EL 2 PL 2
TENANT
CONTR: TBD
ENGNR:
SELLR:

DESCRIBE PROPOSED WORK: HISTORIC GRADE
LIMIT OF DISTURBANCE: 30,712 SF OR 0.70AC
FOR PARKING LOT ADDITION. PERMIT
EXPIRE TWO YEARS FROM DATE OF ISSUE.

TYPE OF IMPROVEMENT
1.___ NEW BLDG CONST
2.___ ADDITION
3.___ ALTERATION
4.___ REPAIR
5.___ WRECKING
6.___ MOVING
7. ✓ OTHER GRADING

TYPE OF USE

RESIDENTIAL
01.___ ONE FAMILY
02.___ TWO FAMILY
03.___ THREE AND FOUR FAMILY
04.___ FIVE OR MORE FAMILY (ENTER NO UNITS)_____
05.___ SWIMMING POOL
06.___ GARAGE
07.___ OTHER

NON-RESIDENTIAL
08.___ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09.___ CHURCH, OTHER RELIGIOUS BUILDING
10.___ FENCE (LENGTH HEIGHT)
11.___ INDUSTRIAL, STORAGE BUILDING
12.___ PARKING GARAGE
13.___ SERVICE STATION, REPAIR GARAGE
14.___ HOSPITAL, INSTITUTIONAL, NURSING HOME
15.___ OFFICE, BANK, PROFESSIONAL
16.___ PUBLIC UTILITY
17.___ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18.___ SIGN
19.___ STORE ___ MERCANTILE ___ RESTAURANT
SPECIFY TYPE
20.___ SWIMMING POOL
SPECIFY TYPE
21.___ TANK, TOWER
22.___ TRANSIENT HOTEL, MOTEL (NO. UNITS_____)
23. ✓ OTHER GRADING

TYPE FOUNDATION
1.__ SLAB
2.__ BLOCK
3.__ CONCRETE

BASEMENT
1.__ FULL
2.__ PARTIAL
3.__ NONE

TYPE OF CONSTRUCTION
1.___ MASONRY
2.___ WOOD FRAME
3.___ STRUCTURE STEEL
4.___ REINF. CONCRETE

TYPE OF HEATING FUEL
1.___ GAS 3.___ ELECTRICITY
2.___ OIL 4.___ COAL

TYPE OF WATER SUPPLY
1.___ PUBLIC SYSTEM ___ EXISTS ___ PROPOSED
2. ✓ PRIVATE SYSTEM ✓ EXISTS ___ PROPOSED

TYPE OF SEWAGE DISPOSAL
1.___ PUBLIC SEWER ___ EXISTS ___ PROPOSED
2. ✓ PRIVATE SYSTEM
✓ SEPTIC ✓ EXISTS ___ PROPOSED
___ PRIVY ___ EXISTS ___ PROPOSED

CENTRAL AIR: 1.___ 2.___
ESTIMATED COST: $30,000
OF MATERIALS AND LABOR
PROPOSED USE: CHURCH & GRADING
EXISTING USE: Church

OWNERSHIP
1. ✓ PRIVATELY OWNED 2.___ PUBLICLY OWNED 3.___ SALE 4.___ RENTAL

RESIDENTIAL CATEGORY: 1.___ DETACHED 2.___ SEMI-DET. 3.___ GROUP 4.___ TOWNHSE 5.___ MIDRISE 6.___ HIRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS:
1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. YES 2. NO BATHROOMS CLASS
POWDER ROOMS KITCHENS LIBER FOLIO

BUILDING SIZE
FLOOR 0
WIDTH
DEPTH
HEIGHT
STORIES
LOT #'S
CORNER LOT
1.__ YES 2.__ NO

LOT SIZE AND SETBACKS
SIZE 1.910AC
FRONT STREET
SIDE STREET
FRONT SETBK
SIDE SETBK n/a
SIDE STR SETBK
REAR SETBK
ZONING

APPROVAL SIGNATURES		DATE
BLD INSP		
BLD PLAN		
FIRE		
SEDI CTL		
ZONING		
PUB SERV		
ENVRMNT	4/6 n/c OK TO FILE MD Brandt 2/19/04	
PLANNING	4/06 n/c No Comment Shannon McDowell 02/18/04	
PERMITS		

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

FEES PD - 2/19/04 - DDP #123 FEES. ~~FEES DUE~~ $2,340.00
~~DDP 2/19/04~~

update

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 5/6/04

OEA: ME / SAS

HISTORIC DISTRICT/BLDG. ✓ YES ___ NO ___ DO NOT KNOW

PERMIT #: B554962
RECEIPT #: A501773
CONTROL: 60C
XREF #:

4/8: 273 + 536 + 34 = 883.00
PAID: 883.00
PAID BY: cash
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

BUILDING 1 or 2 FAM.
CODE CODE ___
BOCA CODE ___

PROPERTY ADDRESS: 14346 Jarrettsville Pike
SUITE/SPACE/FLOOR
SUBDIV:
ACCOUNT #: 1006020025
DISTRICT/PRECINCT: 10 01

OWNER'S INFORMATION (LAST, FIRST)
NAME: RST Properties LLC
ADDR: P.O. Box 400 Phoenix MD 21131-0400

DOES THIS BLDG. HAVE SPRINKLERS: YES ___ NO ✓

APPLICANT INFORMATION
NAME: Steve Smith
COMPANY: RST Properties LLC
STREET: P.O. Box 400
CITY, ST, ZIP: Phoenix MD 21131
PHONE #: 410-667-0800 MHIC LICENSE #:
APPLICANT SIGNATURE: [signature] SCHOOL DIST/ARCH #
PLANS: CONST 2 PLOT 14 PLAT 0 DATA 3 EL 1 PL 1
TENANT
CONTR: Not known TBD
ENGNR: Site Resources Inc
SELLR:

TYPE OF IMPROVEMENT
1. ___ NEW BLDG CONST
2. ✓ ADDITION
3. ✓ ALTERATION
4. ___ REPAIR
5. ___ WRECKING
6. ___ MOVING
7. ✓ OTHER Ch. of occ.

DESCRIBE PROPOSED WORK: Change of occ. from Church to Office
alt. to Install drywall Partitions
new Ceiling, flooring, ADA restrooms, HVAC work
& Diffusers - 2967 SF, Constr. 2 story w/ fin.
addit. Bsmt, on side of ex. Bldg. both floors
an d Bsmt Office.
Overall add - 49x49x34 = 5824 sq. ft.

separate permit required for any add'l. work.

TYPE OF USE

RESIDENTIAL
01. ___ ONE FAMILY
02. ___ TWO FAMILY
03. ___ THREE AND FOUR FAMILY
04. ___ FIVE OR MORE FAMILY (ENTER NO UNITS) ___
05. ___ SWIMMING POOL
06. ___ GARAGE
07. ___ OTHER

NON RESIDENTIAL
08. ___ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ___ CHURCH, OTHER RELIGIOUS BUILDING
10. ___ FENCE (LENGTH ___ HEIGHT ___)
11. ___ INDUSTRIAL, STORAGE BUILDING
12. ___ PARKING GARAGE
13. ___ SERVICE STATION, REPAIR GARAGE
14. ___ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ✓ OFFICE, BANK, PROFESSIONAL
16. ___ PUBLIC UTILITY
17. ___ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ___ SIGN
19. ___ STORE ___ MERCANTILE ___ RESTAURANT
SPECIFY TYPE
20. ___ SWIMMING POOL
SPECIFY TYPE
21. ___ TANK, TOWER
22. ___ TRANSIENT HOTEL, MOTEL (NO. UNITS ___
23. ___ OTHER

TYPE FOUNDATION
1. ___ SLAB
2. ___ BLOCK
3. ___ CONCRETE

BASEMENT
1. ✓ FULL
2. ___ PARTIAL
3. ___ NONE

TYPE OF CONSTRUCTION
1. ___ MASONRY
2. ✓ WOOD FRAME
3. ___ STRUCTURE STEEL
4. ___ REINF. CONCRETE

TYPE OF HEATING FUEL
1. ___ GAS 3. ___ ELECTRICITY
2. ✓ OIL 4. ___ COAL

TYPE OF SEWAGE DISPOSAL
1. ___ PUBLIC SEWER ___ EXISTS ___ PROPOSED
2. ✓ PRIVATE SYSTEM
✓ SEPTIC ___ EXISTS ✓ PROPOSED
___ PRIVY ___ EXISTS ___ PROPOSED

TYPE OF WATER SUPPLY
1. ___ PUBLIC SYSTEM ___ EXISTS ___ PROPOSED
2. ✓ PRIVATE SYSTEM ___ EXISTS ✓ PROPOSED

CENTRAL AIR: 1. ___ 2. ___
ESTIMATED COST OF MATERIALS AND LABOR: $300,000
PROPOSED USE: Office + alt + add.
EXISTING USE: Vacant Church

OWNERSHIP
1. ✓ PRIVATELY OWNED 2. ___ PUBLICLY OWNED 3. ___ SALE 4. ___ RENTAL

RESIDENTIAL CATEGORY: 1. ___ DETACHED 2. ___ SEMI-DET. 3. ___ GROUP 4. ___ TOWNHSE 5. ___ MIDRISE 6. ___ HIRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS:
1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. ___ Y 2. ___ N BATHROOMS CLASS 04
POWDER ROOMS KITCHENS LIBER FOLIO
map - 35
grid - 18
parcel - 30

BUILDING SIZE sf
FLOOR 8791
WIDTH 49
DEPTH 49
HEIGHT 34
STORIES 2 + Bsmt
LOT #'S
CORNER LOT 1. ___ Y 2. ✓ N

LOT SIZE AND SETBACKS
SIZE 1.910 ac.
FRONT STREET
SIDE STREET
FRONT SETBK 89'
SIDE SETBK NC / 23
SIDE STR SETBK
REAR SETBK NC
ZONING

APPROVAL SIGNATURES / DATE
BLD INSP :
BLD PLAN :
FIRE :
SEDI CTL : OK to File [signature] 5/6/04
ZONING III : Fence Permit 5/11 [signature] 5/6/04
PUB SERV : OK to File [signature] 5/6/04
ENVRMNT 416 - OK to File [signature] 5/6/04
Planning: 406 OK to File [signature] 5/6/04
PERMITS :

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

Maryland Historical Trust
State Historic Sites Inventory Form

MARYLAND INVENTORY OF HISTORIC PROPERTIES
RECEIVED
OCT 2 5 1993
OFFICE OF PLANNING

Survey No. BA 2872
Magi No. 0328725608
DOE __yes X no

1. Name (indicate preferred name)

historic Cemetery of First Evangelical and Reformed Church

and/or common 14346 Jarrettsville Pike closed 1966

2. Location

street & number 14346 Jarrettsville Pike ___ not for publication

city, town Jacksonville X vicinity of Councilmanic District 6th
congressional district 2nd

state Maryland county Baltimore County

3. Classification

Category	Ownership	Status	Present Use	
___ district	___ public	___ occupied	___ agriculture	___ museum
___ building(s)	X private	X unoccupied	___ commercial	___ park
___ structure	___ both	___ work in progress	___ educational	___ private residence
X site	**Public Acquisition**	**Accessible**	___ entertainment	___ religious
___ object	___ in process	___ yes: restricted	___ government	___ scientific
	___ being considered	X yes: unrestricted	___ industrial	___ transportation
	___ not applicable	___ no	___ military	X other: CEM.

4. Owner of Property (give names and mailing addresses of all owners)

name Walter M. & Regina Ratterman

street & number 3820 Blenheim Road telephone no.: 410-592-8484

city, town Phoenix state and zip code MD 21131

5. Location of Legal Description

courthouse, registry of deeds, etc. County Courts Building liber SM 10851

street & number 401 Bosley Avenue folio 494

city, town Towson state MD 21204

6. Representation in Existing Historical Surveys

title No prior study.

date ___ federal ___ state ___ county ___ local

depository for survey records

city, town state

REALTY COMPANY

GAYLORD & BROOKS

3312 PAPER MILL RD. • PHOENIX, MD 21131 • 410-667-0800

FACSIMILE TRANSMITTAL SHEET

TO: Doug Swann

FROM: Steve Smith

COMPANY: PDM

DATE: 9/9/04

FAX NUMBER: 410-887-2824

NO. OF PAGES INCLUDING COVER: 5

PHONE NUMBER:

RE: 14346 Jarrettsville Pike
Permit # 554962

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES / COMENTS:

No MHT # on check

OK
KA 9/9/04

PHONE 410-667-0800
FAX 410-667-0078

ROOM 100

Department of Permits and
Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

FIRST CLASS MAIL

Tag No. COC

Name _____

Permit No. B554962

Date _____

This is to advise you that your permit is now ready. It is requested that you or your agent call at Room 100, County Office Building, Towson, MD 21204, and pick up your permit and plans any weekday from 8:00 a.m. to 4:30 p.m.

KINDLY BRING THIS CARD WITH YOU.

Permit and Plans must be kept on job until completion of work.

9. Major Bibliographical References

Survey No. BA 2872

No known sources.

10. Geographical Data

creage of nominated property 1.9126

uadrangle name Phoenix

Quadrangle scale 1:24,000

TM References do NOT complete UTM references

	Zone	Easting	Northing		Zone	Easting	Northing
				B			
				D			
				F			
				H			

erbal boundary description and justification

Four-sided figure shown on Tax Map 35, Grid 18, Parcel P130

ist all states and counties for properties overlapping state or county boundaries

ate	None	code	county	None	code
ate		code	county		code

11. Form Prepared By

ame/title John McGrain

rganization Office of Planning date January 22 1998

reet & number 401 Bosley Avenue telephone 410-887-3495

ty or town Towson state MD 21204

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The survey and inventory are being prepared for information and record purposes only and do not constitute any infringement of individual property rights.

return to: Maryland Historical Trust
Shaw House
21 State Circle
Annapolis, Maryland 21401
(301) 269-2438

PS-2746

8. Significance

Survey No. BA 2872

Period	Areas of Significance—Check and justify below			
prehistoric	___ archeology-prehistoric	___ community planning	___ landscape architecture	X religion
1400–1499	___ archeology-historic	___ conservation	___ law	___ science
___ 1500–1599	___ agriculture	___ economics	___ literature	___ sculpture
___ 1600–1699	___ architecture	___ education	___ military	X social/ humanitarian
___ 1700–1799	___ art	___ engineering	___ music	___ theater
X 1800–1899	___ commerce	___ exploration/settlement	___ philosophy	___ transportation
___ 1900–	___ communications	___ industry	___ politics/government	___ other (specify)
		___ invention		

Specific dates 1888 **Builder/Architect**

Check: Applicable Criteria: __A __B __C __D
and/or
Applicable Exception: __A __B __C __D __E __F __G

Level of Significance: __national __state __local

Prepare both a summary paragraph of significance and a general statement of history and support.

The small frame chapel at Jacksonville was built in 1888 under the corporate title of the *First Evangelical and Reformed Church*. Three trustees acquired a fragment of the once gigantic Clynmalira" manor from *Louis Ahrens and wife of York County* on October 11, 1887. The trustees called the congregation the German Reformed Church in the deed. *The original board* consisted of John Conrad Lins, George Lintz, and John Zinkhan, who paid $145.31 for the ground located on Meredith's Ford and Jarrettsville Turnpike Road. [1]

Mrs. Shirley Clemens of Monkton informed us that the first minister served the church from Immanuel German Reformed Church in Baltimore City. The Lintz afamily were immediate neighbors of this church as shown in the Bromley atlases, and one of the prominent polished black monuments in the cemetery is that of the Lintz family. The C. H. Lintz house just south of the church was opened as the Manor Mischief Antique Shop on October 4, 1997.

This church closed in the 1970s and its records and assets were transferred to the Chestnut Grove Presbyterian Church on Sweet Air Road east of Jacksonville; the building was used as a Sunday School and for Youth Fellowship meetings for a time. The hand-marked map in the "house numbers" office of Baltimore County shows the former church as "GNA Club Senior Center."

In December 1994, the Chestnut Grove Presbyterian Church sold the property to Walter M. and Regina Ratterman of Phoenix. In 1996 a plan was developed to convert the structure to business use. A certain amount of restoration was evident in late 1997 but no business seemed to be conducted in the building. The owners' attorney informed the LPC staff on January 22 that the office conversion needed a DRC waiver, which would be heard February 2. The cemetery and grounds were in good condition, the grass apparently having been mowed the previous season.

NOTE:

1. Baltimore County Deeds, JHS 165:589.

7. Description

Survey No. BA 2872

Condition		Check one	Check one
___ excellent	___ deteriorated	x unaltered	x original site
x good	___ ruins	___ altered	___ moved date of move _____
___ fair	___ unexposed		

Prepare both a summary paragraph and a general description of the resource and its various elements as it exists today.

* The cemetery of the German Reformed Church or First Evangelical and Reformed Church is an enclosure behind and west of the frame church building on the west side of Jarrettsville Pike in the north part of Jacksonville's "Four Corners." The cemetery is enclosed by fencing of stone posts and metal pipe. There are numerous memorial stones, some fairly tall made of black polished granite. This cemetery was brought to the attention of the LPC in 1997 by local citizens. However there is no sign of neglect and the grass was obviously mowed during the 1997 growing season.

MARYLAND INVENTORY OF HISTORIC PROPERTIES

RECEIVED OCT 2 3 1989 OFFICE OF PLANNING

Maryland Historical Trust State Historic Sites Inventory Form

Magi No. 0328725608

DOE ___yes _x_no

1. Name (indicate preferred name)

historic Cemetery of First Evangelical and Reformed Church

and/or common 14346 Jarrettsville Pike closed 1966 —

2. Location

street & number 14346 Jarrettsville Pike ___ not for publication

city, town Jacksonville _x_ vicinity of congressional district Councilmanic District 6th 2nd

state Maryland county Baltimore County

3. Classification

Category	Ownership	Status	Present Use	
___ district	___ public	___ occupied	___ agriculture	___ museum
___ building(s)	_x_ private	_x_ unoccupied	___ commercial	___ park
___ structure	___ both	___ work in progress	___ educational	___ private residence
_x_ site	**Public Acquisition**	**Accessible**	___ entertainment	___ religious
___ object	___ in process	___ yes: restricted	___ government	___ scientific
	___ being considered	_x_ yes: unrestricted	___ industrial	___ transportation
	___ not applicable	___ no	___ military	_x_ other: CEM.

4. Owner of Property (give names and mailing addresses of all owners)

name Walter M. & Regina Ratterman

street & number 3820 Blenheim Road telephone no.: 410-592-8484

city, town Phoenix state and zip code MD 21131

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Survey No. BA 2872

Period

- prehistoric
- 1400–1499
- 1500–1599
- 1600–1699
- 1700–1799
- x 1800–1899
- 1900–

Areas of Significance—Check and justify below

- archeology-prehistoric
- archeology-historic
- agriculture
- architecture
- art
- commerce
- communications
- community planning
- conservation
- economics
- education
- engineering
- exploration/settlement
- industry
- invention
- landscape architecture
- law
- literature
- military
- music
- philosophy
- politics/government
- x religion
- science
- sculpture
- x social/humanitarian
- theater
- transportation
- other (specify)

Specific dates 1888 **Builder/Architect**

:heck: Applicable Criteria: __A __B __C __D
and/or
Applicable Exception: __A __B __C __D __E __F __G

Level of Significance: __national __state __local

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				B			
				D			
				F			
				H			

erbal boundary description and justification

Four-sided figure shown on Tax Map 35, Grid 18, Parcel P130

ist all states and counties for properties overlapping state or county boundaries

ate	None	code	county	None	code
ate		code	county		code

11. Form Prepared By

ame/title John McGrain

ganization Office of Planning date January 22 1998

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return to: Maryland Historical Trust
Shaw House
21 State Circle
Annapolis, Maryland 21401
(301) 269-2438

PS-2746

IN RE: PETITION FOR SPECIAL HEARING
SE/S Long Green Pike, 170' SW
of the c/l of Fork Road
(13523 Long Green Pike)
11th Election District
6th Councilmanic District

Long Green Valley Assoc., et al
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-93-SPH
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing originally filed by the Long Green Valley Association, the Greater Kingsville Civic Association, and various individuals who reside near the property which is the subject of this Petition. At the beginning of the public hearing held for this case, the Greater Kingsville Civic Association withdrew as a Petitioner. Thus, the matter proceeded through the efforts of the Long Green Valley Association and those individuals previously referred to above and designated on the Petition. The Petition seeks a determination as to whether approval should be given to permit the use of adjoining property, zoned R.C. 2 and owned by Executive Auto and Paint Repair, Inc., to support a waste disposal system for the subject commercial property, known as 13523 Long Green Pike, zoned B.L.-C.R. The subject property and waste disposal system are more particularly described on Petitioner's Exhibit 2.

The vast majority of zoning petitions filed in Baltimore County are submitted by or on behalf of the owner of the property which is the subject of the Petition. However, the instant case arises for consideration in a different manner. As noted above, the Petition has been filed by the local community associations and a number of interested parties as individuals. The relief which they request pertains not to a property

MICROFILMED

owned by them but located within the geographic boundaries of the Long Green Valley Association.

At the hearing held in this matter, the Petitioners were represented by J. Carroll Holzer, Esquire. The property owner, Orville Jones, was represented by John Gontrum, Esquire. The parties and their counsel appeared at the public hearing held for this case at which time testimony and evidence were taken as to the issues presented. Subsequently, counsel submitted lengthy memoranda in support of their respective positions.

FINDINGS OF FACT

As is the case with many cases which present difficult legal issues, the facts in the instant case are relatively simple and largely not in dispute. As noted above, Mr. Jones owns the subject property at 13523 Long Green Pike located near the quiet country community of Baldwin. The property is located near the intersection of Long Green Pike and Fork Road. As is the case with similar commercially hubbed rural areas in Baltimore County, the subject property serves as part of the small commercial center of a rural locale. That is, although the subject property and some abutting properties are zoned for business/commercial use, this is largely an agricultural area zoned R.C. 2. The property is approximately 1.056 acres in area, is roughly square shaped, and is improved with a commercial building.

Testimony and evidence presented was that Mr. Jones acquired the subject property in April 1987 at public auction. The building located thereon at that time was built in 1904. The building was previously known as the Long Green Hotel and existed as a hotel/general store for many years. Subsequent to his acquisition, Mr. Jones decided to raze the building and replace same with another commercial use. A new building was

MICROFILMED

Date 6/27/92 By

constructed which now houses a High's dairy store, a dentist's office and a laundromat. Further, a small parking area is provided.

The crux of the case relates to the septic system proposed for this site. Being rural in locale, the property does not enjoy public water and sewer service. Apparently, Mr. Jones originally intended that sewage disposal for the subject property would be accomplished by way of a septic system which would be situated entirely on the property. (See Jones' Exhibit 6, letter from the State of Maryland, Department of the Environment dated July 28, 1988). Specifically, Mr. Jones intended to install a sand mound sewage disposal system. Unfortunately, however, this system was never installed. Although governmental approval had been given (see letter dated October 5, 1989 from the Baltimore County Department of Environmental Protection and Resource Management (DEPRM)), the proposed sand mound septic system was rendered unusable due to disturbance of the site by heavy equipment during construction of the new building. Thus, Mr. Jones was forced to look for an alternative to satisfy his sewage disposal needs. In fact, a stop work order was issued by Baltimore County on March 29, 1991 until a suitable alternative could be found to replace the proposed system.

After exploring the options, a suitable alternative was offered by Mr. Jones in the latter portion of 1991. Specifically, the property owner reached agreement with Baltimore County to construct a private septic system on an adjacent unimproved property, pursuant to a recorded easement reserving the property for that one use. Correspondence from the Maryland Department of Natural Resources (DNR) dated November 27, 1991, and from DEPRM, dated August 26, 1991, describes the particulars of the proposed system and the County's agreement that same is appropriate and acceptable

Date 5/29/93
By BZ

to the reviewing government authorities. It is of particular note that the surrounding residents were well aware of these plans. Specifically, testimony and evidence received included a letter from the Long Green Valley Association to DEPRM dated November 25, 1991. That letter questioned the wisdom and propriety of the proposed off-site septic system. Mr. Jones, who received a copy of that letter, responded both to DEPRM and the Long Green Valley Association by way of his letter dated December 17, 1991. DEPRM likewise responded to Long Green Valley Association's concerns by way of correspondence dated January 2, 1992. Further, the record discloses correspondence from DEPRM to Ms. Charlotte Pine of the Long Green Valley Association on November 20, 1991. Based on this exchange of correspondence, it is clear that all concerned were well aware of Mr. Jones' proposed alternative. As noted in DEPRM's letter of January 2, 1992, the County's stop work order "will be rescinded upon compliance with all requirements set forth...and recordation of the necessary sewage disposal area easements in the Land Records of Baltimore County." Clearly, the Long Green Valley Association and its members were aware that the County and State had given their blessing to the proposed alternative septic system. Armed with the County's approval, Mr. Jones then went about the process of obtaining the necessary easements from the adjoining property owner, Executive Auto Paint and Repair, Inc. As noted above, this adjoining tract is zoned R.C. 2 and is unimproved.

Testimony and evidence presented was that Mr. Jones negotiated with Executive Auto Paint and Repair, Inc. and consummated the agreement to obtain the necessary easements. A deed was recorded among the Land Records of Baltimore County at Liber 9171, Page 356, evidencing that agreement. The deed provides that Mr. Jones was provided the right [illegible]

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Date 1/29/93
By [illegible]

struct, lay and maintain a private septic system, in, on, through, and across the land owned by Executive Auto Paint and Repair, Inc. This easement was more fully described on a site plan of the subject property which was attached thereto. Apparently, the easement was not conditional. Moreover, Mr. Jones paid the sum of $25,000 for said easement. The easement was to continue until such time as Mr. Jones' property at 13523 Long Green Pike could be serviced with a public sewer line.

Having obtained and recorded the necessary easements, and having obtained governmental approval, Mr. Jones then went about constructing the septic system. Testimony and evidence received was that the system has been substantially completed. The High's store and dentist's office are apparently now up and running.

The instant case arose in approximately September 1992 when the Petitioners filed the subject Petition for Special Hearing. It is to be noted that this filing was made approximately four months after Mr. Jones executed and recorded the subject easement and over nine months after the County's exchange of correspondence with the community advising them of the County's approval of the proposed off-site sewage disposal system.

Having recited these facts, attention must now be given to the numerous issues presented herein. Those issues will be addressed in turn.

1) <u>IS THIS CASE PROPERLY BEFORE THE ZONING COMMISSIONER?</u>

As the litigants and their counsel were no doubt well aware during their presentation of the case before me, I actively participated at the Board of Appeals' level in the case entitled <u>United Parcel Service, Inc. v. Peoples' Counsel for Baltimore County</u>, 93 Md. App. 59, 611 A.2d 993 (1992) which is presently pending on a writ of certiorari before the Maryland Court of Appeals. Since my appointment to my present position I am

frequently reminded of the language of my dissenting opinion in that case, the opinion of the Honorable Joseph Murphy of the Circuit Court of Maryland for Baltimore County, and the reported decision by the Court of Special Appeals of Maryland. In their memoranda, the parties in the instant case quoted the law and facts discussed in UPS and their applicability to this matter. Both sides cite this case in discussing the issue as to whether the Zoning Commissioner can properly hear this case. In considering that question, one must be mindful of the form in which the original cases were brought. The instant case is now before me as Zoning Commissioner. UPS originally reared its head for the first time in the quasi-judicial review process before the County Board of Appeals. These cases have arisen differently and are easily distinguishable. Long Green Hotel is not UPS.

The Petition brought in the instant case is properly before me pursuant to the language set forth in Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.). Therein, a broad and sweeping statement of authority is provided to the Zoning Commissioner. It is specifically provided that he "shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations..." Further on, the Section provides that such authority "shall include the right of any interested party to petition the Zoning Commissioner for a public hearing...to determine any rights whatsoever of such person and any property in Baltimore County insofar as they are affected by these regulations." As it relates to my jurisdiction under this section, the timing of the Petitioner's request is meaningless. Unlike UPS, the instant case does not come before me as an appeal or for review of a prior decision. The authority conferred in Section 500.7 of the B.C.Z.R. is broad indeed. The case is properly

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Date 8/24/93
By

before me under the proposed Petition for Special Hearing from a pure jurisdictional standpoint.

2) IS THE PROPOSED SEPTIC SYSTEM A USE OF LAND?

The essential issue presented in this case is whether the proposed septic system can be permitted under the circumstances described above. Specifically, can a private septic system be installed on an adjoining piece of property not owned by the property owner of the land being so served, when the subject property is zoned R.C. 2 and the subservient property is zoned R.C. 2? Before determining this issue, a resolution of whether the proposed septic system is indeed a use is necessary.

The term "use" is not defined in Section 101 of the B.C.Z.R. In such a case, the regulations require the reader to consult with the definition found in Webster's Third New International Dictionary. Therein, the term "use" is defined and enjoys a lengthy list of definitions which occupy an entire column. The definitions include "the legal enjoyment of property that consists in its employment, occupation, exercise or practice," and "the benefit in law of one or more persons, specifically, the benefit of or the profit arising from lands and tenements to which legal title is held by a person, or the act or practice of using something." Clearly, these definitions suggest a broad scope of the term "use". The property owner suggests that the proposed septic system is not a use because it is entirely underground and that the surface of the land may still be used for livestock, grazing, and similar agricultural purposes. However, this argument is too narrow in scope. Coal and diamond mining, as well as oil drilling, are all clearly uses of land, notwithstanding the fact that the specific activity entails a subterranean effort. Thus, it is clear that Mr. Jones' installation of a septic system, for the privilege of which he

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Date 8/29/23
By

paid the property owner $25,000, constitutes a use of the Executive Auto Paint and Repair, Inc. parcel.

3) IS THE SEPTIC SYSTEM USE PERMITTED ON THE R.C.2 PARCEL OWNED BY EXECUTIVE AUTO PAINT AND REPAIR, INC.?

A great amount of testimony and legal argument was presented about this issue. The Petitioners aver that the proposed use of the property is not permitted by the B.C.Z.R. and is thus, illegal. Mr. Jones argues that the use is properly permitted under a variety of theories.

As is well settled, the B.C.Z.R. are inclusive; that is, only designated uses are allowed. If a particular use is not specifically delineated as permissible by right or special exception, it is not allowed. This conclusion is well settled and is stated both within the regulations and at law. Specifically, Section 102.1 of the B.C.Z.R. provides that "No land shall be used or occupied and no building or structure shall be erected, altered, located, or <u>used</u> except in conformity with these regulations..." (emphasis added). Further, the Appellate Court's construction of this language is clear.

In an early and leading case before the Court of Special Appeals, the inclusive nature of the B.C.Z.R. was discussed. (See <u>Kowalski v. Lamar</u>, 25 Md. App. 493, 334 A2d. 536 (1975). Therein, the Court comprehensively discussed the B.C.Z.R. and noted that, "any use other than those permitted and being carried on as of right or by special exception is prohibited." <u>Kowalski</u>, Page 539. Thus, it is clear that the use must be identified in the B.C.Z.R. as being permissible by right or by special exception in order to be legitimate.

Moreover, Section 1A01.2.B of the B.C.Z.R. identifies uses permitted as of right in an R.C. 2 zone. Private septic systems are not specifi-

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cally listed in that Section. Additionally, Section 1A01.2.C, identifies uses permitted in an R.C. 2 zone by special exception. Again, a private septic system is not listed therein. Thus, by the clear meaning of the words used to describe the enumerated uses allowed by right or special exception, a private septic system (as a primary use of the property) is not permitted in an R.C. 2 zone.

Unable to locate specifically identified private septic systems within Sections 1A01.2.B or 2.C, the property owner attempts to carve a niche for the subject use under Section 1A01.2.B.5 of the B.C.Z.R. Therein, certain "utility type" uses are permitted as of right in an R.C. 2 zone. The Section permits telephone, telegraph, electric power or other lines or cable, as well as underground gas, water or sewer mains or storm drains as of right in an R.C. 2 zone. The property owner avers that this language should be expanded to not only include public utilities, but private systems as well. As stated in Mr. Jones' memoranda, individual septic system facilities serve the same purpose and function as larger, public facilities.

Although appreciative of these arguments, I believe that the property owner has improperly expanded the scope of permitted uses under Section 1A01.2.B.5 of the B.C.Z.R. Clearly, the precise terms used therein include only public utilities. It is a cardinal rule of statutory construction that the natural and ordinary import of the words used should be given to effectuate the real and actual intent of the Legislature. See State v. Fabritz, 276 Md. 416 (1975). The words of this Section, read in accordance with their clear meaning, no doubt contemplates public services and utilities will be permitted to occupy R.C. 2 zoned land. Further, although sewer mains are not defined in the B.C.Z.R., Webster's

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MICROFILM

defines "mains" as "a pipe, duct or circuit to or from which leads tributary branches of a utility system and which carries their combined flow." Thus, sewer mains are part of a larger system and clearly accommodate a public as opposed to a private service. The language in this Section is clear; only public utilities are allowed. Thus, the property owner's reliance on and attempted expansion of this Section are misplaced.

While both litigants agreed that private septic systems were not precisely identified as permitted uses in the B.C.Z.R., substantial testimony, evidence and argument was offered regarding similar cases considered by this Office, the appellate courts of this State, and Courts of other jurisdictions. A review of those authorities are helpful in determining whether a private septic system is permissible in this instance.

Both parties cite one of the few reported decisions on point with the subject case. That case arose in Stamford, Connecticut and wound its way through the appellate process to the Supreme Court of Connecticut. (See Silitschanu v. Groesbeck, 208 Conn. 312, 543 A2d. 737 (1988). In that case, a similar issue was presented. Mr. Silitschanu, and others, owned real property in Stamford that was in close proximity to property owned by Mr. Groesbeck. Mr. Silitschanu and his partners desired to construct a three-story office building on the commercially zoned land with its appurtenant septic system to be located on an adjoining residential lot. The propriety of the construction of the proposed septic system was at issue. The Supreme Court of Connecticut concluded that the septic system in fact, was a structure (use) within the local zoning code. Further, since that use was not specifically authorized, it was not permitted.

This case was referenced with favor in an unreported decision by our own Court of Special Appeals. In GLP Development v. Maryland National

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Capital Park and Planning Commission (No. 1755, September term, 1989) the Court acknowledged the Silliphant decision and found same persuasive in the case before it. As were the facts in Silliphant and the instant case, the property owner in the GLP Development case owned a commercially zoned tract which was proposed for development with commercial buildings, a septic system, tank, parking and driveway. An adjoining parcel, zoned Rural-Cluster, was proposed to house the underground septic field consisting of filtering pipes for sewage disposal. The Court of Special Appeals affirmed the decision of the local planning board and concluded that the residentially zoned land could not be used for commercial purposes.

The Court in the GLP Development case also referenced the Court of Appeals' decision in Leimbach Construction Company v. City of Baltimore, 257 Md. 635 (1970). In this case, the Court of Appeals affirmed the judgment of the lower court which disallowed a commercial use on residentially zoned property. In that instance, the property owner proposed construction of a driveway over residential land to service the commercial property. In Leimbach, the Court concluded that said use was impermissible.

Thus, it appears that the various appellate decisions cited above, as applied to the instant case, would prohibit Mr. Jones' private septic field in his neighbor's R.C. 2 property.

Notwithstanding the absence of this particular use in the B.C.Z.R., and the apparent unanimity of the appellate decisions referenced above prohibiting said use, the property owner submits yet another argument to support its claim that the use is permitted. This argument centers upon the claim that the proposed septic system is accessory to the commercial development and should therefore be permitted. As authority for this proposition, Mr. Jones cites the prior practices and decisions of the

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Zoning Office and similar agencies of Baltimore County. As to DEPRM's practices in the past, they cannot be considered authoritative or binding upon me. There appears no doubt that in certain other instances, DEPRM has approved arrangements which allow storm water management systems and similar uses on adjacent properties to serve an abutting commercial development. There is no doubt that this practice may be sound for environmental purposes. In fact, it appears in the instant case that Mr. Jones' solution to his septic disposal woes is appropriate. The proposed off-site septic system has been approved by both the Maryland Department of Natural Resources (DNR) as well as Baltimore County's Department of Environmental Protection and Resource Management (DEPRM). From a technical environmental standpoint, the proposed system may be the most proper alternative. However, the fact that it works from a DEPRM standpoint and that similar practices have been employed at other locations in Baltimore County does not impact the issue before me. As I see it, this is a case of first impression presenting a novel question before this Office. Whether DEPRM or the Office of Planning and Zoning or other County agencies believe this to be a good approach is not persuasive; rather, the issue is presented in the context of a permitted use pursuant to the purview of the B.C.Z.R.

Nonetheless, there are similar cases which have been adjudged by this Office. Although not precedent, prior construction of the B.C.Z.R. by past Zoning Commissioner's is helpful. Two such cases were presented for my review and examination, namely, In Re: Marris B. Langford, et al., Case No. 85-321-SPH, and In Re: Walter Windsor, Case No. 85-[illegible]-SPH. I have reviewed both cases thoroughly. Well reasoned and comprehensive opinions were offered in both instances by then Zoning Commissioner Arnold Jablon. In both cases, the Petitioner owned a commercial property and in

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adjacent residential tract. In Windsor, the Petitioner desired placement of a storm water management pond on a D.R. 3.5 zoned property to serve an adjacent R.O. tract. In Langford, the Petitioner proposed to construct a Class C office building on an O-1 parcel with the storm water management pond serving said building on the D.R. 2 zoned portion of the site. In both instances, Commissioner Jablon approved the proposed use. He determined that the proposed use was proper as an accessory use. Mr. Jones urges that I adopt the same course in this case.

Accessory uses are defined in Section 101 of the B.C.Z.R. Therein, the term is defined as "A use or structure which: a) is customarily incident, subordinate to and serves a principal use and structure; b) is subordinate in area, extent or purpose to the principal use or structure; c) is located on the same lot as the principal use or structure served; and, d) contributes to the comfort, convenience and necessity of occupants, business or industry in the principal use or structure served." Clearly, the proposed septic system complies with subsections (a), (b) and (d) of the definition. That is, the septic system is there only to serve the commercial use on the Jones' tract, is subordinate to same, and contributes to the comfort, convenience and necessity of the business located thereon. The problem for Mr. Jones is whether the use complies with subsection (c) which requires that same be located on the same lot.

I considered a similar issue in a prior zoning case entitled In Re: Helix Health System, Case No. 92-186-SPH. Therein, I considered whether two hospitals located at opposite ends of the County, could share an incinerator located on one of the hospital's campuses. I concluded that said incinerator use, although accessory to the hospital on whose property the incinerator was located, could not be used as an accessory use to the

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other hospital. That is, if the septic was not located on the same lot as the principal [illegible] structure served, it could not be accessory thereto.

The same logic must be applied here. The Jones' property is clearly defined on the site plan submitted at the hearing and contained in the metes and bounds description thereof. The septic system is not located within that lot, but is located off-site. Thus, it cannot be an accessory use or structure under the plain meaning of the words set forth in the definition.

The property owner attempts to save this argument by noting the easement acquired by Mr. Jones in May, 1992. He argues that this easement, in effect, makes the adjacent strip of land owned by Executive Auto Paint and Repair, Inc. part and parcel of the same lot owned by Mr. Jones. Without delving into the nature of easements at length, I must conclude that the property owner's position here is erroneous. A lot of record is likewise defined in the B.C.Z.R. as "a parcel of land with boundaries as recorded in the Land Records of Baltimore County..." Although Mr Jones has an easement in his neighbor's property, he does not own same in fee. The easement allows him only to use a portion of the property for a permitted purpose. It does not convey title. It does not make that portion of the property conveyed the same lot as Mr. Jones' tract. Thus, for all of these reasons, the use is not accessory.

4) ARE BALTIMORE COUNTY AND/OR THE PETITIONERS ESTOPPED FROM ENFORCING A PROHIBITION OF THE USE?

I have concluded that the case is properly before me as Zoning Commissioner pursuant to the broad authority set forth in Section 500.7 of the B.C.Z.R. I have likewise concluded that the septic system is in fact

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use of the Executive Auto Paint and Repair, Inc. parcel. Further, it is not permitted as of right in the [illegible] zone, not allowed by special exception, does not fall within any [illegible] definitions of such permitted or special exception uses in the B.L.R., and is not accessory to the Jones' property. For all of these reasons, the proposed septic system is illegal. However, can the Petitioners or Baltimore County force a termination of the use of the system? The answer must be no.

As the recitation of the facts above makes clear, the septic system alternative proposed for the adjacent tract was not Mr. Jones' first choice in regard to development of his property. He originally proposed a septic system within the four corners of the Long Green Hotel site. Only when this sytem was not workable and public utilities were not available did Mr. Jones look elsewhere. Further, there has clearly been extensive governmental review of the propriety of Mr. Jones' suggested alternative. The record of the case is clear that extensive governmental reviews were undertaken before the project was approved. Further, it is clear the Petitioners were aware of this activity. The record contains copies of correspondence by and between DEPRM and the Long Green Valley Association. Despite these reviews and concerns, however, it was not until September 1992 that the instant Petition was filed. This was well after Mr. Jones had spent a significant sum to acquire an easement on the Executive Auto Paint and Repair, Inc. property and constructed the septic system. In fact, the system has now been completed and the property is being used for commercial purposes. Although I have jurisdiction to consider the issues presented, equitable estoppel prohibits the Petitioners and the County's insistence that this use be terminated. The doctrine of an equitable estoppel has been defined as "...the effect of the voluntary conduct of

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the party whereby he is absolutely precluded, both at law and in equity, from asserting rights which might have otherwise existed, either of property, contract or remedy, as against another person who has in good faith relied upon such conduct, and has been led thereby to change his position for the worse and who on his part acquires some corresponding right, either of property, contract or remedy." Salisbury Beauty Schools v. State Board, 268 Md. 32, 300 A2d 367 (1973). "Equitable estoppel operates to prevent a party from asserting his rights under a general technical rule of law, when that party has so conducted himself that it would be contrary to equity and good conscience to allow him to do so." Fitch v. Double "U" Sales Corp., 212 Md. 324, 129 A2d 93 (1957). There is no settled rule as to when equitable estoppel should be applied. However, it can be applied against municipalities. See Kent Co. Planning Inspector v. Abel, 246 Md. 395, 228 A2d. 247 (1967).

As noted above, the facts presented in the record of this case are clear regarding the ongoing review and ultimate approval of the proposed septic system by Baltimore County. The knowledge of the Petitioners in this process are also clear. Despite this knowledge and participation, neither Baltimore County nor the Petitioners objected. No Petition for Special Hearing was filed until well after the fact. There must be some sense of fundamental fairness in the interpretation and enforcement of the B.C.Z.R. Property owners in Baltimore County must be assured that if they openly consult with their neighbors and undergo the scrutiny of the State and local review process, that their actions will be upheld as permissible. Therefore, notwithstanding my conclusion that the proposed use (actually implemented use) is illegal, I cannot in good conscience penalize Mr. Jones

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based upon the facts and record presented. Thus, the Petition for Special Hearing must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of August, 1993 that approval should be given to the use of adjoining property zoned R.C. 2 and owned by Executive Auto and Paint Repair, Inc. to support a waste disposal system for the subject commercial property, known as 13523 Long Green Pike, zoned B.L.-C.R., in accordance with Jones' Exhibit 5, and as such, the Petition for Special Hearing is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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Date 8/23/93
By

MICROFILMED

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 93-93-SPH

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 Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the use of property zones RC 2 & owned by Executive Auto Paint & Repair Inc. located behind 13523 Long Green Pike to support a waste disposal system for commercially zoned property (BL-BM) known as 13523 Long Green Pike, owned by Orville Jones, in violation of: (See Exh. A)

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

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

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.

Petitioners:

Long Green Valley Assn.
The Greater Kingsville Civic Assn.
and various individuals incorporated in attached Petitioners' list

Dorothy Foos, president, Greater Kingsville Civic Assn.

Charlotte Pine, president, Long Green Valley Assn.

Legal Owner(s):

Oliver Jones
(Type or Print Name)

Long Green Hotel

(Type or Print Name)

Signature

Attorney for Petitioner:

J. Carroll Holzer
(Type or Print Name)

Signature

305 W. Chesapeake Ave. #105
Address

Towson, Md. 21204
City and State

Attorney's Telephone No.: 825-6961

13523 Long Green Pike
Address Phone No.

Baldwin, Md. 21013
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ _____ day of _____, 19_____, at _____ o'clock

_____ M.

ers, forest conservation easements, county designated local open space or RTA Buffers.

Open Land - A land area with less than 10% tree canopy coverage, for the preceding two years to the present date.

Parking Lot Area - All internal paved areas used for parking, excluding areas reserved solely for loading and vehicle storage, and including islands, medians, driveways, aisles, cartways, stacking, service bays, and excess areas because of design configuration.

Passenger/Parcel/Service Lane - That portion of a road designated for passenger or parcel pickup or service.

Performance-Based Business Zones - The Community Business zone and the Business Local Restricted zone, as regulated in Sections 229 through 229.6 of the *Baltimore County Zoning Regulations*.

Planting Area - An area of land designated for trees and/or shrubs and/or groundcovers.

Planting Unit - A unit of measurement for determining the quantity of plant materials required. One planting unit equals: one major deciduous tree, two minor deciduous trees, two evergreen trees, five shrubs, or 500 square feet of ground cover.

Screening, "Class A" - Any combination of major deciduous trees, minor deciduous trees, evergreen trees, and shrubs used to provide a visual screen with the needed level of height, density, and opacity for the site conditions. Elimination of an unsightly view or provision of a filtered view may be the objective. Quantities are generated at one planting unit per 15 linear feet of the area to be screened. Minimum height at installation shall be 30 inches for shrubs and 6 feet for evergreen trees. A six-foot high opaque fence or wall may be required in conjunction with a planting screen.

Screening, "Class B" - Shrubs which provide a minimum three foot high year round visual screen at maturity used to screen parking lots while maintaining views into the site. Quantities are generated at one planting unit per 15 linear feet of the area to be screened. Minimum height of shrubs at installation shall be 18 inches. A three-foot high solid fence or wall may be required in conjunction with planting screen.

Screening, "Class C" - A combination of major deciduous trees, minor deciduous trees, evergreen trees, and shrubs used to provide maximum screening between automobile uses and adjacent residential property at a density which restricts pedestrian movement. Quantities are generated at one planting unit per 10 linear feet of the area to be buffered. Minimum height of screen at installation shall be 35 inches for shrubs and 7 feet for trees.

Screening, "Class D" - Groundcovers and low level shrubs used to give visual relief from paved areas while maintaining the view of automobile display areas. Quantities are generated at one planting unit per 10 feet of display area adjacent to the public right-of-way. Mature planting shall be a minimum 24 inches in height when measured from the top of curb of the adjacent road. A combination of mature (two years after planting) plant height and berm height may be used to achieve the minimum height.

Semi-Wooded Land - A land area with 10% to 75% tree canopy coverage for the preceding two years to present date.

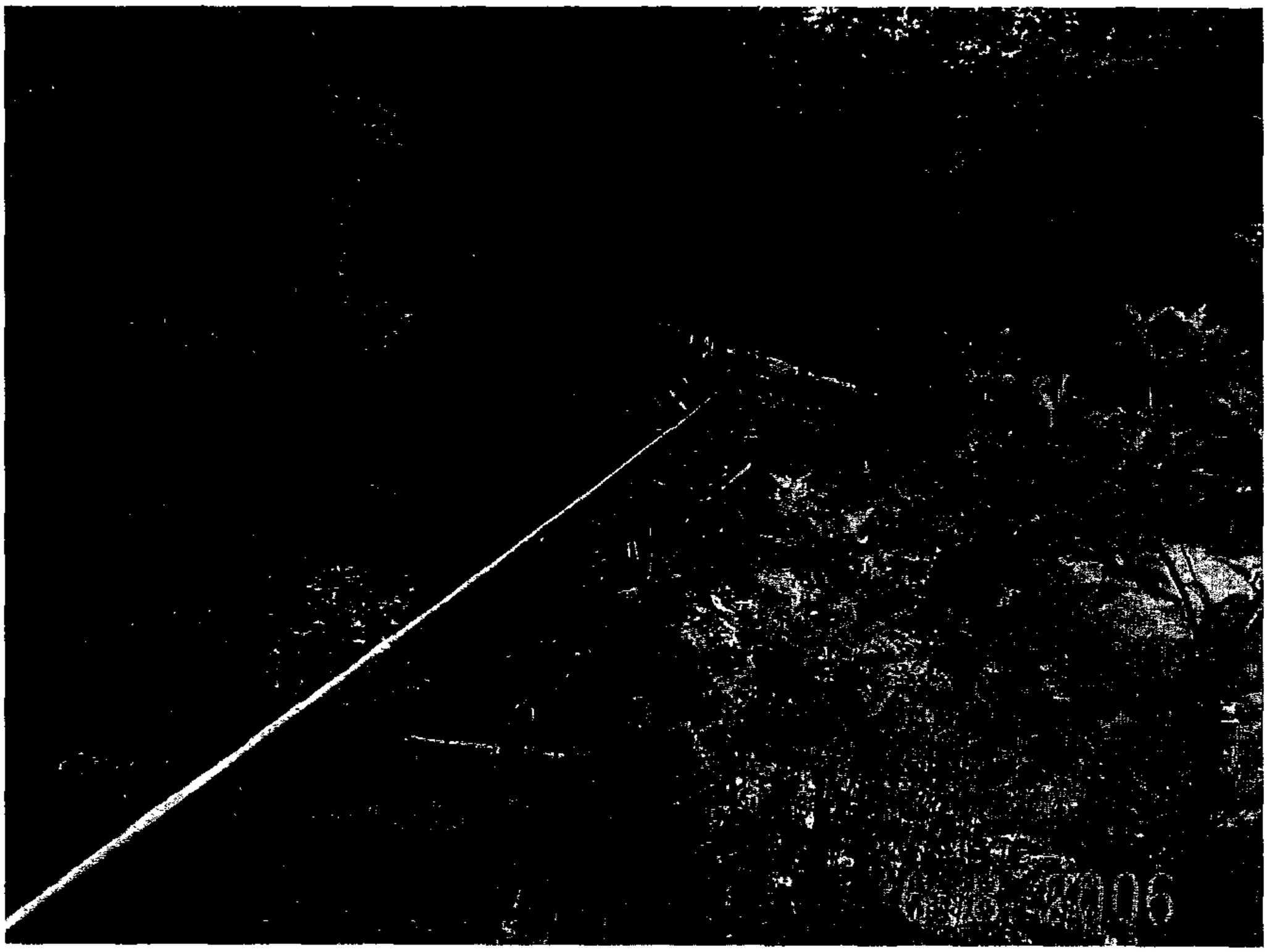
Service Activity Area - Area of a service lane where vehicular access to service bays and vehicular based commercial transactions are accommodated.

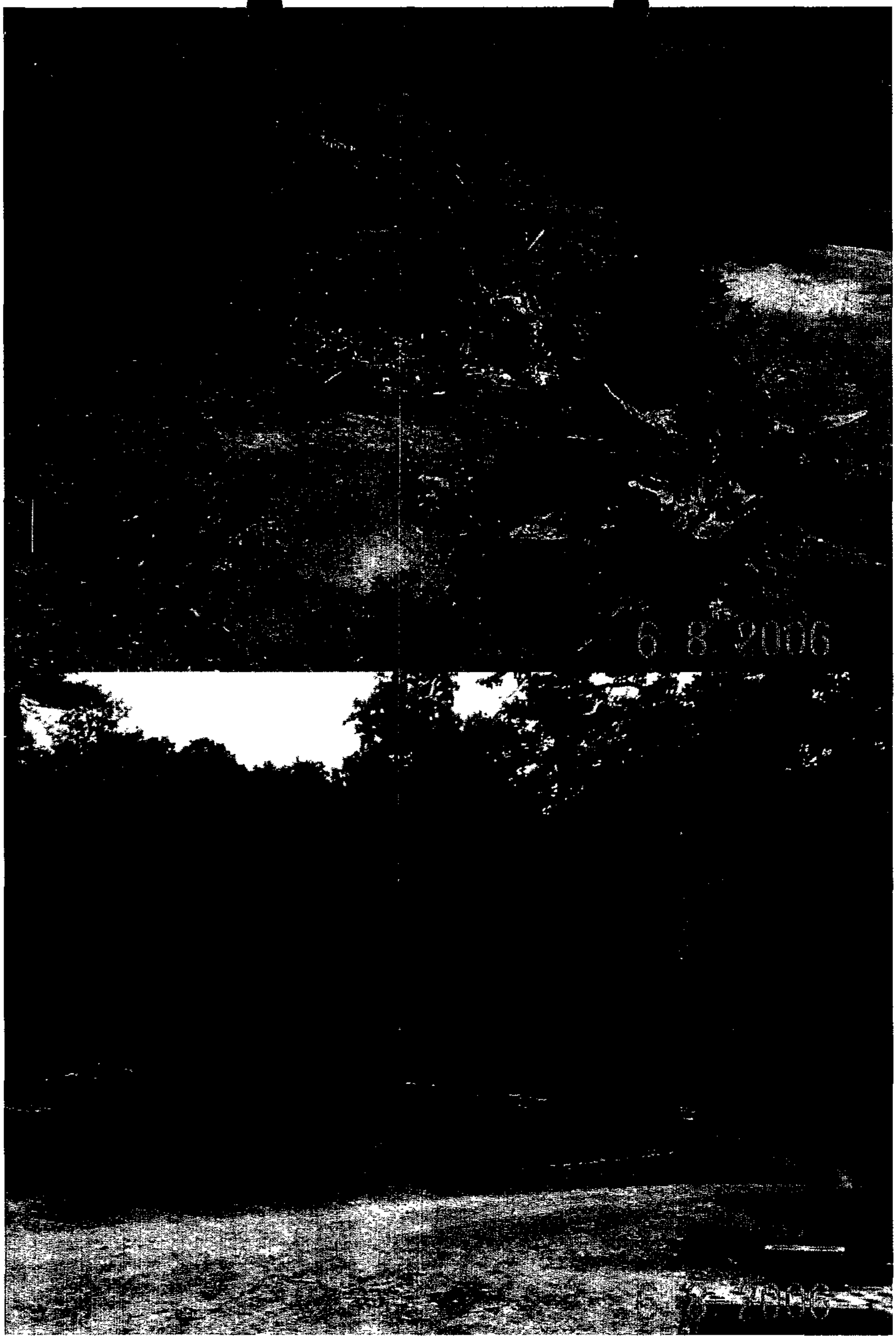
Sharp Cutoff - The dividing line between illumination and glare. Used to specify the reduction of glare and the distribution of illumination necessary for good visibility.

Shrub - A low, multi-stemmed woody plant with a mature height of 18 inches to 15 feet.

Specimen Tree - Any tree included on the list of Maryland's Bicentennial Trees and a Listing of Species of Trees Believed to be Living in Maryland in

RO 5
RO CR
BL CR
BL
Copyright (C) 2005 Baltimore County, Maryland




6 8 2006

Mess along side of Rd.

Caused by same Neighbore

PANEL BP1003M

TIME: 10:39:48 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 11/30/2005
DATE: 06/07/2006 GENERAL PERMIT APPLICATION DATA PLX 15:35:22

2B 12/B

PERMIT #: B613569 PROPERTY ADDRESS
RECEIPT #: A533298 3433 BECKLEYSVILLE RD
CONTROL #: NR SUBDIV: 3700 FT NE GUNPOWDER RD
XREF #: B613569 TAX ACCOUNT #: 2200010228 DISTRICT/PRECINCT 05 01

OWNERS INFORMATION (LAST, FIRST)

FEE: 180.00 NAME: KAMMER, FRANKLYN JR
PAID: 180.00 ADDR: 1095 HEATHER DR 21158
PAID BY: APP

DATES APPLICANT INFORMATION

APPLIED: 11/30/2005 NAME: FRANKLYN KAMMER JR
ISSUED: 01/12/2006 COMPANY:
OCCPNCY: ADDR1: 1095 HEATHER DR
FINAL INSPECT: ADDR2: WESTMINSTER MD 21158
INSPECTOR: 05B PHONE #: 410-840-4333 LICENSE #:
NOTES: AKT/MR/JT

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

Doris Kammer ... 410-840-4333 H
410-371-5786 cell

Curve Area
on shared driveway
"No Trespassing Signs"
Wooden log debris

Jerry
Let's talk! 6-7-06

PANEL BP1005M

TIME: 10:39:57 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 11/30/2005

DATE: 06/07/2006 BUILDING DETAIL 2 PLX 15:57:13

PERMIT #: B613569

GARBAGE DISP: N
POWDER ROOMS: 0
BATHROOMS: 2&R
KITCHENS: 1

BUILDING SIZE
FLOOR: 5353
WIDTH: 59'3
DEPTH: 51'3
HEIGHT: 33'
STORIES: 2&BSMT

LOT NOS: 1
CORNER LOT: N

LOT SIZE AND SETBACKS
SIZE: 11.360AC
FRONT STREET:
SIDE STREET:
FRONT SETB: 370'
SIDE SETB: 380/50
SIDE STR SETB:
REAR SETB: 460

ZONING INFORMATION
DISTRICT:
PETITION:
DATE:
MAP:

BLOCK:
SECTION:
LIBER: 000
FOLIO: 000
CLASS: 04

ASSESSMENTS
LAND: 0137440.00
IMPROVEMENTS: 0000000.00
TOTAL ASS.:

PLANNING INFORMATION
MSTR PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

PANEL BP1004M

TIME: 10:39:54 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 11/30/2005
DATE: 06/07/2006 BUILDING DETAIL 1 PLX 15:57:13

DRC#

PERMIT # B613569 PLANS: CONST 2 PLOT 7 PLAT 0 DATA 0 EL 1 PL 1

TENANT

BUILDING CODE: CONTR: OWNER
IMPRV 1 ENGNR:
USE 01 SELLR:

FOUNDATION BASE WORK: CONST SFD W/3 BEDRMS, FP-NO PROJECTION, WRAP AROUND COVERED PORCH, UNFINISHED BSMT, 2 COVERED BALCONY ON SIDES OF 2ND FL. 59'3X51'3X33'=5353SF. LANDOWNER AFFIRMATION LETTER SUBMITTED.

CONSTRUC FUEL SEWAGE WATER
2 2 2P 2E
CENTRAL AIR 1
ESTIMATED COST
250,000 PROPOSED USE: SFD
OWNERSHIP: 1 EXISTING USE: VACANT
RESIDENTIAL CAT: 1
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:
1 FAMILY BEDROOMS: 4 PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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New Search
Ground Rent

Account Identifier: **District -** 05 **Account Number -** 2200010228

Owner Information

Owner Name:	KAMMER FRANKLYN J,JR KAMMER DORIS A	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	3433 BECKLEYSVILLE RD PARKTON MD 21120-9646	**Deed Reference:**	1) /23570/ 311 2)

Location & Structure Information

Premises Address
BECKLEYSVILLE RD

Legal Description
11.36 AC
SES BECKLEYSVILLE RD
3700 FT NE GUNPOWDER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
10	22	73					1	2	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		11.36 AC	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	85,900	137,440		
Improvements:	0	0		
Total:	85,900	137,440	103,080	120,260
Preferential Land:	0	0	0	0

Transfer Information

Seller:	KAMMER FRANKLYN J,JR	**Date:**	03/22/2006	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/23570/ 311	**Deed2:**	
Seller:	LAWSON J DAVID	**Date:**	01/10/2000	**Price:**	$138,000
Type:	UNIMPROVED ARMS-LENGTH	**Deed1:**	/14252/ 250	**Deed2:**	
Seller:	MEASLEY MARIE H/J HARVEY	**Date:**	07/10/1995	**Price:**	$238,000
Type:	UNIMPROVED ARMS-LENGTH	**Deed1:**	/11123/ 80	**Deed2:**	/11123/ 77

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 05 **Account Number -** 2200024026

Owner Information

Owner Name:	FERGUSON LYNNE G FERGUSON ELIZABETH M	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	3443 BECKLEYSVILLE RD PARKTON MD 21120-9646	**Deed Reference:**	1) /11192/ 262 2)

Location & Structure Information

Premises Address
3443 BECKLEYSVILLE RD

Legal Description
10.543 AC
SES BECKLEYSVILLE RD
2760 FT E GUNPOWDER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	MS
10	22	188					2	2	Plat Ref:	

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1997	2,833 SF	10.54 AC	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	83,850	134,160		
Improvements:	190,060	213,500		
Total:	273,910	347,660	298,493	323,076
Preferential Land:	0	0	0	0

Transfer Information

Seller:	LAWSON J DAVID	**Date:**	08/30/1995	**Price:**	$145,000
Type:	UNIMPROVED ARMS-LENGTH	**Deed1:**	/11192/ 262	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

IN RE: PETITIONS FOR SPECIAL HEARING SPECIAL EXCEPTION & ZONING VARIANCE W/S Jarrettsville Pike, 1092 ft. N of Papermill Road 14346 Jarrettsville Pike 10th Election District 6th Councilmanic District Walter Ratterman, Petitioner	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 99-173-SPHXA

Pet No 3

****

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

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

A. From Section 204.4.C.3 of the BCZR to permit an existing front yard setback of 109 ft. in lieu of the required 25 ft.;

B. From Section 204.4.C.5 to permit the existing 0 ft. rear yard setback between the Church (office) building and cemetery use area in lieu of the required 30 ft.; and

C. From Section 204.4.C.6 to permit an existing driveway and proposed parking lot with no Amenity Open Space, in lieu of the required 7%; and,

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Date 1/5/99
By

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

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

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

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

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

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

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

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

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

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

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

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

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

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Date
By

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

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

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

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

IT IS THEREFORE ORDERED, by the Zoning Commissioner for Baltimore County, this 8th day of January 1999, that, pursuant to the Petition for Special Hearing, approval and confirmation that an existing cemetery can remain on the property can exist without the vacant church building adjacent

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Date 1/8/99
By

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

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

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

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

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

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

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

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Date 11/14
By M. Trapp

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall comply with the comments submitted by the Office of Planning regarding the preservation of trees on site.

3. The development/conversion of this site is conditioned upon the Petitioner receiving approval from the State Highway Administration and installing such road improvements as may be required.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

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Date
By

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 16, 1998

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

SUBJECT: 14346 Jarrettsville Pike, Ratterman Building
Formerly the German Reformed Church

INFORMATION:

Item Number: 173
Petitioner: Walter Ratterman
Property Size: 0.426± acre
Zoning: RO-CR
Requested Action: Special Exception Hearing
Hearing Date:

SUMMARY OF RECOMMENDATIONS:

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

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

Section Chief: Jeffrey W. Long

AFK:DW:lsn

M:\COMPLAN\DENNIS\ITEM 173.doc

Baltimore County Government
Department of Permits and
Development Management

111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

Pet No4

June 11, 2003

Site Resources, Inc.
14307 Jarrettsville Pike
Phoenix, MD 21131

RE: Ratterman Property
14346 Jarrettsville Pike
DRC Number 110402G; Dist. 10C6

Dear Sir or Madam:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management (PDM).

The DRC has, in fact, met in an open meeting on June 9, 2003, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 26-171 (A) (2).

A copy of this letter must be presented when submitting engineering/construction plans to this office, and/or when applying for a permit with the Permits and Licenses Section.

Be advised that Phase 2 review fees may apply, depending on the amount of site disturbance, and/or the requirement of a Public Works Agreement.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 11th day of June 2003, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,

DTR Timothy Kotroco

Timothy Kotroco
Director

TK:DTR:dak

c: File

1 of N 05

RUBELING
& ASSOCIATES
ARCHITECTURE
INTERIOR DESIGN

ALBERT W. RUBELING, JR., FAIA

JOHN J. DI MENNA, AIA

DAVID P. RECCHIA, AIA

MITCHELL L. NELSON, CSI

JAMES C. MILLS, AIA

COMPATIBILITY REPORT:

DATE: June 10, 2003
PROJECT: Ratterman Property: German Reformed Church
RAI PROJECT NO.: 03-004

The Compatibility Report which demonstrates how this project is designed to achieve the eight compatibility objectives of the CMDP as required by the Jacksonville Community Plan dated July 3, 2000 is as follows:

1. *The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood.*

   The surrounding neighborhood arrangement is a traditional community composed of residential dwellings oriented towards the street with large front yards, smaller side yards and back yards. The existing Church is oriented in this fashion with the Cemetery at the rear. There is a large portion of open land beyond the Cemetery. With the proposed new addition on the north side of the Church, the existing arrangement and orientation of the site are maintained. The required side yard setback is maintained, even with the proposed addition.

2. *The building and parking layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood.*

   The existing Church is set back approximately 20 feet further from Jarrettsville Pike than the adjacent property to the south. The adjacent property to the north is currently vacant, the house having been demolished with the last six months. The majority of the proposed addition aligns with the existing Church with the projecting bay extending nine feet in front of the Church. The major site feature is the existing Cemetery, number BA 2872 on the Maryland Historical Trust Inventory of Historic Properties. The new parking maintains access to the gates of the Cemetery.

3. The proposed streets are connected with the existing neighborhood building/road network wherever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood.

The northern existing access location along Jarrettsville Pike will be maintained. There is currently no sidewalk along Jarrettsville Pike. The front of the building will continue to be oriented to Jarrettsville Pike. Interior site sidewalks will provide access from the parking to the building. The new parking will provide easy access to the existing Cemetery. A new ramp to the south entry will provide ADA accessibility to the existing Church.

4. The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems.

The existing open space at the rear of the site will be maintained as well as planting spaces along the sides and front.

5. Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design.

The addition has been sited to the north of the existing Church, maintaining full visibility of the Church from Jarrettsville Pike. The open vista along Jarrettsville Pike with the view of the Cemetery has also been maintained.

6. *The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities.*

New trees will be planted along the perimeter of the parking lot and within islands. Low shrubbery utilizing native plantings under windows, around doorways and entries and along sidewalks will complement the village atmosphere.

7. *The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood.*

One free-standing sign at the front of the building will be 25 s.f. per side maximum according to the Jacksonville Plan. The sign will have light colored letters on a dark background, with shielded lighting. There will be low planting at the base of the sign. Site lighting consists of poles with cut off reflectors with side shields which direct light down and to the interior of the site. There will be minimal "light trespass" onto adjacent property.

8. *The scale, proportions, massing and detailing of the proposed buildings are in proportion to those existing in the neighborhood.*

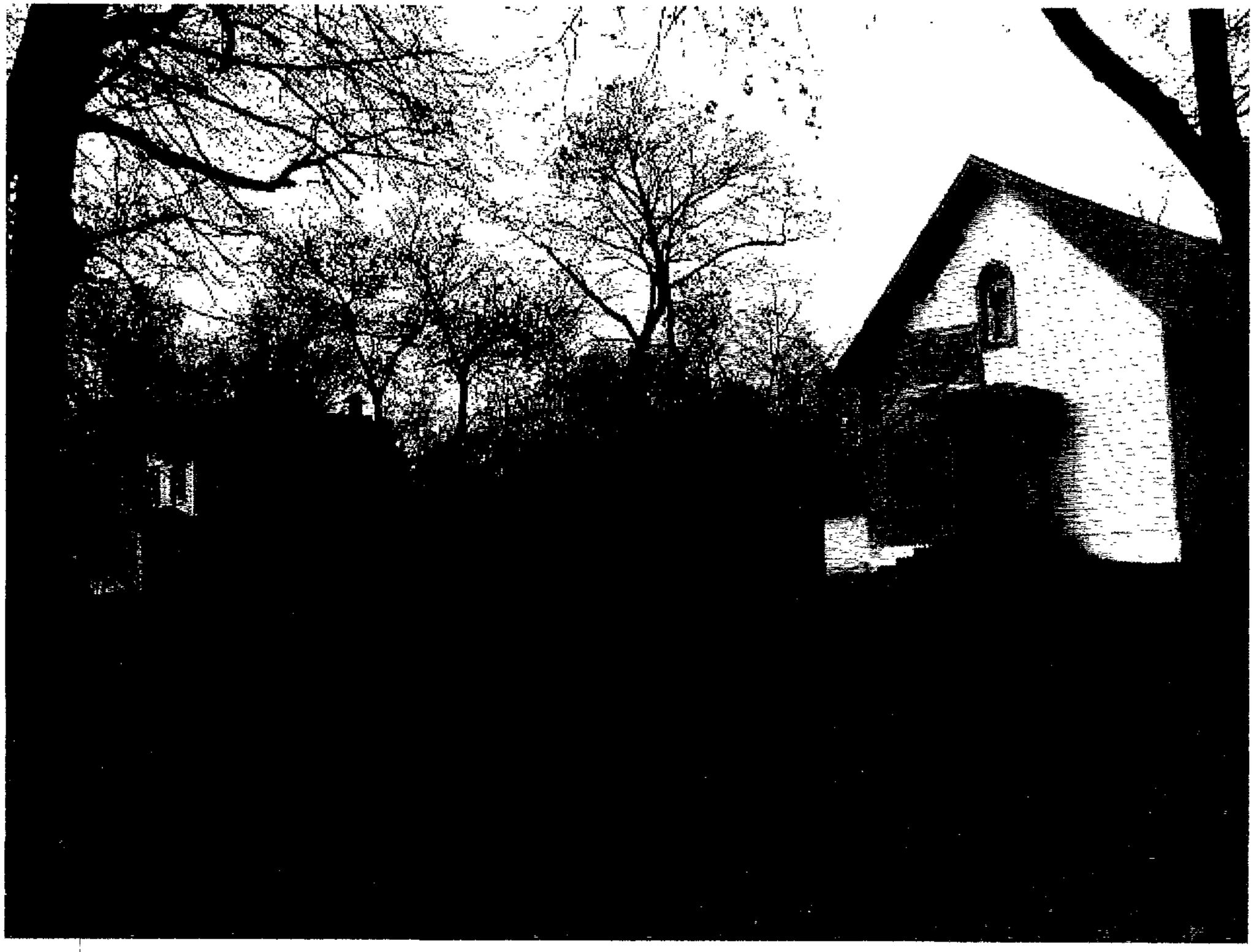
The existing Church, a wood frame, gable roof structure with small projecting vestibule and arched roof shed appendage to the south, was built in 1888 in the Queen Anne Style. The front is oriented with the gable end perpendicular to Jarrettsville Pike. The floor is elevated to permit a full basement.

The scale of the proposed addition reflects the existing Church by replicating the mass of the Church with its projecting front elevation and then increasing the height slightly in the receding bay. The slope of the gable roof matches the existing. The style of the addition respects the existing Queen Anne style in its form and use of various materials. The floor level of the addition will be at grade to keep the height of the building in scale with the Church and provide ADA accessibility. The mass of the addition is scaled to respect the adjacent structure by connecting the addition to the Church by means of a lower recessed hyphen with a cross gable roof.

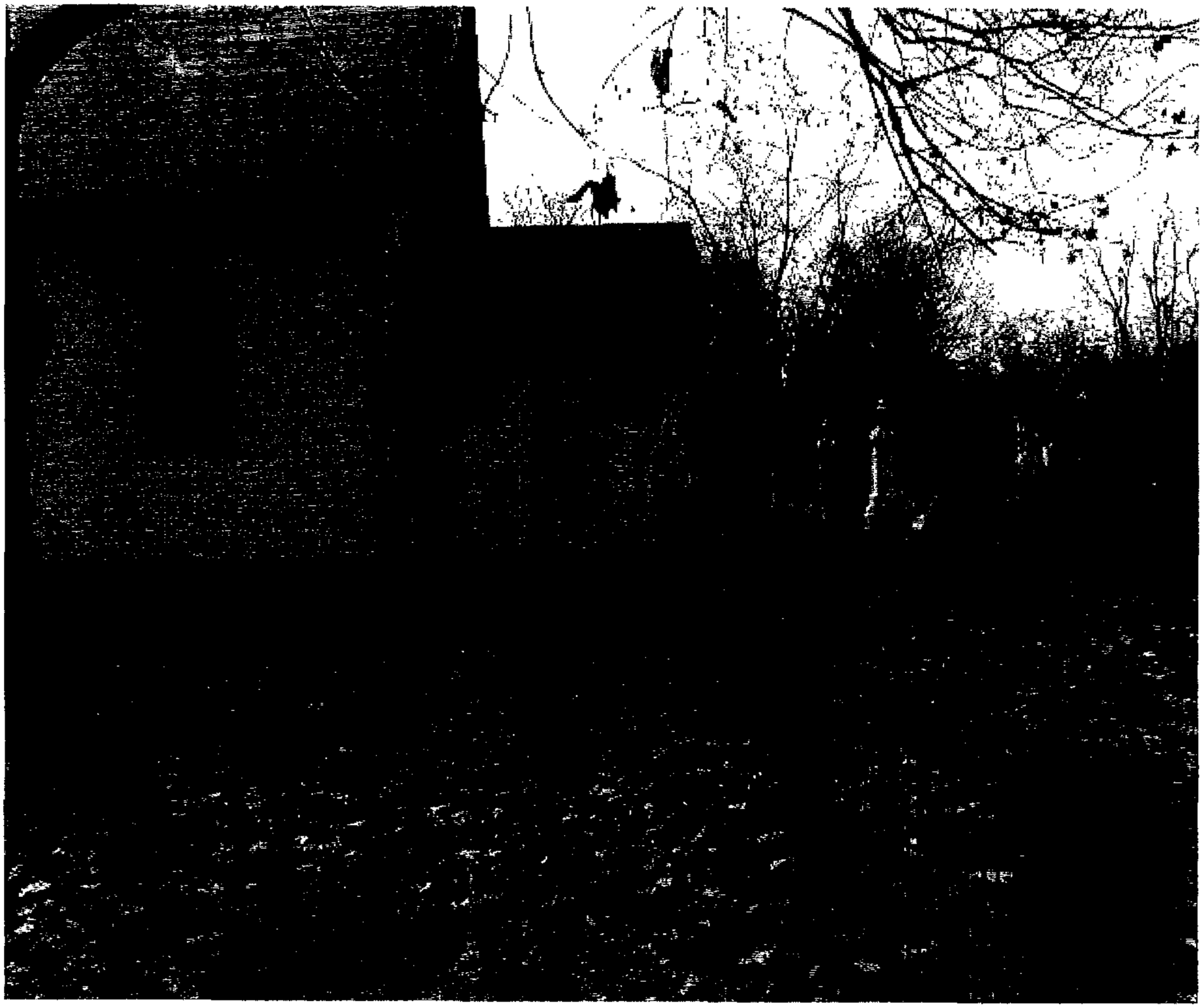
Existing materials in the Church, such as stained glass windows and wood trim will be retained and preserved where feasible. Hardy plank siding will most likely be used on the proposed addition as a compatible material to the existing German wood siding. The existing roofing is metal pattern shape shingles. The intention is to preserve this material and use a similar or compatible material on the hyphen and a compatible material on the addition. Double hung windows similar in scale to the Church windows, will be provided at the first floor, awning windows at the second. Dormers will be provided at the hyphen. The existing paint color scheme of light color building with dark trim will be retained.

Close-up of side and front elevation, taken from SE.

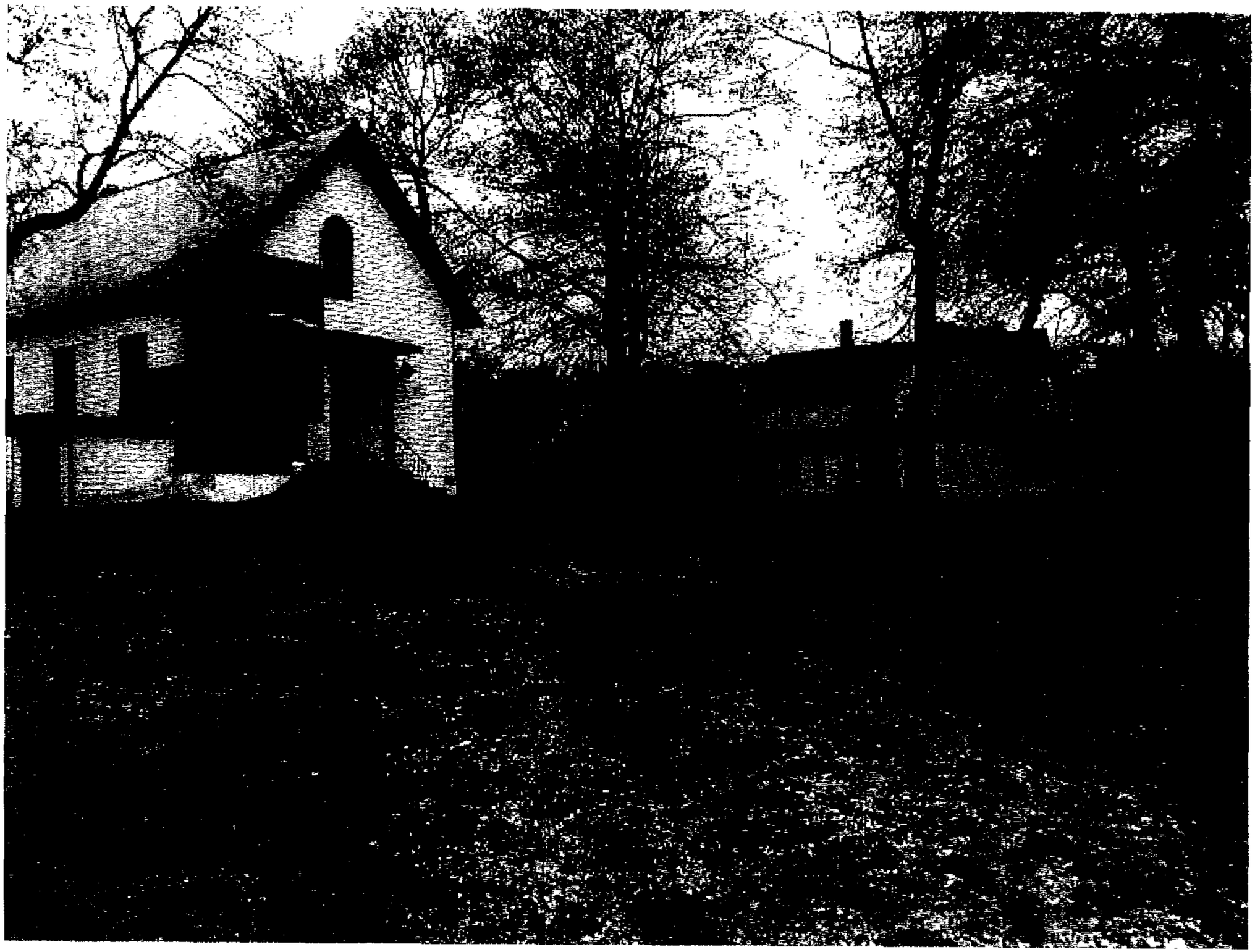
Pd No 6



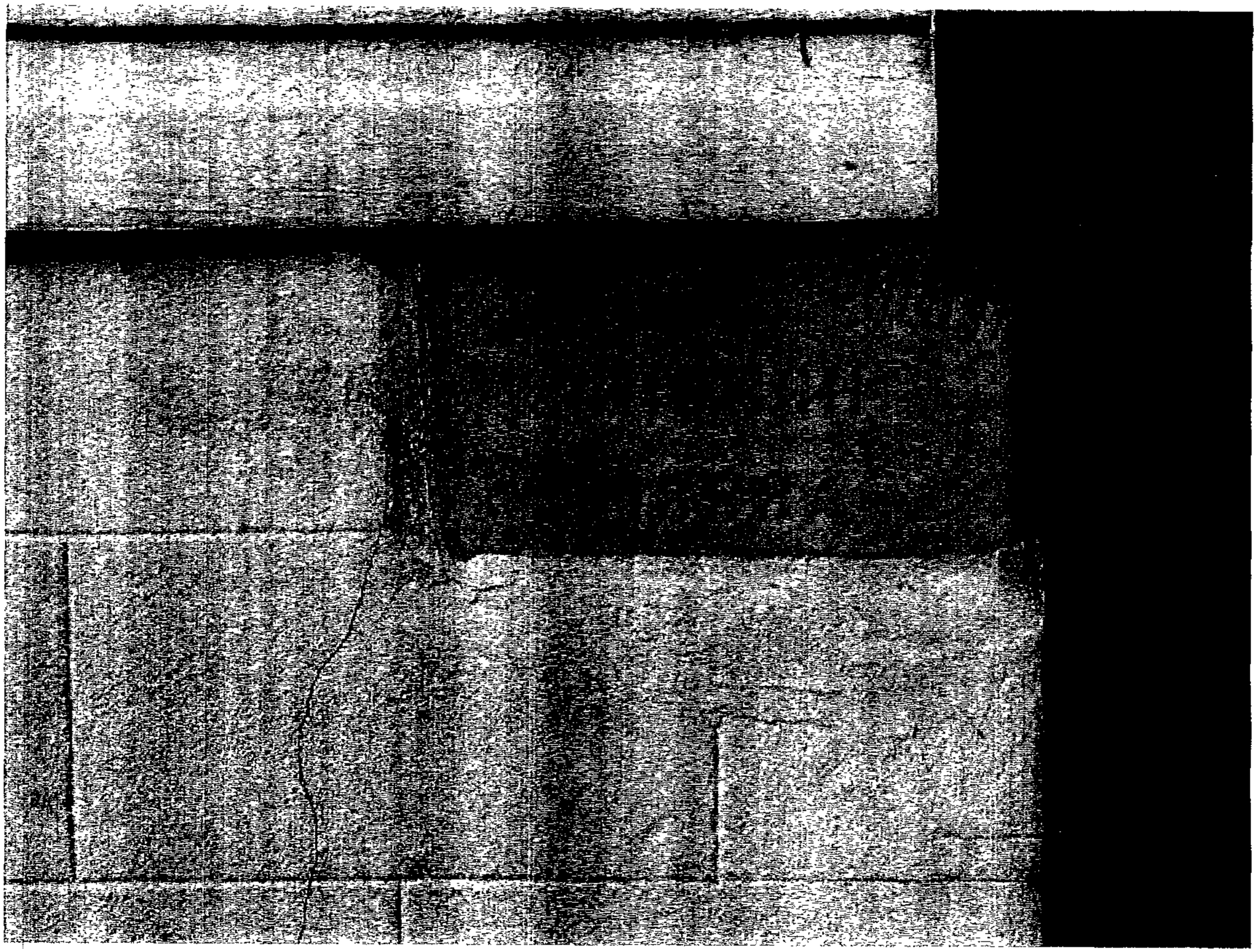
Front elevation showing adjacent property to the south, taken from NE.



North elevation and cemetery taken from N.

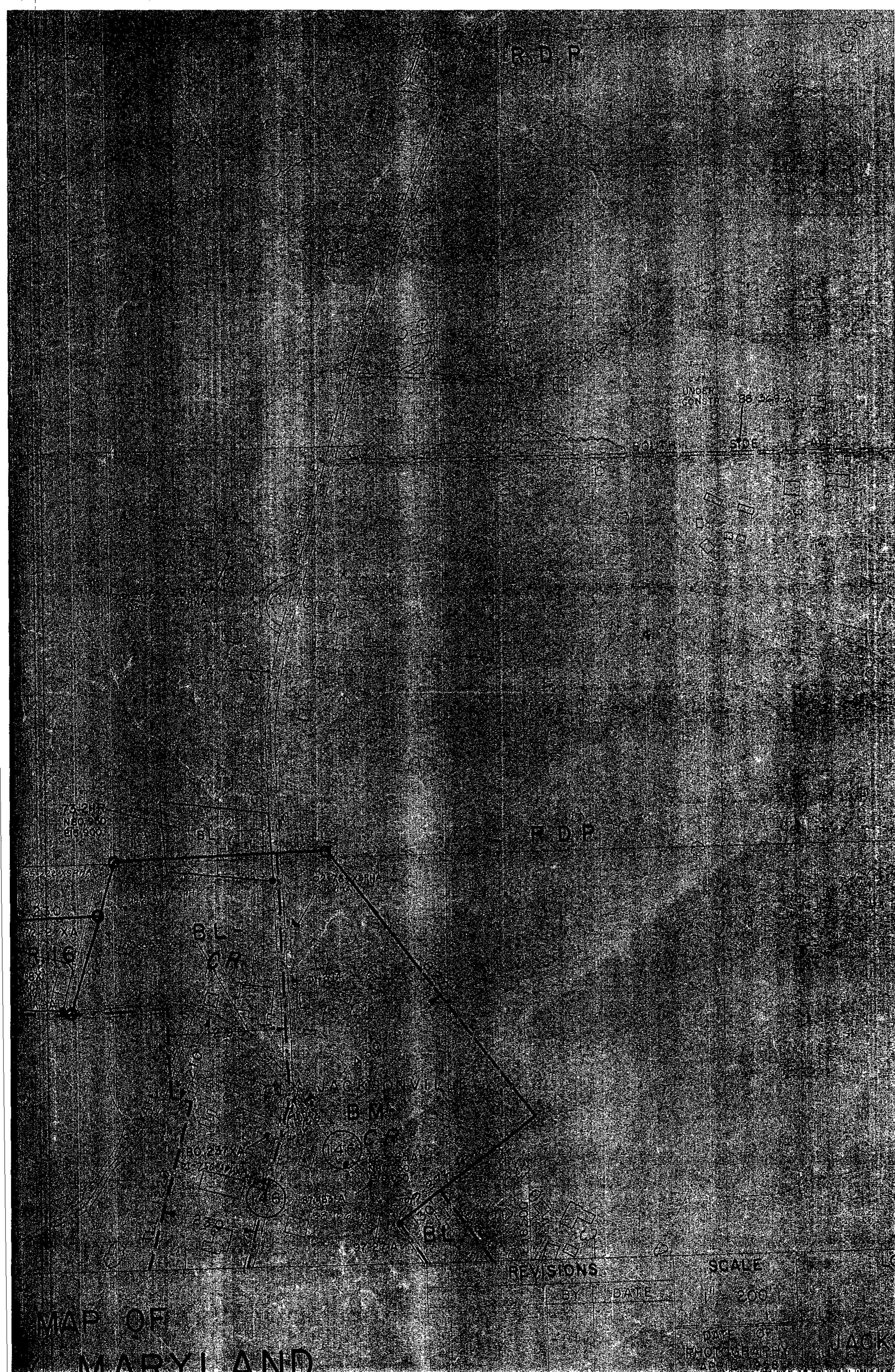


Front elevation showing adjacent property to the north, taken from SE.



Cornerstone found on NE corner of foundation.

Rob No 17


R.D.P.
UNDER CONSTR.
38 369 A
SIDE
AVE
R.D.P.
B.L.
C.R.
JACKSONVILLE
B.M.
B.L.
REVISIONS
BY
DATE
SCALE
1" 200'
DATE OF PHOTOGRAPHY
MAP OF
MARYLAND

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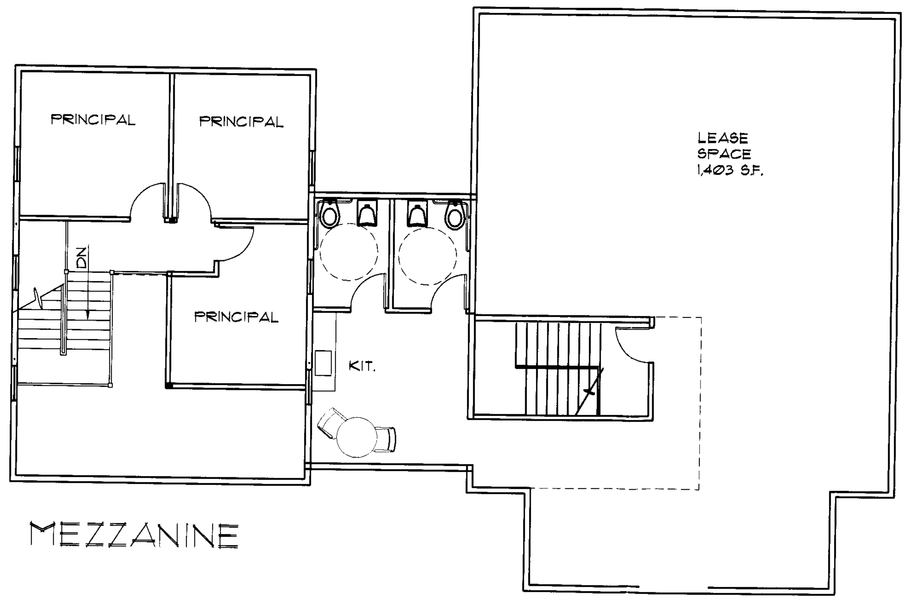
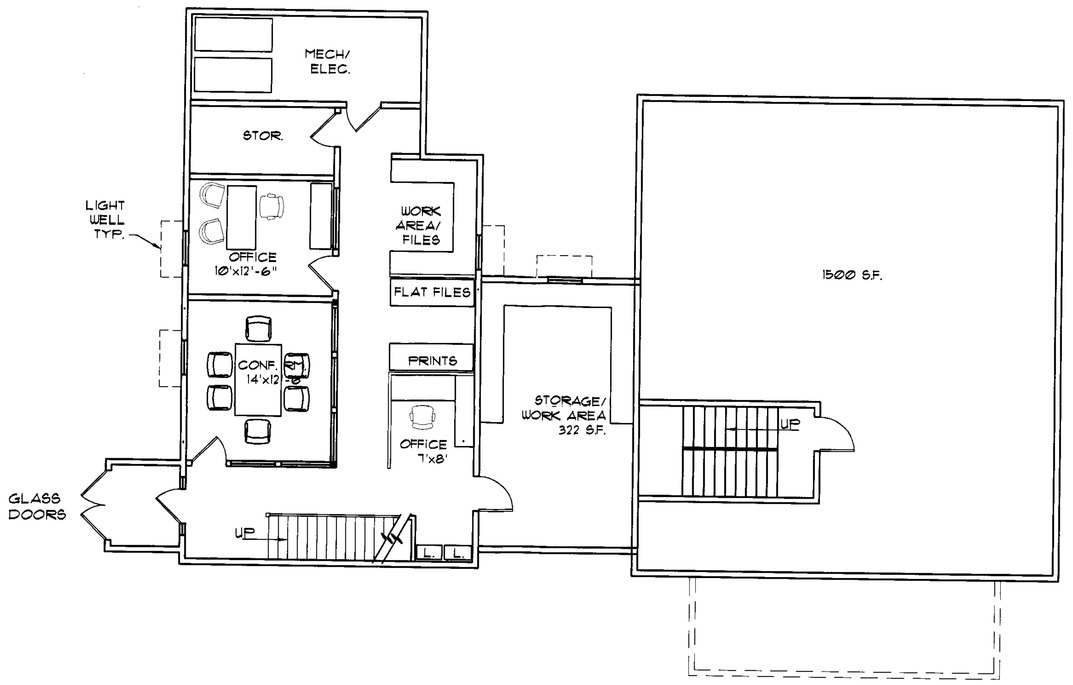
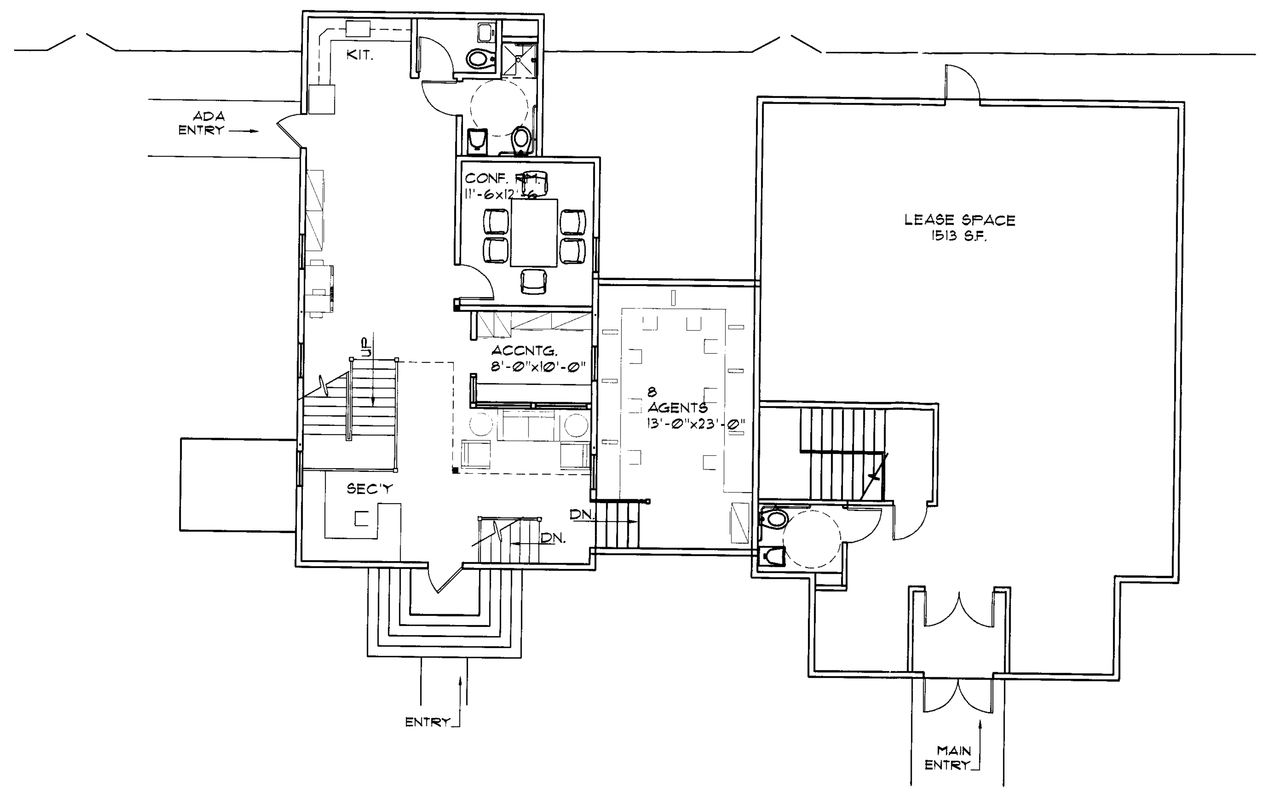


MEZZANINE

SECOND FLOOR



BASEMENT



FIRST FLOOR

CONSTRUCTION

RUBELING & ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN
401 JEFFERSON AVENUE
TOWSON, MARYLAND 21286-5308
410-337-2886
FAX. 410-337-2974

RATTERMAN PROPERTY
GERMAN REFORMED CHURCH
14346 JARRETSVILLE PIKE
JACKSONVILLE, MARYLAND

REVISIONS:

NO.	DESCRIPTION	DATE

LAST REV.:

PROJECT NO.: 03-004

DATE: 6-24-03

SCALE: 1/8" = 1'-0"

TITLE: FLOOR PLANS FOR HEARING

SHEET: H 1

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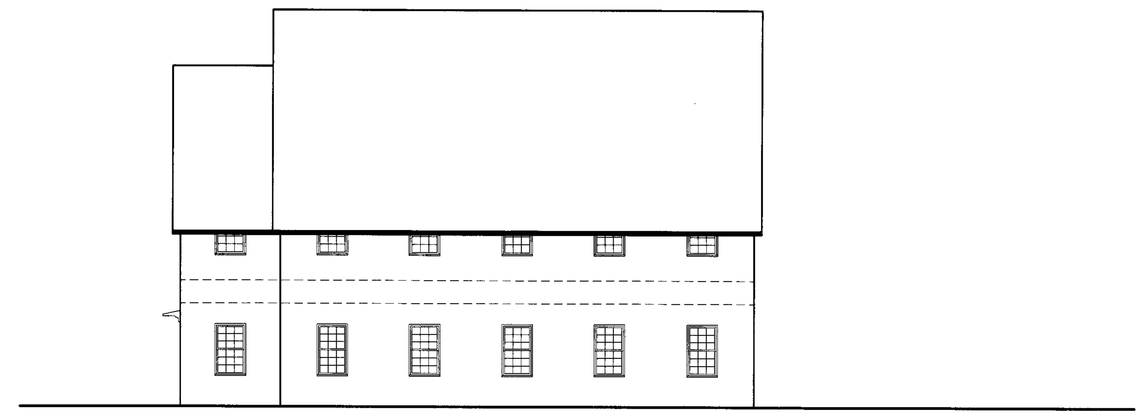
6B EAST ELEVATION/ SECTION
1/8" = 1'-0"



6K NORTH ELEVATION
1/8" = 1'-0"

RUBELING
& ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN
401 JEFFERSON AVENUE
TOWSON, MARYLAND 21286-5308
410-337-2886
FAX: 410-337-2974

RATTERMAN PROPERTY
GERMAN REFORMED CHURCH
14346 JARRETSVILLE PIKE
JACKSONVILLE, MARYLAND

REVISIONS:

NO.	DESCRIPTION	DATE

LAST REV.:
PROJECT NO.: 03-004
DATE: 6-24-03
SCALE: 1/8" = 1'-0"
TITLE:
ELEVATIONS/
SECTION FOR
HEARING

SHEET:
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2

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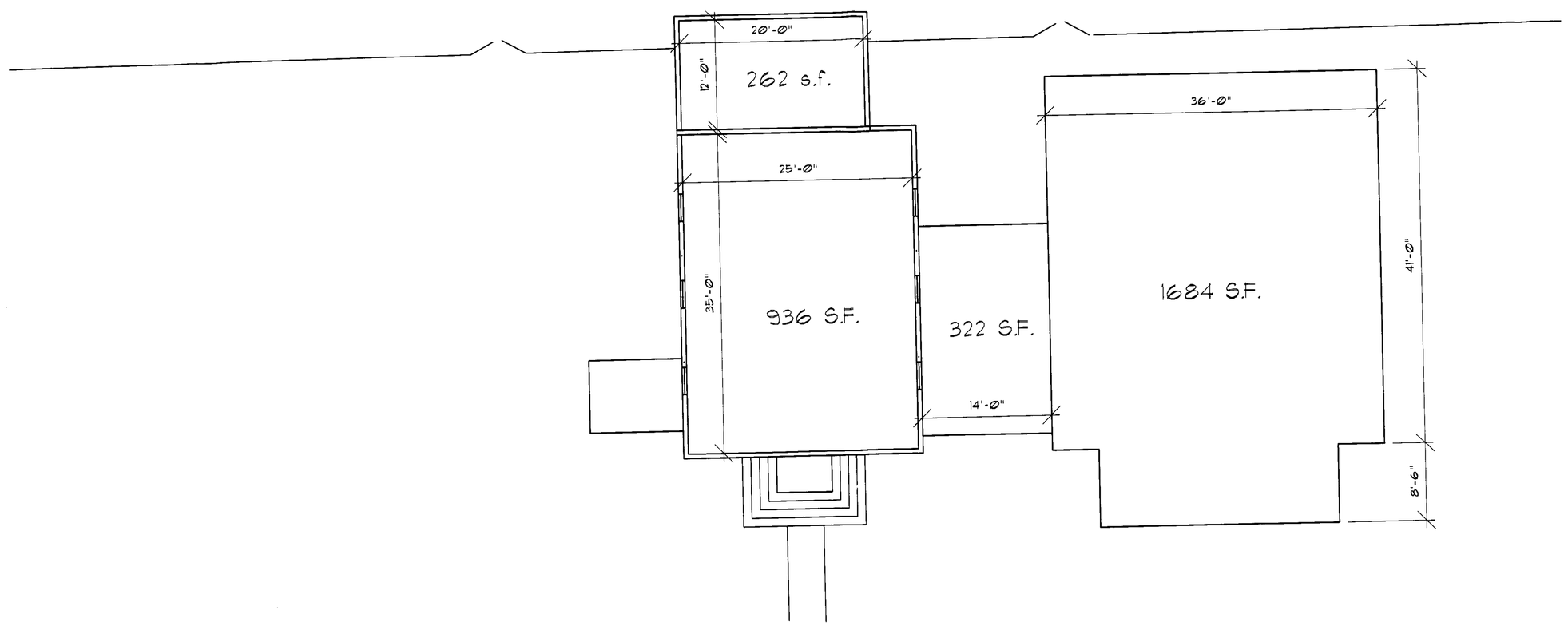

1ØP FLOOR PLAN
1/8" = 1'-Ø"

N
CONSTRUCTION

OWNER:

BASEMENT 936 + 262 + 322 =	1,52Ø S.F.
FIRST 936 + 262 + 322 =	1,52Ø S.F.
MEZZANINE =	571 S.F.
TOTAL OWNER =	3,611 S.F.
TOTAL FOOTPRINT =	3,2Ø4 S.F.

TOTAL SQUARE FOOTAGE: 8,791

TENANT:

BASEMENT =	1,5ØØ S.F.
FIRST =	1,684 S.F.
SECOND 1,684 + 322 =	2,ØØ6 S.F.
TOTAL TENANT =	5,19Ø S.F.

RUBELING
& ASSOCIATES, INC.
ARCHITECTURE
INTERIOR DESIGN
401 JEFFERSON AVENUE
TOWSON, MARYLAND 21286-5308
410-337-2886
FAX: 410-337-2974

RATTERMAN PROPERTY
GERMAN REFORMED CHURCH
14346 JARRETSVILLE PIKE
JACKSONVILLE, MARYLAND

REVISIONS:

NO.	DESCRIPTION	DATE

LAST REV.:
PROJECT NO.: Ø3-ØØ4
DATE: 6-24-Ø3
SCALE: 1/8" = 1'-Ø"
TITLE: SQUARE FOOTAGE HEARING
SHEET: H 3

06/19/2003 16:32:46 H3

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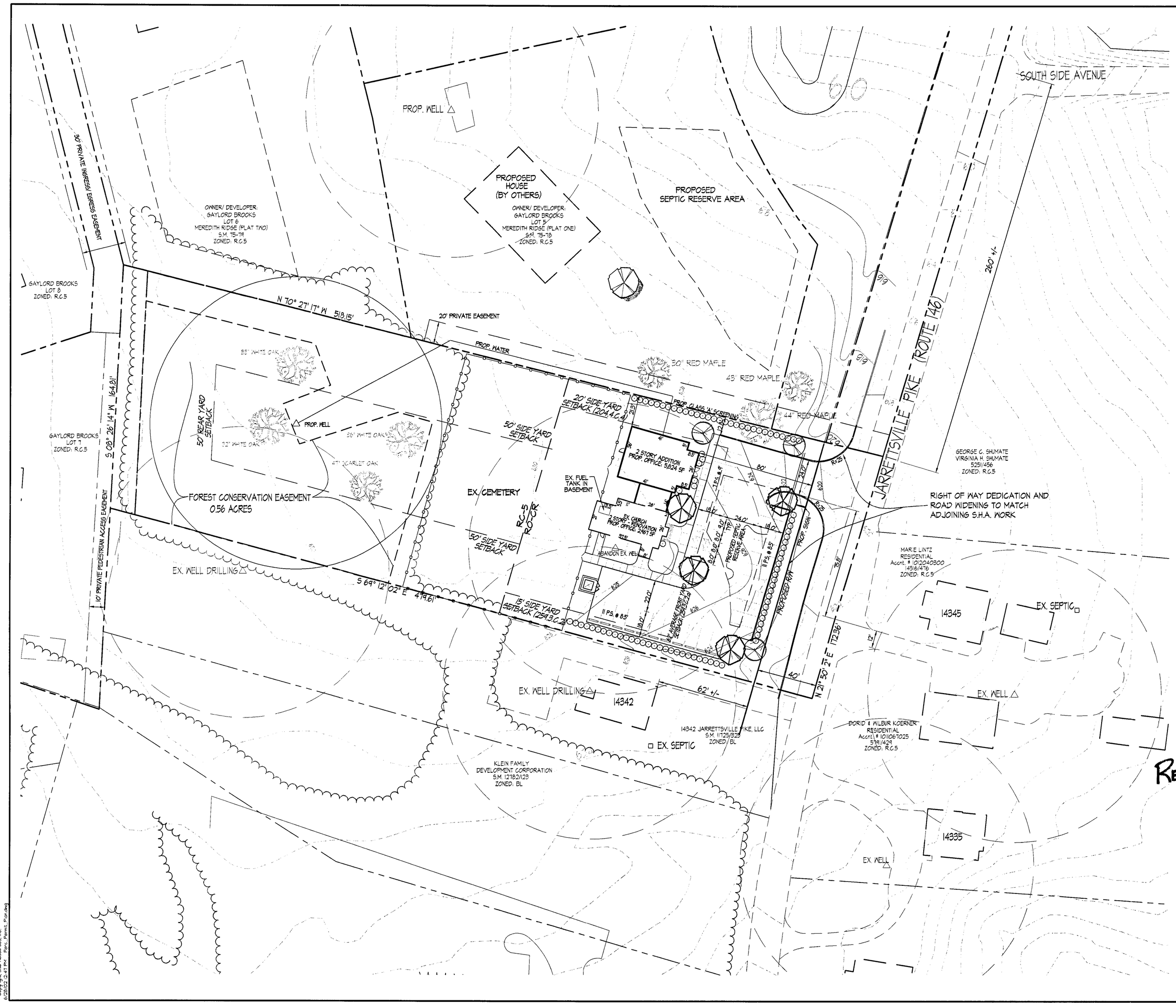

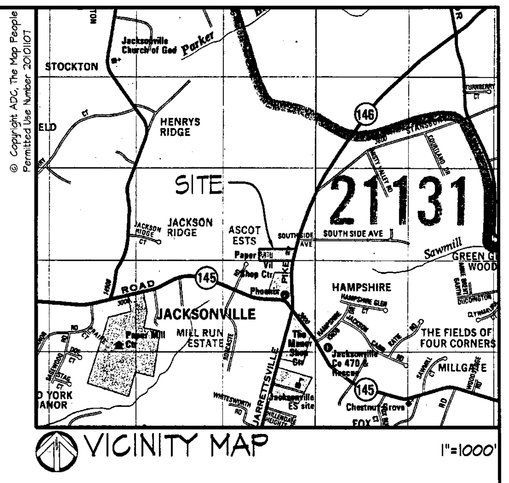

VICINITY MAP 1"=1000'

SITE DATA

1. Owner: Walter Ratterman, 2633 Reeds Road, Felton PA 17322
   Applicant: Gaylord Brooks, P.O. Box 400, Phoenix, MD 21131
   Contact: Steve Smith (410) 667-0800
2. Property Info.:
   Tax Map 35 Grid 18 Parcel 130 Address: 14346 Jarrettsville Pike
   Election District 10th Councilmanic District 6th
   Deed Reference: SM 10851/494 Tax Acct. No.: 10-1006020025 Zoning Map (200 Scale) : NE 21 C
3. Site Area: 1.41 Acres +/- (per Deed to ℄ road = Gross) (RO-CR: 0.86 Acres/ RC-5: 1.05 Acres)
4. There are no previous commercial permits
5. There is a previous zoning hearing on file.
   A. Case No. 99-173-SPHXA
   B. Date: 8th day of January 1999
   C. Granted
      1. The existing cemetery can remain on site while the worship building is converted to office use.
      2. The CR district regulations of the BCZR, do not apply to this existing improved site.
      3. A front yard set back of 104 ft has been granted
      4. The existing 0 ft. rear yard setback between the Church (office) building and cemetery use is granted
      5. An existing driveway and proposed parking lot with no Amenity Open Space is granted
      6. Several landscape variances have been granted:
         a. No opaque fence, wall or berm against adjoining residence is granted
         b. Screening of less than 5 ft in height is granted
         c. Landscaping as shown opposed to the requirement that same be provided along the entire front, side and rear yards, and that all setbacks be landscaped is granted
         d. There will be no pervious surface and parking lot with 9 trees is granted.
6. Existing Zoning: 1.12 Acres RC-5 and 0.86 Acres RO-CR
7. Existing Use: Church Building (2,796 SF) & Cemetery
8. Proposed Use: Renovate EX. 2-story bldg. into office space: 2,967 sf
   Two-Story Office Addition (w/ Basement): 5,824 sf
   Total Office Space: 8,791 sf
   Floor Area Ratio = 8,791 sf / 89,200 = 0.10
   Building Height:
   Existing Church: 22' Height
   Proposed Addition: 25' Height
9. All known wells and septic systems within 100 feet of the site have been field located and are shown on the plan.
10. Site will be serviced by private Water and Sewer as shown on plan.
11. Site will require Fee in Lieu request for Water Quality.
12. There are no streams, wetlands or steep slopes within 200' of the property.
13. Parking Required: 8,791 s.f. @ 3.3 spaces/1000 s.f. = 29 spaces
    Parking Proposed: 31 spaces
14. Signage: All signs shall comply with section 450 of the Baltimore County Zoning Regulations.
15. There are no archeological sites on the property. The existing church building is not on any historic preservation list. The cemetery (site 02872) is listed on the Landmarks List #165.
16. Forest Conservation: Required: 0.5 Ac. Proposed: 0.56 Ac.

RELIEF REQUESTED

Petition for Special Exception, pursuant to B.C.Z.R. Section 204.3.B.2., to permit a Class B office building.

Petition for Special Exception, from B.C.Z.R. Section 259.3.C.1 to permit a maximum building height of 35 feet in lieu of the maximum permitted 30 feet.

Petition for Special Hearing to confirm that special hearing relief and variance relief granted in Case No. 99-173-SPHXA have not expired and may be utilized in conjunction with the proposed Class B office building and to modify/eliminate Restriction No. 2 from the Zoning Commissioner's Order.

Petition for Variance if the Zoning Commissioner determines that the special hearing relief and variance relief granted in Case No. 99-173-SPHXA may not be utilized in conjunction with the proposed Class B office building, the following variances will be requested: (1) variance to permit a maximum front yard setback of 80' in lieu of the 62 feet (average) front yard setback required by B.C.Z.R. Section 259.3.C.2.a; (2) variance to permit a 0 foot rear yard setback between the existing church structure and the existing cemetery use in lieu of the 15 feet required by B.C.Z.R. Section 259.3.C.2.b and the 30 feet required by B.C.Z.R. Section 204.4.C.5; (3) variance from the requirement of B.C.Z.R. Section 204.4.C.9. to provide an opaque fence, wall, or berm to screen a parking lot abutting a residential zone; and (4) variance from B.C.Z.R. Section 204.4.C.9.c.1. to permit a 12 foot landscape buffer along a property line abutting a residential zone in lieu of the required 20 foot landscape buffer.

* REVISED

511

Plan to Accompany Special Exception, Special Hearing & Variance

Ratterman Property

10th Election District, Baltimore County, MD

NORTH

SITE RESOURCES incorporated
Comprehensive Land Planning & Site Design Services
14307 Jarrettsville Pike • Phoenix, Maryland 21131
(410) 683-3388 • fax (410) 683-3389

DRAWN BY:	NCC	CONTRACT NO.:	
DESIGNED BY:	JGT	SCALE:	1" = 30'
CHECKED BY:	JGT	SRI PROJECT NO:	02034
DATE:	May 20, 2003	SHEET 1	OF 1

03-511-SPHXA

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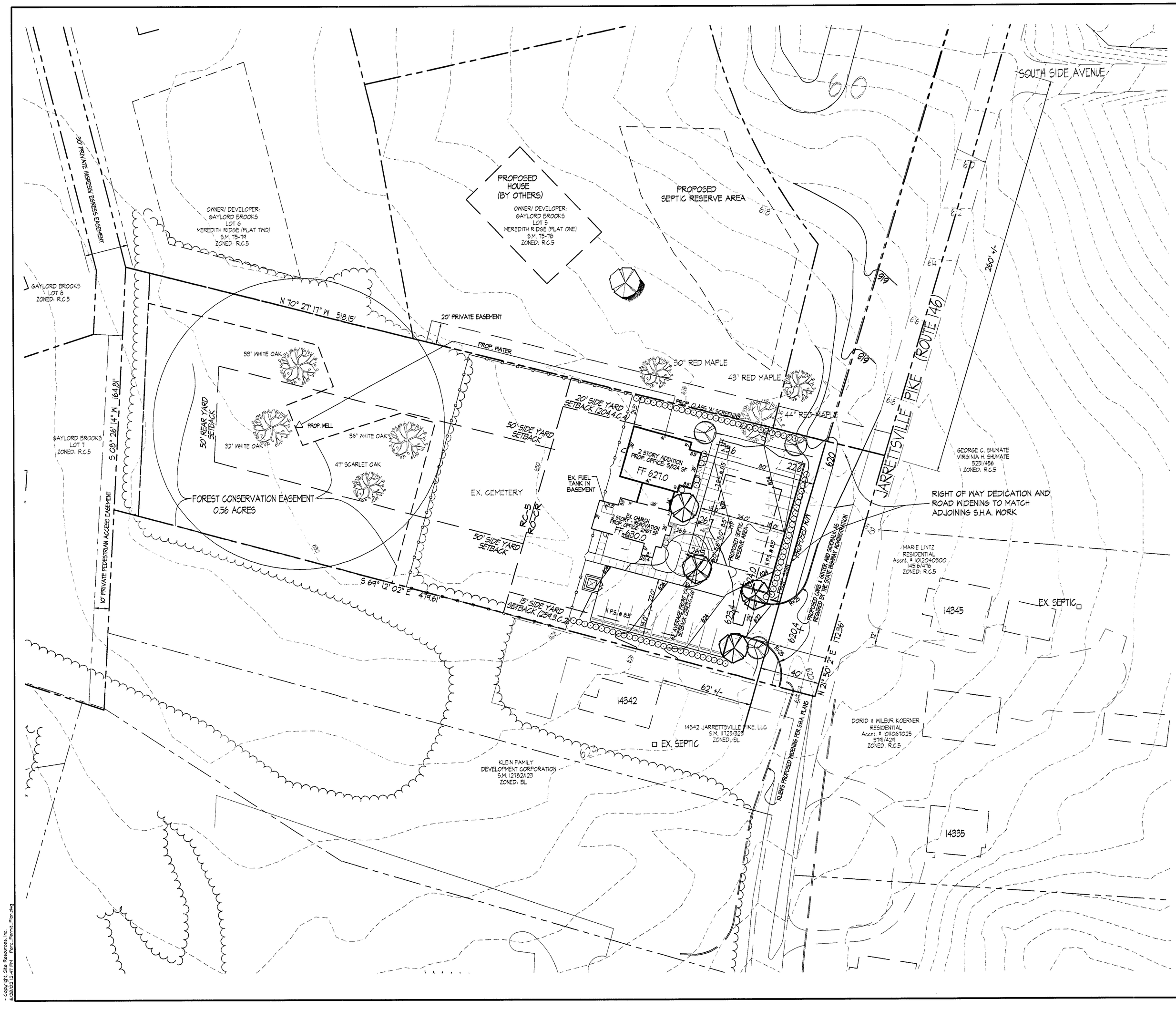
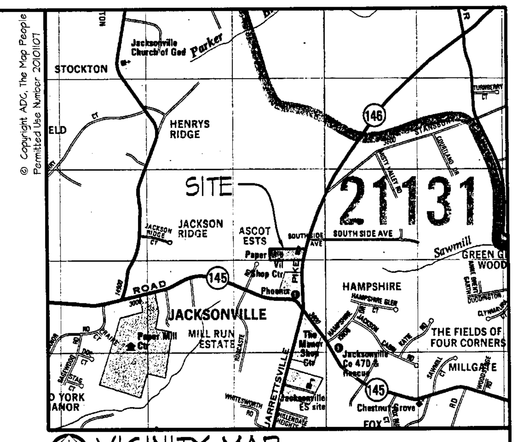
6/23/03 2:47 PM Plan Plans Ratterman





VICINITY MAP 1"=1000'

SITE DATA

1. Owner: Walter Ratterman, 2633 Reeds Road, Felton PA 17322
   Applicant: Gaylord Brooks, P.O. Box 400, Phoenix, MD 21131
   Contact: Steve Smith (410) 667-0800
2. Property Info.:
   Tax Map 35 Grid 18 Parcel 130 Address: 14346 Jarrettsville Pike
   Election District 10th Councilmanic District 6th
   Deed Reference: SM 10851/444 Tax Acct. No.: 10-1006020025 Zoning Map (200 Scale) : NE 21 C
3. Site Area: 1.91 Acres +/- (per Deed to ℄ road = Gross) (RO-CR: 0.86 Acres/ RC-5: 1.05 Acres)
4. There are no previous commercial permits
5. There is a previous zoning hearing on file.
   A. Case No. 99-173-SPHXA
   B. Date: 8th day of January 1999
   C. Granted
      1. The existing cemetery can remain on site while the worship building is converted to office use.
      2. The CR district regulations of the BCZR, do not apply to this existing improved site.
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         d. There will be no pervious surface and parking lot with 3 trees is granted.
6. Existing Zoning: 1.12 Acres RC-5 and 0.86 Acres RO-CR
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8. Proposed Use: Renovate Ex. 2-story bldg. into office space: 2,967 sf
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Plan to Accompany Special Exception, Special Hearing & Variance

Ratterman Property

10th Election District, Baltimore County, MD

Red No 2

NORTH

SITE RESOURCES Incorporated
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DRAWN BY:	NCC	CONTRACT NO.:	
DESIGNED BY:	JGT	SCALE:	1" = 30'
CHECKED BY:	JGT	SRI PROJECT NO:	02034
DATE:	JUNE 24, 2003	SHEET	1 OF 1

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