

IN RE: PETITIONS FOR SPECIAL EXCEPTION

& VARIANCE

SW/Corner Dorsey Avenue and

Marlyn Avenue

15th Election District

7th Councilmanic District

(4 Marlyn Avenue)

BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 03-537-XA

Howard S. Henninger, Legal Owner and Care Management, Inc., Contract Purchaser Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, this matter came before this Deputy Zoning Commissioner as petitions for special exception and variance. An Order was issued the 30th day of July, 2003 granting the Petitioners' relief.

WHEREAS, a typographical error was found on page 1 of the Order in paragraph 1, line 2 wherein it should read "Howard S. Henninger" instead of "John S. Henninger".

THEREFORE, IT IS ORDERED, this 12 day of August, 2003, by this Deputy Zoning Commissioner, that my previous decision dated the 31st day of July, 2003 shall be amended to read as follows:

"This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed by the legal owner of the subject property, <u>Howard S. Henninger</u> and Care Management, Inc., the Contract Purchaser."

IT IS FURTHER ORDERED that all other terms and conditions of my previous decision shall remain in full force and effect.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

24 - 8/12/03 34 - 8: Gunn IN RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
SW/Corner Dorsey Avenue and
Marlyn Avenue
15th Election District
7th Councilmanic District
(4 Marlyn Avenue)

Howard S. Henninger, Legal Owner and Care Management, Inc., Contract Purchaser Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-537-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed by the legal owner of the subject property, John S. Henninger and Care Management, Inc., the Contract Purchaser. The property, which is the subject of this request, is located at 4 Marlyn Avenue in the Essex area of Baltimore County and is zoned RO. The Petitioners are requesting special exception relief for a Class "B" office building with up to 100% of the total adjusted floor area occupied by medical offices. In addition, the Petitioners have requested variance relief as follows:

- 1. From §204.3.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow parking in the front yard;
- 2. From §204.4.C.4 of the B.C.Z.R., to allow a side yard setback of 10 ft. in lieu of the required 20 ft.;
- 3. From §204.4.C.5 of the B.C.Z.R., to allow a rear yard setback of 10 ft. in lieu of the required 30 ft.;
- 4. From §204.4.C.6 of the B.C.Z.R., to allow amenity open space of 0% of the interior of the parking lot in lieu of the required 7%;
- 5. From §204.4.C.9.c.(1) of the B.C.Z.R., to allow a landscape buffer of 10 ft. in lieu of the required 20 ft; and
- 6. From §409.8.A.1 of the B.C.Z.R. and the Landscape Manual, to allow the parking lot edge to be 3 ft. from the face of the building in lieu of the required 6 ft.

The property was posted with Notice of Hearing on July 13, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on June 12, 2003 to notify any interested persons of the scheduled hearing date. Notice was taken that the subject of this request consists of 0.27 acres of land, more or less, zoned RO.

Applicable Law

Section 502.1 of the B.C.Z.R. - Special Exceptions

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to

be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee (ZAC) Comments

There were no ZAC comments opposing these petitions. However, ZAC comments were received by this office from the Office of Planning dated June 25, 2003 requesting building elevations, landscape plan and removing two parking spaces. In addition, revised comments were then received from Planning dated July 25, 2003 which eliminated the need to remove the two parking spaces while keeping the other comments. The Bureau of Development Plans Review also submitted comments requesting the entrance be widen slightly and comply with County standards. These comments shall be incorporated herein as conditions and restrictions of the relief granted.

Interested Persons

Thomas Hoff, registered Landscape Architect, and Denise LaScola appeared and testified for the contract purchaser. Mr. Furgan Siddiqi, President of Care Management, Inc. appeared on behalf of Care Management, Inc., the Contract Purchaser, but did not testify.. Anthony J. DiPaula, Esquire appeared as counsel for the Petitioners. People's Counsel entered their appearance in the case but did not participate in the hearing.

Nearby residents of Dorsey Avenue, Ronald Welsh, Darlene Welsh and Grace Dunkle, appeared and testified as interested citizens.

Findings of fact and conclusions of law

Mr. Hoff testified that the property is now improved with a vacant dwelling in great need of repair. He indicated that the contract purchaser wanted to renovate the vacant dwelling and build a Class B office building behind and attached to the dwelling by a breezeway. The intent

was to provide 2,230 sq. ft of medical offices on the premises. He described the surrounding community, presented photographs of the area and reviewed the calculation of floor area ratio showing that it met the requirement of the B.C.Z.R. allowing 100 % medical offices. He opined that the proposed use would not violate the "do no harm" provisions of B.C.Z.R. Section 502.1. The essence of his testimony was that this was a small medical office with only 12 parking spaces and that the impact on the neighborhood would be minimal.

Citizens Grace Dunkle and Darlene Welsh testified of their concerns about traffic on Dorsey Avenue which runs parallel to Eastern Boulevard and can become an alternate route should trouble develop on this heavily troubled route. They also were concerned about vehicles turning from Marlyn Avenue onto Dorsey Avenue and then onto the site as they may stack up on Dorsey waiting for parking. However, they both testified that the proposed medical offices would be a big improvement to the neighborhood.

It is clear that the Baltimore County Zoning Regulations permit the Petitioners' use in a RO zone by special exception. It is equally clear from the testimony and exhibits that the proposed use of this property as medical offices in the renovated dwelling and in the new Class "B" office building will not be detrimental to the primary uses in the vicinity considering each of the factors delineated in Section 502.1. However it is also clear from the photographs of Exhibit 4 that the surrounding properties contain modest dwellings. The nearest commercial use is a Seven Eleven some distance away. The plan shows a new single story office building added behind the existing dwelling and as such changes the visual and architectural look of the immediate area. The Petitioners agree to submit building elevation drawings of the new office building to the Office of Planning for the purpose of architectural compatibility with the surrounding modest single family structures. This should mitigate this impact if the project is

specifically limited to renovation of and maintaining of the existing dwelling and the one story class B office shown on Petitioners' Exhibit No. 1.

Mr. Hoff also testified at length regarding the six variances requested by the Petitioners. The central driving force for these requests is that the existing dwelling is already in violation of the setback requirements of the B.C.Z.R. and adding the new building will not significantly make this worse. Also, the County requested the front of the building be changed from facing Marlyn Avenue to Dorsey Avenue. This is a reasonable request but triggers or contributes to the need for several variances. Finally, Mr. Hoff testified as to the conflicting requirements of interior amenity open space and that providing such space would be extremely difficult on such a small lot. He opined that the County Landscape Planner, Avery Harden, agreed with this analysis and will approve a landscaped plan without interior amenity open space.

Denise LaScola, who is the office manager for the present medical practice, testified that moving the practice to this site would eliminate hardship and practical difficulty that present patients' face when trying to visit doctors on the second floor of their present office space. She testified that the present office hours were 7 a.m. to 7 p.m.. five days a week, and would not be changed for the new location.

The citizens did not contest the variance requests specifically.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 30 day of July, 2003, that the following requested variance relief:

- 1. from §204.3.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow parking in the front yard;
- 2. from §204.4.C.4 of the B.C.Z.R., to allow a side yard setback of 10 ft. in lieu of the required 20 ft.;
- 3. from §204.4.C.5 of the B.C.Z.R., to allow a rear yard setback of 10 ft. in lieu of the required 30 ft.;
- 4. from §204.4.C.6 of the B.C.Z.R., to allow amenity open space of 0% of the interior of the parking lot in lieu of the required 7%;
- 5. from §204.4.C.9.c.(1) of the B.C.Z.R., to allow a landscape buffer of 10 ft. in lieu of the required 20 ft; and
- 6. from §409.8.A.1 of the B.C.Z.R. and the Landscape Manual, to allow the parking lot edge to be 3 ft. from the face of the building in lieu of the required 6 ft.

be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. Any building on the property must comply strictly with the proposed design shown on Petitioners' Exhibit 1 renovating and preserving the existing dwelling and adding a single story new structure for medical offices.
- 2. Compliance with the Zoning Advisory Committee (ZAC) comments submitted by the Bureau of Development Plans Review dated May 30, 2003, a copy of which is attached hereto and made a part hereof.
- 3. Compliance with the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning dated July 25, 2003, a copy of which is attached hereto and made a part hereof.
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED, that the special exception request, for a Class "B" office building with up to 100% of the total adjusted floor area occupied by medical offices, be and is hereby GRANTED.

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

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

IN THE MATTER OF
THE APPLICATION OF
BETTY HENNINGER – P.R. OF HOWARD
HENNINGER; CARE MANAGEMENT INC.
FOR SPECIAL EXCEPTION AND VARIANCE*
ON PROPERTY LOCATED AT
4 MARLYN AVENUE
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
*

BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

Case No. 03-537-XA

ORDER OF DISMISSAL OF PETITIONS

This case comes to the Board on appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, from the Order of the Deputy Zoning Commissioner dated July 30, 2003 in which the Petitions for Special Exception and Variance were granted with restrictions.

WHEREAS, the Board is receipt of a letter of withdrawal of the Petition for Special Exception and Petition for Variance filed October 23, 2003 by Anthony J. DiPaula, Esquire, Counsel for Petitioner in this matter, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioner requests that the Petitions filed in the above-referenced matter be withdrawn as of October 23, 2003,

IT IS THEREFORE. this 37th day of With , 2003, by the County Board of Appeals of Baltimore County

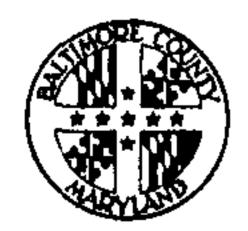
ORDERED that said Petition for Special Exception and Petition for Variance filed in Case No. 01-431-XA are WITHDRAWN AND DISMISSED, rendering moot the appeal filed in this matter, and that the Deputy Zoning Commissioner's Order of July 30, 2003 and Amended Order of August 12, 2003, including any and all relief granted to Petitioner therein, are rendered null and void.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

awrence S. Wescott

Melissa Moyer Adams

Charles L. Marks



County Board of Appeals of Baltimore County

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

October 29, 2003

Anthony J. DiPaula, Esquire 34 South Main Street Bel Air, MD 21014

RE: In the Matter of: 4 Marlyn Avenue – Care Management, Inc. – C.P. Case No. 03-537-XA / Withdrawal of Petitions

Dear Mr. DiPaula:

Enclosed please find a copy of the Order of Dismissal of Petitions issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco / Bianco

Administrator

Enclosure

c: Office of People's Counsel
Anthony J. DiPaula, Esquire
Betty Henninger, P.R. for Howard Henninger
Care Management, Inc. /Furgan Siddigi
Andy King
Thomas Hoff
David Ransone
Grace A. Dunkle
Ronald and Darlene Welsh
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

IN RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE SW Corner Dorsey Avenue and Marlyn Avenue 15th Election District 7 Councilmanic District (4 Marlyn Avenue)

* BEFORE THE

* BOARD OF APPEALS

* FOR BALTIMORE COUNTY

* CASE NO.: 03-537-XA

WITHDRAWAL OF PETITIONS

Petitioners hereby withdraw the Petition for Variances and Petition for Special Exception, in light of the appeal filed by People's Counsel and the delays attendant thereto.

Anthony J. DiPaula DiPaula & Sullivan, LLC

34 South Main Street Bel Air, Maryland 21014

410-893-4255

Attorney for Petitioners

Office of People's Counsel

cc:

DIPAULA & SULLIVAN, LLC

Anthony J. DiPaula*
aid@dipaulasullivan.com

Roger J. Sullivan ris@dipaulasulliyan.com

*also Admitted in D.C.

ATTORNEYS AT LAW

34 South Main Street Bel Air, Maryland 21014

Telephone: 410-893-4255 Fax: 410-893-4277 300 Allegheny Avenue Suite 106 Towson, MD 21204 410-823-8705

Towson Office

October 21, 2003

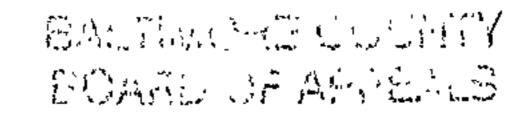
County Board of Appeals of Baltimore County Old Courthouse, Room 49 300 Washington Avenue Towson, Maryland 21204 Attn: Kathleen C. Bianco, Administrator

RE:

4 Marlyn Avenue

Case No.: 03-537-XA

OCT 2 3 2003



Dear Kathy:

As per our conversation, and having confirmed with my client, the contract purchaser, that the Contract of Sale has in fact been released, enclosed please find a Withdrawal of Petitions. Please let me know if you need anything additional.

Very truly yours,

Anthony J. DiPaula

AJD/dh Enclosure

cc:

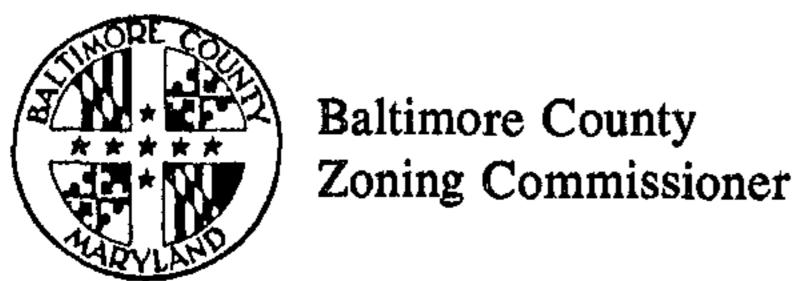
Care Management, Inc.

People's Counsel

Thomas J. Hoff, Inc.

s:\das\ajd\Care Management\Bianco.ltr.1





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

Fax: 410-887-3468

August 12, 2003

Betty Henninger 5818 Pine Hall Drive White Marsh, MD 21162

RE: Amended Order

Case No. 03-537-XA

Property: 4 Marlyn Avenue

Dear Ms. Henninger:

Enclosed please find an Amended Order correcting Mr. Henninger's name as typed on page 1 of my previous Order dated July 30, 2003. Please accept our apologies for any inconvenience this may have caused.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

John V. Menpley

JVM:raj Enclosure

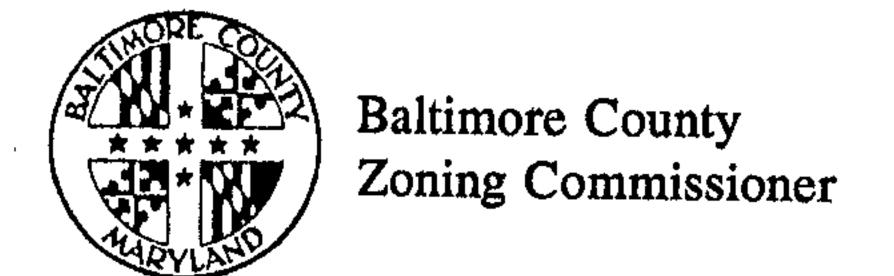
c: Furgan Siddiqi c/o Care Management, Inc. 12 Selsed Garth Lutherville, Maryland 21092

> Thomas J. Hoff 406 W. Pennsylvania Avenue Towson, MD 21204

Ronald & Darlene Welsh 821 Dorsey Avenue Essex, MD 21221 Anthony J. DiPaula, Esquire 34 S. Main Street Bel Air, Maryland 21014

Denise LaScola 2295 Phillips Mill Road Forest Hill, MD 21050

Grace A. Dunkle 820 Dorsey Avenue Essex, MD 21221



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

Fax: 410-887-3468

July 30, 2003

Anthony J. DiPaula, Esquire 34 S. Main Street Bel Air, Maryland 21014

RE: Petitions for Special Exception & Variance

Case No. 03-537-XA

Property: 4 Marlyn Avenue

Dear Mr. DiPaula:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special exception and variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Office of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

John murphry

JVM:raj Enclosure



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at ___4 Marlyn Avenue which is presently zoned ____RO_____

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

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)

The property is a corner lot, laid out many years ago, the size of which makes it nearly unusable as offices under the current BCZR; other reasons to be provided at the 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.

Contract Purchaser/Losses:

Care Management, Inc.

	Name	- Type or Print	1	
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	Addres	5S		Telephone No.
	Lut	therville, MD 21092		
Ī	City		State	Zip Code
	Atto	rney For Petitioner:		
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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.

Legal Owner(s):

Howard S. Henninger Name - Type or Print			
Name - Type of Print			
Signature Rep.			
Name - Type or Print			
Signature			
5818 Pine Hill Drive 410-335-4697 Address Telephone No.			
Address Telephone No.			
White Marsh, MD 21162			
City State Zip Code			
Representative to be Contacted:			
Thomas J. Hoff Name			
406 W. Pennsylvania Ave. 410-296-3668 Address Telephone No.			
Towson, MD 21204			
City State Zip Code			
OFFICE USE ONLY			
ESTIMATED LENGTH OF HEARING			
UNAVAILABLE FOR HEARING Date OS-0705			

Attachment to Petition for Variance - 4 Marlyn Avenue

- 1. Section 204.3.C.2 to allow parking in the front yard.
- 2. Section 204.4.C.4 to allow a side yard setback of 10' in lieu of the required 20'.
- 3. Section 204.4.C.5 to allow a rear yard setback of 10' in lieu of the required 30'.
- 4. Section 204.4.C.6 to allow amenity open space of 0% of the interior of the parking lot in lieu of the required 7%.
- 5. Section 204.4.C.9.c.(1) to allow a landscape buffer of 10' in lieu of the required 20'.
- 6. Section 409.8.A.1 and the Landscape Manual to allow the parking lot edge to be 3' from the face of the building in lieu of the required 6'.

s:\das\ajd\Care Management\Attachment



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property		4 Marlyn Avenue
	H	

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

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Care Management, Inc. Howard S. Henninger Name - Type or Print Name - Type or Print By Signature Furgan Siddigi, President 12 Selsed Garth 41/0-268-8820 Address Telephone No. Name - Type or Print Lutherville, MD 21093 City State Zip Code Signature Attorney For Petitioner: 5818 Pine Hill Drive 410-335-4697 Address Telephone No. Anthony J. DiPaula White Marsh, MD 21162 Name - Type or Print City State Zip Code Representative to be Contacted: Signature DiPaula & Sullivan, LLC Thomas J. Hoff Company Name 34 S. Main St. 410-893-4255 406 W. Pennsylvania Ave. 410-296-3668 Address Telephone No. Address Telephone No. Bel Air, MD 21014 Towson. MD 21204 City State Zip Code City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. UNAVAILABLE FOR HEARING Reviewed By REV 09/15/98





THOMAS J. HOFF, INC.

Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

May 8, 2003

Description of Four Marlyn Avenue, Henninger Property, to Accompany Petition for Special Exception and Variances.

BEGINNING FOR THE SAME at a point at the intersection of the south side R/W line of Dorsey Avenue and the west side R/W line of Marlyn Avenue.

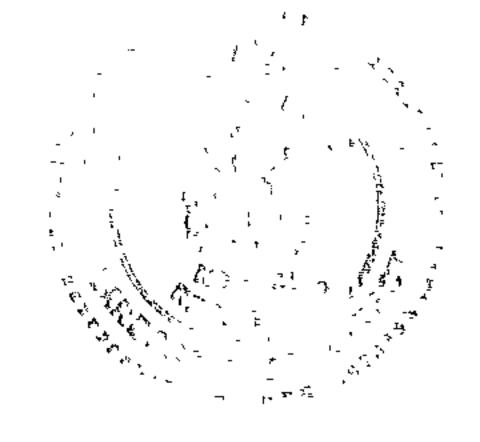
Thence binding on the west side of Marlyn Avenue,

- 1) South 12 degrees 51 minutes 32 seconds East 103.27 feet, thence leaving the west side of Marlyn Avenue,
- 2) South 62 degrees 40 minutes 27 seconds West 105.11 feet, thence binding on the east side of a ten foot alley,
- 3) North 27 degrees 19 minutes 33 seconds West 100.00 feet, thence binding on the south side of Dorsey Avenue,
- 4) North 62 degrees 40 minutes 27 seconds East 130.91 feet, to the place of beginning.

Containing 0.27 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



03-537. XA

THOMAS J. HOFF, INC.

Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

May 8, 2003

Description of Four Marlyn Avenue, Henninger Property, to Accompany Petition for Special Exception and Variances.

BEGINNING FOR THE SAME at a point at the intersection of the south side R/W line of Dorsey Avenue and the west side R/W line of Marlyn Avenue.

Thence binding on the west side of Marlyn Avenue,

- 1) South 12 degrees 51 minutes 32 seconds East 103.27 feet, thence leaving the west side of Marlyn Avenue,
- 2) South 62 degrees 40 minutes 27 seconds West 105.11 feet, thence binding on the east side of a ten foot alley,
- 3) North 27 degrees 19 minutes 33 seconds West 100.00 feet, thence binding on the south side of Dorsey Avenue,
- 4) North 62 degrees 40 minutes 27 seconds East 130.91 feet, to the place of beginning.

Containing 0.27 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.

3-537. XA

ORE COUNTY, MARYLAND
F BUDGET & FINANCE
LANEOUS RECEIPT

03-537-X() No. 23516

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APPER TO

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

Case: #03-537-XA

Case: #03-537-XA

4 Marlyn Avenue
S/west corner Dorsey Avenue and Marlyn Avenue
15th Election District-7th Councilmanic District
Legal Owner(s): Howard S. Henninger and Betty Henninger, Personal Representative.
Contract Purchaser: Care Management, Inc.
Special Exception: to permit a class "8" building with up to 100% of the total adjusted floor area occupied by medical offices. Variance: to permit parking in the front yard, to allow a side yard setback of 10 feet in lieu of the required 20 feet. To permit a rear yard setback of 10 feet in lieu of the required 7%. To allow a landscape buffer of 10 feet in lieu of the required 7%. To allow a landscape buffer of 10 feet in lieu of the required 20 feet and to allow the parking lot edge to be 3 feet from the face of the building in lieu of the required 6 feet.

Hearing: Tuesday, July 1, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

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

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

6/144 June 12

CERTIFICATE OF PUBLICATION

6/13/,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md., once in each ofsuccessive weeks, the first publication appearing on6/12/_,2003.
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 03-537-XA
Petitioner/Developer:
Care Management, Inc.
Hearing Date: 7/01/03

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

Attention: Ms. Becky Hart:

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 4 Marlyn Ave.

The sign(s) were posted on 6/16/03.

Sincerel

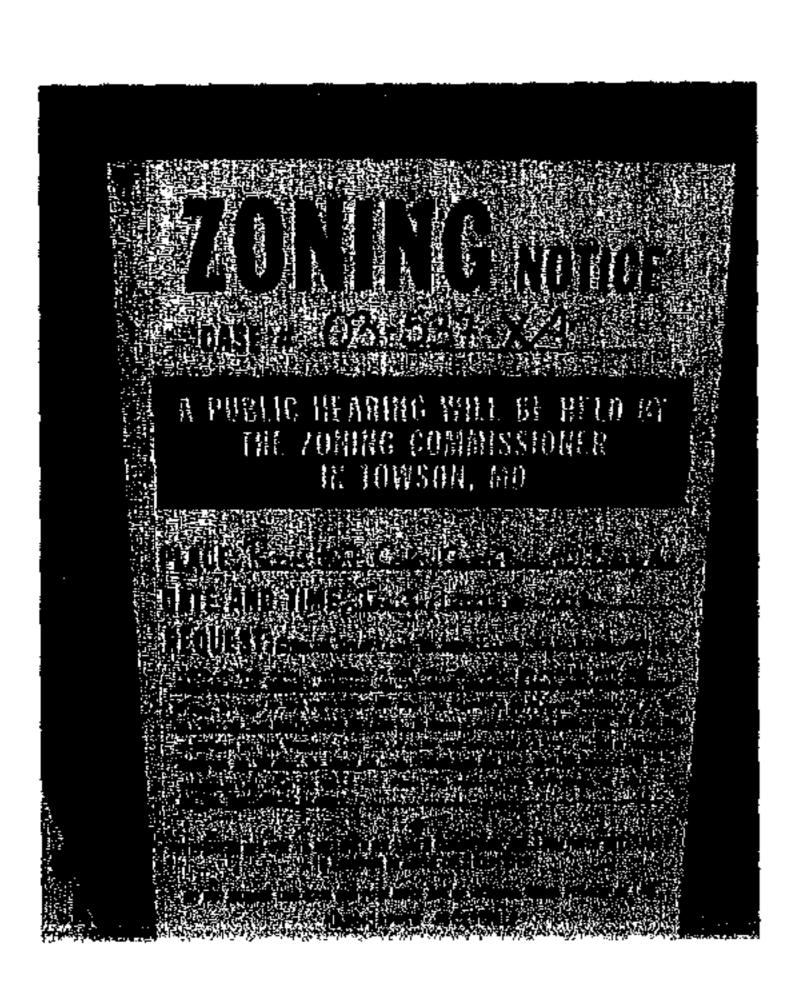
Diana Sugiucki

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



THOMAS J. HOFF, IN 406 W. Pennsylvania Ave. 2nd Floor TOWSON, MARYLAND 21204

(410) 296-3668 FAX (410) 296-5326			DATE 6/24/03 JOB NO. 456-01 ATTENTION MECKY HART			
ZONING OF	ZONING OFFICE			PE POSTING CENT.		
·						
VE ARE SENDING YOU Attacl Shop drawings	hed □ Under separ □ Prints	ate cover via	□ Samples	_the following items:		
☐ Copy of letter	☐ Change order		· · · · · · · · · · · · · · · · · · ·			
COPIES DATE NO.			DESCRIPTION			
	POSTING CE	RIPECATION	ON - CADE!	V-03-537-XA		
		· , - ,- ,- ,- ,- ,- ,- ,- ,- ,- ,- ,- ,- ,-		'		
				· · · · · · · · · · · · · · · · · · ·		
			······································			
HESE ARE TRANSMITTED as checke	d below:		,			
☐ For approval	☐ Approve	d as submitted	☐ Resubmit	copies for approval		
For your use	☐ Approve	d as noted	☐ Submit	copies for distribution		
🖾 As requested	□ Returned	d for corrections	☐ Return	corrected prints		
☐ For review and commo			DOINTS DETLION	ED AFTER LOAN TO US		
EMARKS						
						
						
						
		. 	····			
OPY TO). Hotel		

If enclosures are not as noted, kindly notify us at once.

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-537-XA

Betty Henninger, Personal Representative of Howard Henninger - LEGAL OWNERS

4 Marlyn Avenue, 21212

15th ELECTION DISTRICT

APPEALED: 8/12/2003

ATTACHMENT (Plan to accompany Petition - Petitioner's Exhibit No. 1)

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-537-XA

Betty Henninger, Personal Representative of Howard Henninger - LEGAL OWNERS

4 Marlyn Avenue, 21212

15th ELECTION DISTRICT

APPEALED: 8/12/2003

ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1)

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals

400 Washington Avenue, Room 49

Towson, Maryland 21204

Attention:

Kathleen Bianco

Administrator

RE:

Case No.:03-537-XA

Petitioner/Developer:

Betty Henninger, Personal Representative of Howard Henninger

This is to certify that the necessary appeal sign was posted conspicuously on the property located at: 4 Marlyn Avenue

The sign was posted on 10/22	, 2003
By: Juny Jeung	
(Signature of Sign Poster)	
GARY FREUND	-
(Printed Name)	



ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

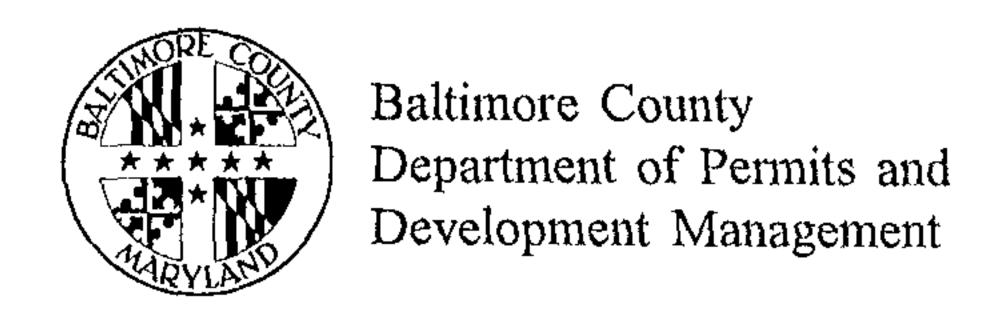
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign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

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

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

For Newspaper Advertising:
Item Number or Case Number: 03-537-XA
Petitioner: CANO MANNGENCOT
Address or Location: #44 CF MARCY & ADE.
PLEASE FORWARD ADVERTISING BILL TO
Name: CARE MANAGEMENT, INC. (TURDAN SIDDIQI, Pres.
Address: 12 SELSED GARTH
LUTHERVILLE, MD. 21093
Telephone Number: 410-268-8820

03-557-XA.



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

Fax: 410-887-5708

June 23, 2003

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: 03-537-XA

4 Marlyn Avenue

S/west corner Dorsey Avenue and Marlyn Avenue 15th Election District – 7th Councilmanic District

Legal Owner: Howard S. Henninger and Betty Henninger, Personal Representative

Contract Purchaser: Care Management, Inc.

<u>Special Exception</u> to permit a class "B" building with up to 100% of the total adjusted floor area occupied by medical offices. <u>Variance</u> to permit parking in the front yard, to allow a side yard setback of 10 feet in lieu of the require 20 feet. To permit a rear yard setback of 10 feet in lieu of the required 30 feet. To permit amenity open space of 0% of the interior of the parking lot in lieu of the require 7%. To allow a landscape buffer of 10 feet in lieu of the required 20 feet and to allow the parking lot edge to be 3 feet from the face of the building in lieu of the required 6 feet.

Hearings:

Tuesday, July 29, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401

Bosley Avenue

Timothy Kotroco

Director

KT:rlh

C: Betty Henninger, Personal Representative for Howard S. Henninger, 5818 Pine Hill Drive, White Marsh 21162
Anthony J. DiPaula, DiPaula & Sullivan, LLC, 34 S. Main Street, Bel Air 21014
Care Management, Inc., Furgan Siddigi, President, 12 Selsed Garth, Lutherville 21092
Thomas J. Hoff, 406 W. Pennsylvania Avenue, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 14, 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.

TO:

PATUXENT PUBLISHING COMPANY

Issue - Jeffersonian

Please forward billing to:

Care Management, Inc. Furgan Siddiqi, President 12 Selsed Garth Lutherville, MD 21093 410-268-8820

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Tuesday, July 29, 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 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.



County Board of Appeals of Baltimore County

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

FAX: 410-887-3182

Hearing Room - Room 48 Old Courthouse, 400 Washington Avenue

October 7, 2003

NOTICE OF ASSIGNMENT

CASE #: 03-537-XA

IN THE MATTER OF: BETTY HENNINGER, P.R. FOR HOWARD HENNINGER - /Legal Owner;

Care Management, Inc. - C.P. 4 Marlyn Avenue 15th E; 7th C

7/30/03 - D.Z.C.'s Order in which Petitions for Special Exception and Variance were GRANTED subject to restrictions.

ASSIGNED FOR:

THURSDAY, MARCH 11, 2004 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

> Kathleen C. Bianco Administrator

C:

Appellant

: Office of People's Counsel

Counsel for Petitioners

Legal Owner

: Anthony J. DiPaula, Esquire

: Betty Henninger, P.R. for Howard Henninger

: Care Management, Inc. /Furgan Sildigi

Contract Purchaser

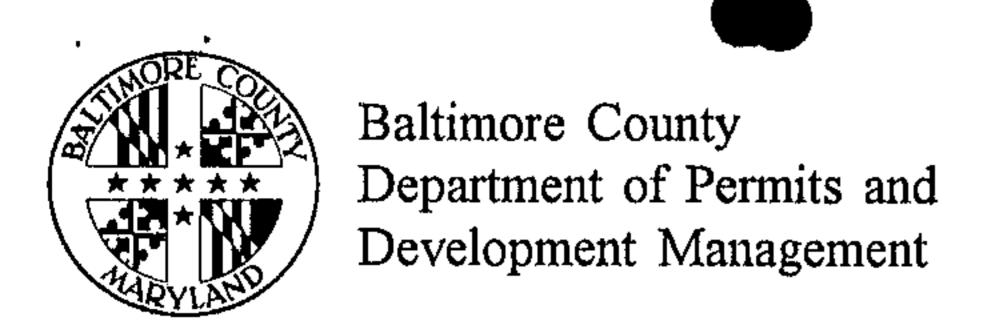
Thomas Hoff

David Ransone Grace A. Dunkle

Ronald and Darlene Welsh

Lawrence E. Schmidt /Zoning Commissioner Pat Keller, Planning Director

Timothy M. Kotroco, Director /PDM



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

July 25, 2003

Anthony DiPaula DiPaula & Sullivan, LLC 34 S. Main Street Bel Air, MD 21014

Dear Mr. DiPaula:

RE: Case Number: 03-537-XA, 4 Marlyn Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 4, 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.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Howard & Betty Henninger, 5818 Pine Hill Drive, White Marsh 21162
Care Management, Inc., Furgan Siddigi, Pres., 12 Selsed Garth, Lutherville 21092
Thomas Hoff, 406 W. Pennsylvania Avenue, Towson 21204

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: July 25, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4 Marlyn Avenue

INFORMATION:

Item Number:

03-537 - REVISED COMMENTS

Petitioner:

Care Management, Inc.

C/o Anthony DiPaula

Zoning:

RO

Requested Action:

Special Exception/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are incorporated as part of the hearing officer's order:

- 1. Submit building elevations for both the new addition and renovation of the existing structure to this office for review and approval prior to the issuance of any building permits. Exterior materials, details, and proportions should be residential in character and compatible with the existing residential neighborhood.
- 2. Submit a detailed landscape plan indicating screening material, particularly for the parking area and western boundary which abuts the residentially used property on Lot #21.

Prepared by:

Section Chief:

AFK/LL:MAC:





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

June 3, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 19, 2003

Item No.:

537

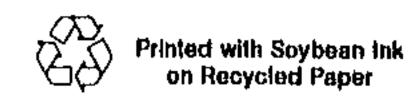
Dear Ms. Hart:

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.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code, (2000 edition of NFPA 1 & 101), prior to occupancy or beginning of operation.

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

cc: File





Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.27.03

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

RE:

Baltimore County

Item No. 537

JRA

Dear. Ms. Hart:

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

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

Very truly yours,

for

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



DATE: June 25, 2003

RECEIVED

JUN 2 6 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4 Marlyn Avenue

INFORMATION:

Item Number:

03-537

Petitioner:

Care Management, Inc.

C/o Anthony DiPaula

Zoning:

RO

Requested Action:

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- 2. Submit a detailed landscape plan indicating screening material, particularly for the parking area and western boundary which abuts the residentially used property on Lot #21.
- 3. Delete the two (2) parking spaces on the western edge of the property to maintain some open space and relocate the handicapped accessible parking space by noting the new location on the site plan.

Prepared by:

Section Chief:

AFK/LL:MAC:



DATE: July 25, 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4 Marlyn Avenue

INFORMATION:

Item Number:

03-537 - REVISED COMMENTS

Petitioner:

Care Management, Inc.

C/o Anthony DiPaula

Zoning:

RO

Requested Action:

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- 2. Submit a detailed landscape plan indicating screening material, particularly for the parking area and western boundary which abuts the residentially used property on Lot #21.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 27, 2003 Item No. 537

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

DATE: May 30, 2003

Commercial entrance shall be 24 feet clear with curb-return radii. Baltimore County Standard Details for Construction, 2000; R-32.

RWB:CEN:jrb

cc: File



Audrey E. Scott Secretary

Florence E. Burlan
Deputy Secretary

Michael S. Steele

Robert L. Ehrlich, Jr.

Governor

May 19, 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 05/27/03 re: case numbers 03-532-X, 03-533-A, 03-534-SPH, 03-535-A, 03-536-SPH, 03-537-XA, 03-538-A, 03-539-A, 03-540-A, 03-541-A, 03-542-A, 03-543-X

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 05/19/03. 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

July Gutte

Planning Services

cc: Mike Nortrup

RE:		ITION : D VARI		PECIAI	L EXCEP	ΓΙΟΝ	*	BEF	ORE T	HE		
				corner	Dorsey A	venue	*	ZON	IING C	OMMI	SSIONE	ER
		Aarlyn A		~ ·			.d.	TOD				
	15 th Election & 7 th Councilmanic Districts						*	FOR				
	_	Legal Owner(s): Howard S Henninger, Betty Henninger, Personal Representative						BALTIMORE COUNTY			Th forms o	-
		•			•		*	BAL	TIMO	RE COU	JNTY	
	Contract Purchaser(s): Furgan Siddiqi,						•					
	Pres	President of Care Management, Inc					*	03-5	37-XA			
					Petitio	ner(s)						
-Li	·	4	44	.	ىك.	.	4	ů	144	.	4	44

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

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25 day of May, 2003, a copy of the foregoing Entry of Appearance was mailed to Thomas J. Hoff, 406 W Pennsylvania Avenue, Towson, MD 21204 and to Anthony J. DiPaula, Esquire, DiPaula & Sullivan, LLC, 34 S Main Street, Bel Air, MD 21014, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

September 8, 2003

Mr. Anthony DiPaula DiPaula & Sullivan, LLC 34 S. Main Street Bel Air, MD 21014

Dear Mr. DiPaula:

RE: Case: 03-537-XA, 4 Marlyn Avenue

RECEIVED
SEP-9 2003

BALTIMORE COUNTY BOARD OF APPEALS

Please be advised that an appeal of the above-referenced case was filed in this office on August 13, 2003. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Timothy Kotroco

Director

KT:rlh

c: Lawrence E. Schmidt, Zoning Commissioner Timothy Kotroco, Director of PDM

People's Counsel

Mr. and Howard Henninger, 5818 Pine Hill Drive, White Marsh 21162

int, Inc., Furgan Siddigi, President, 12 Selsed Garth, Lutherville

406 W. Pennsylvania Avenue, Towson 21204

٣(

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel

August 13, 2003

CAROLE S. DEMILIO
Deputy People's Counsel

Timothy Kotroco, Director Department of Permits and Development Management 111 W. Chesapeake Avenue Towson, MD 21204

Hand-delivered

Re:

PETITION FOR SPECIAL EXCEPTION & VARIANCE SW corner Dorsey Avenue and Marlyn Avenue (4 Marlyn Avenue) 15th Election District; 7th Council District Howard S Henninger, Legal Owner &

Care Management, Inc, Contract Purchaser-Petitioners

Case No.: 03-537-XA

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated July 30, 2003 by the Baltimore County Deputy Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

RECEIVED

AUG 1 3 2003

Per....

Very truly yours,
Pili Max/immorman

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

cc: Anthony J. DiPaula, Esquire

Thomas J. Hoff

APPEAL

Petition for Variance and Special Expetion

4 Marlyn Avenue

SW corner Dorsey Avenue and Marlyn Avenue

15th ED – 7th CD

Heward Betty Henninger,

Case No.: 03-537-XA

Petition for Special Hearing (84/03)

/ Warianier

✓ Zoning Description of Property

Notice of Zoning Hearing (5/2003 6-23-03

Certification of Publication (6/12/03)

Certificate of Posting (7/13/03) by Thomas Hoff, Inc.

Entry of Appearance by People's Counsel (5/23/03)

Petitioner(s) Sign-In Sheet
1sheet

VProtestant(s) Sign-In Sheet None

✓ Citizen(s) Sign-In Sheet
One sheet

VZoning Advisory Committee Comments 7-25-03

Petitioners' Exhibit

M. Plan to accompany Petition for Special Exception variances

V2. Resume of Thomas J. Hoff ~ & pages)

√3. Photo location Plan

V4. 18 Photos

√ 5. Plan to accompany Petition for Special Exception variances.

Y Protestants' Exhibits:

None

Miscellaneous (Not Marked as Exhibit)

✓¹. Zone and District Regulations

Deputy Zoning Commissioner's (July 30, 2003 – GRANTED/GRANTED AMENDED ORDER-August 12, 2003)

*V Notice of Appeal received on August 12, 2003 by Peter M. Zimmerman, People's counsel

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Anthony Dipaula Dipaula Sullivan, 34 S. Main Street, Bel Air 21014

BETTY HENNINGER
PERSONAL REPRESENTATIVE FOR
HOWARD HENNINGER
5818 PINE HILL DRIVE
WHITE MARSH, MD 21162
OWNER/APPLICANT

ANTHONY J DI PAULA ESQUIRE DIPAULA & SULLIVAN LLC 34 S MAIN STREET BEL AIR MD 21014 ATTORNEY FOR APPLICANT/OWNER

> CARE MANAGEMENT INC FURGAN SIDDIGI, PRESIDENT 12 SELSED GARTH LUTHERVILLE MD 21092

THOMAS HOFF 406 W PENNSYLVANIA AVENUE TOSWON MD 21204 REPRESENTATIVE TO BE CONTACTED

DAVID RANSONE PO OX 10007 TOWSON MD 21285

GRACE A DUNKLE 820 DORSEY AVENUE ESSEX MD 21221

RONALD AND DARLENE WELSH 821 DORSEY AVENUE ESSEX MD 21221 Case No. 03-537-XA

In the Matter of: Betty Henninger, PR for Howard Henninger – Owner; Care Management, Inc. /C.P.

SE – Class "B" office building with up to 100% of total adjusted floor area occupied by medical offices;

VAR - parking, setbacks, open space and landscaping requirements

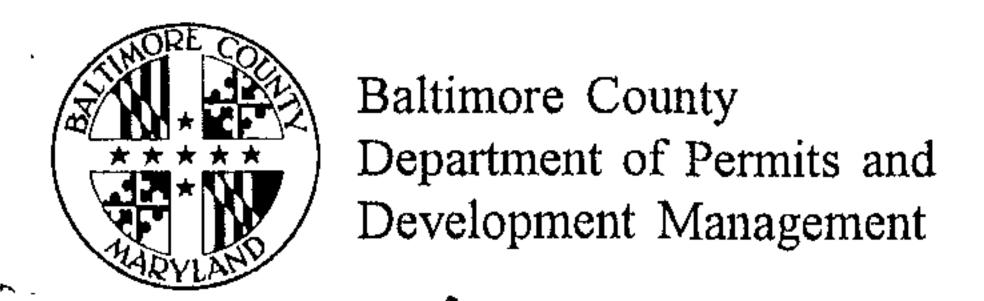
7/30/03 – Decision of D.Z.C. in which requested relief was granted with restrictions.

10/07/03 - Notice of Assignment sent to following; assigned for hearing on Thursday, March 11, 2004 at 10 a.m.:

Office of People's Counsel
Anthony J. DiPaula, Esquire
Betty Henninger, P.R. for Howard Henninger
Care Management, Inc. /Furgan Siddigi
Thomas Hoff
David Ransone
Grace A. Dunkle
Ronald and Darlene Welsh
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

SEE ATTACHED NOTE DATED 10/14/03.

10/23/03 — Withdrawal of Petitions filed by Anthony J. DiPaula, Esquire, on behalf of Petitioners. Order of Dismissal of Petitions to be issued; appeal filed by Office of People's Counsel will therefore become moot; any relief granted below by the D.Z.C. will be null and void. Case pulled from Board's schedule.



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

Fax: 410-887-5708

June 23, 2003

Mr. Anthony J. DiPaula DiPaula & Silverman 34 S. Main Street Bel Air, MD 21014

Dear Mr. DiPaula:

RE: Case Number: 03-537-XA

The above matter, previously scheduled for July 1, 2003, has been postponed. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Timothy Kotroco Director

Very truly yours,

KT:rlh

C: Howard S. Henninger & Betty Henninger, Personal Representative, 5818 Pine Hill Drive, White Marsh 21162 Thomas J. Hoff, 406 W. Pennsylvania Avenue, Towson 21204 Care Management, Furgan Siddiqi, President, 12 Selsed Garth, Lutherville 21092

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

January 2, 2004

TO:

Timothy Kotroco, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton & Board of Appeals

SUBJECT:

CLOSED APPEAL CASE FILES

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

BOARD OF APPEALS CASE NUMBER	<u>PDM</u> FILE NUMBER	<u>NAME</u>	LOCATION
03-537-XA	03-537-XA	BETTY HENNINGER	4 MARLYN AVENUE
03-172-A	03-172-A	JOHN AND KAREN KOTRLA	5008 TARTAN HILL ROAD
03-311-A	03-311-A	TIMOTHY AND NIKKI DEMSKI	2820 MUNSTER ROAD
02-519-A	02-519-A	DOROTHY AND CHERYL MILLIGAN	7116 OXFORD ROAD

SUBJECT-FILE(S) / EXHIBIT(S) ATTACHED; Attachment:

BALTIMORE COUNTY, MARYLAND Board of Appeals of Baltimore County FAX COVER SHEET

DATE: October 23, 2003

TO:

Andy King

FAX

: 410-828-9572

TELEPHONE:

FROM:

Kathleen Bianco

TELEPHONE: 410-887-3180

FAX

: 410-887-3182

RE:

Case No. 03-537-XA - Letter of Withdrawal of Petitions

As promised, attached is a copy of Tony DiPaula's letter and Withdrawal of Petitions filed in the subject case (4 Marlyn Avenue).

The case has been pulled from the Board's schedule of hearings, and an Order of Dismissal will be issued within the next few days. I'll also be sure you get a copy of the dismissal order so that your file will be complete.

If you have any questions, please call me.

Number of pages including this page: Three (3)

Original copy to follow

: Yes ____ No _X__

From:

Theresa Shelton

To:

Freund, Gary

Subject:

Sign Removal

Gary:

Could you please remove the following sign? Unfortunately, it is one that was just placed.

Case No.: 03-537-XA

4 Marlyn Avenue, Baltimore, MD 21212

15th Election

Thank-you.

Theresa

CC:

Bianco, Kathleen

10/14/03 Called Tony DiPaula left message re March 2004 hearing for Henninger

Call from Andy King - realtor 410-252-8675

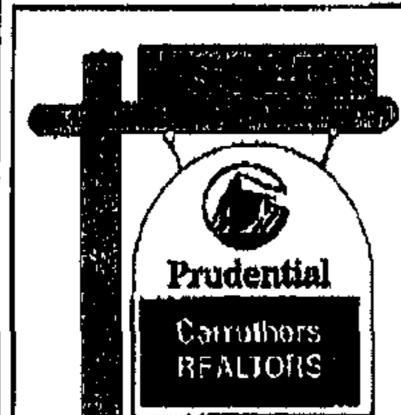
received release from C.P. requesting 1,000 back. Has re-listed the property

Mr. King called as the result of a call he received from Mrs. Henninger – owner of property – thought this was over – her property has been listed for sale again

Called Tony to find out if the March hearing is necessary since the C.P. is no longer interested.

If not, I need a letter of withdrawal of Petitions from Tony DiPaula indicating same.

www.PrudentialCarruthers.com



IMPORTANT FAX MESSAGE BOARD OF APPEALS

To: KATILECAI BIANCO
Fax#: 410-883 3182 Date: 10-20 03

From: ANDY KING

We Advertise Your Home On The Internet Absolutely FREE!

SPECIAL NOTES

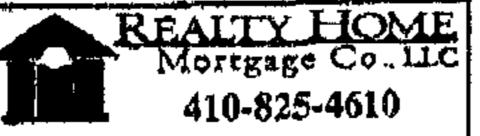
RELEMENT CASE # 03-5377A

Proferry #4 MARCYN AVE

R

REAL ESTATE CLASSES NOW FORMING CALL 1-800-533-7553

Towson Office 1447 York Road, Suite 309 Lutherville, MD 21093



A cubildiary of Presidential Savings Bank, PSR

Office: 410-828-4700 Fax: 410-828-9572 10/07/2003 19:26 410 4514 10/07/2003 10:45 410-928-9572 0011 00/2004 00:44 PAX 4105295954

DAVID HENNINGE PRUDENTIAL TOWSON LONG AND POSTER DCT-M-102041080; DCT-M-1020410804 AND POSTER

DCT-6-03 S:44AN;

PAGE 01/01 PAGE 01/01 0002/002 Page 2/2 002/002



RELEASE AGREEMENT

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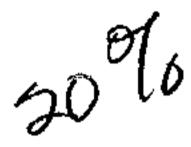
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204.3 Use regulations. [Bill Nos. 167-1980; 37-1988; 151-1988; 186-1994]

- A. Uses permitted as of right. The following uses, only, are permitted as of right in any R-O Zone:
 - 1. Uses permitted as of right and as limited in D.R.5.5 Zones.
 - 2. Class A office buildings containing offices or medical offices and their accessory uses, including parking, except that no more than 25% of the total adjusted gross floor area of the office building may be occupied by medical offices.
- B. Uses permitted by special exception. The following uses, only, may be permitted by special exception in an R-O Zone, if such use has an approved County Review Group (CRG) plan prior to the granting of a special exception:⁸
 - 1. Uses permitted by special exception and as limited in D.R.5.5 Zones.
 - 2. Class B office building.
 - a. Class B office buildings containing offices or medical offices, except that no more than 25% of the total adjusted gross floor area of the office building may be occupied by medical offices. A Class B office building in existence prior to the effective date of this legislation with medical offices in excess of 25% of the total adjusted gross floor area is a conforming use if it is in compliance with the terms of its special exception. Such an office building may be expanded if the expansion meets the current parking requirements for medical offices.
 - b. Up to 100% of the total adjusted gross floor area of a Class B office building may be occupied by medical offices if:
 - (1) The floor area ratio of the proposed Class B office building is not greater than 0.20;
 - (2) A documented site plan and a special exception for a Class B office building have been approved by the Zoning Commissioner or the Board of Appeals, either on appeal or as a result of its original jurisdiction, prior to the effective date of Bill No. 151-1988;
 - (3) Construction of the Class B building is started prior to the expiration date of the special exception as required by Section 502.3; and
 - (4) Parking requirements shall be calculated by requiring the maximum number of parking spaces as determined by Section 409 of these regulations, the requirements of the documented site plan, or the requirements of the order granting the special exception, whichever shall yield the greatest number of spaces.



Editor's Note: Veterinarians' offices was originally included in this subsection by Bill No. 13-1980 as a permitted use but was deleted by Bill No. 167-1980.

whose severity is such that the probability of its occurring once during a given year is considered to be 1%. [Bill No. 98-1975]

FLOOR AREA, ADJUSTED GROSS — The sum of the gross areas of the several floors of a building or buildings on a lot, measured from the exterior faces of exterior walls. [Bill Nos. 111-1968; 126-1986; 66-2002]

In particular, "adjusted gross floor" area includes:

Basement space, unless it is specifically excluded under another provision of this definition;

Elevator shafts or stairwells at each floor;

Attic space (whether or not a floor is laid) with structural headroom of seven feet or more;

Floor space of interior balconies or mezzanines;

Except in an OR-2 or O-3 Zone, above-grade floor space used for accessory off-street parking spaces;

Any other floor space not specifically excluded.

The adjusted gross floor area of a building shall not include:

Water tanks, cooling towers or elevator or stair bulkheads;

Uncovered steps;

Attic space with structural headroom of less than seven feet;

Floor space on exterior unenclosed balconies, terraces or other open areas;

Below-grade floor space upon which are situated accessory heating or airconditioning plants or other accessory mechanical or electrical utility equipment; and

Below-grade floor space used for accessory off-street parking spaces.

As used in this definition, the terms "above-grade" and "below-grade" shall refer to the grade of the street to which the major pedestrian access is established, at the place of access.

FLOOR AREA, GROSS — The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of exterior walls and from the center line of walls separating two or more buildings, but not including floor space used for off-street parking, or any space where the floor-to-ceiling height is less than six feet. This term does not include any floor space in a basement or cellar which is used exclusively for storage or upon which are situated accessory heating or air conditioning equipment or other accessory mechanical or electrical utility equipment, nor does it include any floor space in an atrium or lobby which is not leasable to or occupied by individual tenants. [Bill No. 26-1988]

FLOOR AREA RATIO — The total adjusted gross floor area of buildings on a site divided by the gross area of the site. [Bill Nos. 56-1961; 111-1968]

1-17

PLEASE PRINT CLEARLY

PETITIONER'S SIGN-IN SHEET

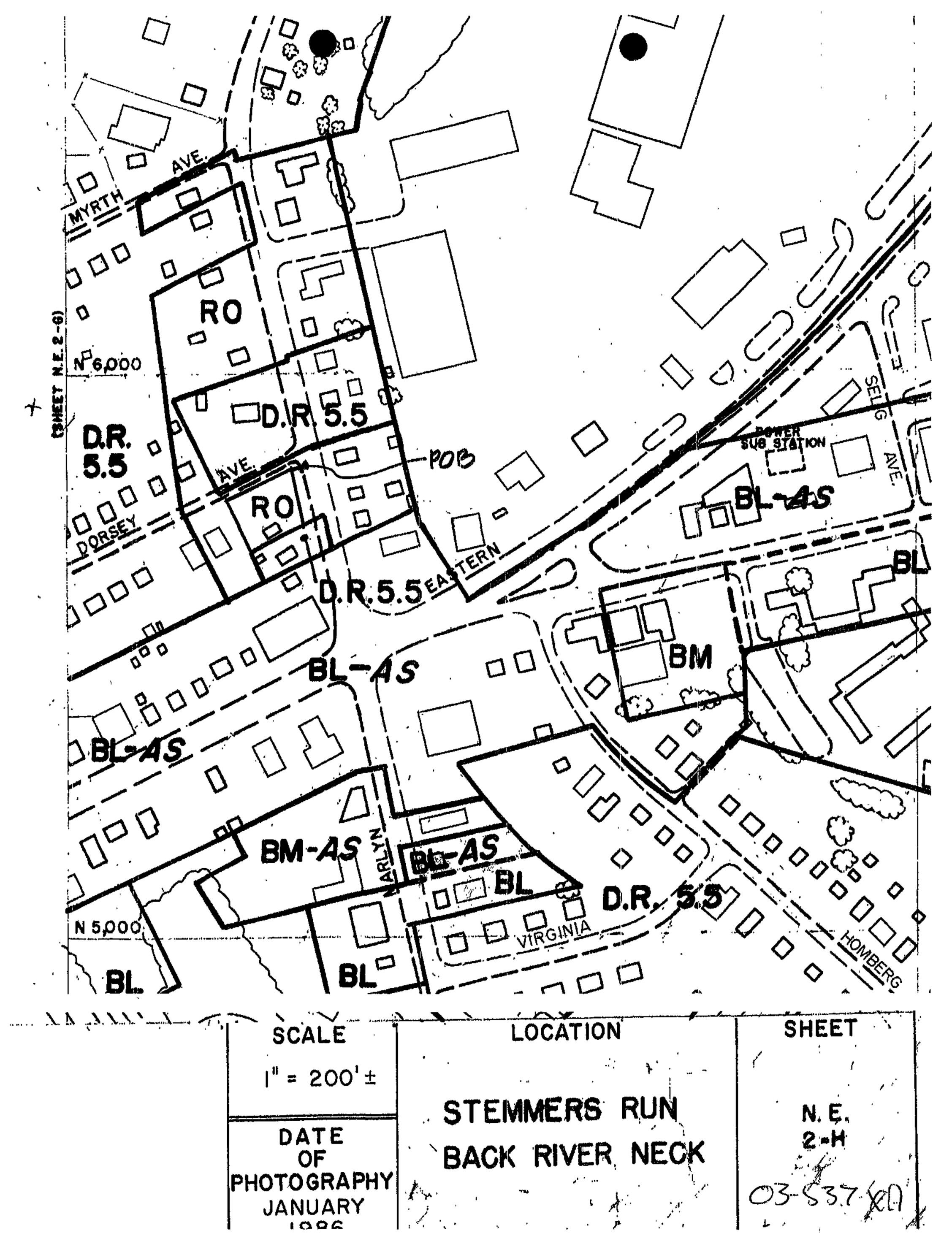
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PLEASE PRINT CLEARLY

CASE NAME 4 MWLYN (UV)
CASE NUMBER 53-532-KA
DATE 1/29/03

"ITIZEN"S SIGN-IN SHEET

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NAME REMOLD ZIELSH DARLENE WELSH Grace A. Dunhle			



RESUME

THOMAS J. HOFF

THOMAS J. HOFF, INC. 406 West Pennsylvania Avenue Towson, Maryland 21204 410-296-3668

EDUCATION:

Bachelor of Science Landscape Architecture, Magna Cum Laude West Virginia University, 1976

EXPERIENCE:

January 1992 to Present. THOMAS J. HOFF, INC. Towson, Maryland

Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

December 1986 to December 1991. HOFF & ANTONUCCI, INC. Lutherville, Maryland

Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

Pet 2

Thomas J. Hoff Resume (cont.)

> July 1983 to December 1986. HOFF, ROSENFELT, AND WOOLFOLK, INC.

Owings Mills, Maryland

Principal - Secretary/Treasurer. Responsibilities included administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

February 1978 to July 1983.

DEVELOPMENT DESIGN GROUP LIMITED

Towson, Maryland

Chief Project Manager. Responsibilities included site design, project management, government agency coordination, and supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

July 1976 to February 1978.

DAFT McCUNE & WALKER, INC.

Towson, Maryland

Staff Landscape Architect. Responsibilities included site design, site plans, grading plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

ORGANIZATIONS:

Baltimore Association of Landscape Architects

PROFESSIONAL REGISTRATION:

Registered Landscape Architect (1981) Maryland - No. 493

Zoning Hearings:

212 Cockeys Mill Road, Miller Tree & Landscape, Baltimore County — Special Exception, Special Hearing and Variances, Case No. 03-466-SPHXA

9701 Reisterstown Road, Northwest Honda, Baltimore County – Special Hearing and Variances, Case No. 03-406-SPHA

15509 Manor Road, Bozman Property, Baltimore County - Variances, Case No. 03-235-SPHA.

4106 Klausmier Road, Baltimore County – Variance to permit undersized lot, Case No. 03-217-A, 2002.

4104 Klausmier Road, Baltimore County – Variance to permit undersized lot, Case No. 03-216-A, 2002.

Tom's Sports Tavern, 9307 Liberty Road, Baltimore County – Setback Variances, Case No. 02-377-SPHA, 2002.

Sunoco Service Station, 6401 Golden Ring Road, Baltimore County – Sign Variances, Case No. 02-371-A, 2002.

Sunoco Service Station, 8000 Loch Raven Blvd., Baltimore County – Sign Variances, Case No. 02-370-A, 2002.

Radio Shack, 1206 Reisterstown Road, Baltimore County – Sign Variances, Case No. 02-211-A, 2002.

Sunoco Service Station, 6324 Baltimore National Pike, Baltimore County – Sign Variances, Case No. 01-312-A, 2001.

Sunoco Service Station, 10812 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-311-A, 2001.

Sunoco Service Station, 11701 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-310-A, 2001.

10233 Liberty Road, Baltimore County – Special Exception, Case No. 00-561-X, 2000.

114 Dundalk Avenue, Baltimore County - Special Exception and Variances, Case No. 00-07-XA, 2000.

103 Riverton Road, Baltimore County - Special Hearing, Special Exception and Variances, Case No. 00-370-SPHXA, 2000.

Zoning Hearings:

Sunoco Service Station, 143 Back River Neck Road, Baltimore County – Sign Variances, Case No. 00-348-A, 2000.

405 East Joppa Road/510-514 & 518 Fairmount Avenue, Baltimore County – Special Hearing to amend the Special Exception and Variances, Case No. 00-305-SPHA, 2000.

Sunoco Service Station, 10800 Pulaski Highway, Baltimore County – Special Hearing and Variances, Case No. 00-103-SPHA, 1999.

St. Charles @ Old Court Apartments, Baltimore County – Variance to allow detached garages, Case No. 00-076-A, 1999.

Northwest BMW/Honda, 9700 Reisterstown Road, Baltimore County – Variance, Case No. 00-009-A, 1999.

Sunoco Service Station, 100 West Timonium Road, Baltimore County – Special Exception, Special Hearing and Variances, Case No. 99-408-SPHXA, 1999.

1623 Bellona Avenue, Baltimore County – Special Exception for a physician's office within a primary residence, Case No. 99-283-SPX, 1999.

2448 Spring Lake Drive, Baltimore County - Sideyard Variance, Residential, Case No. 99-71-A, 1998.

9608 & 9610 Belair Road, Baltimore County - Special Exception for Class B Group Child Care, Special Hearing and Variances, Case No. 98-282-SPHXA, 1998.

7303 Belair Road, Baltimore County - Setback Variances, Case No. 98-192-A, 1997.

CVS Pharmacy, 9519 Philadelphia Road, Baltimore County - Parking and Setback Variances, Case No. 97-395-A, 1997.

114 Dundalk Avenue, Baltimore County - Variance, Case No. 96-484-A, 1996.

3419 Sweet Air Road, Baltimore County - Parking Variance for Restaurant, 1996

Rolling View Green, Baltimore County - Special Hearing and Variances, Case No. 95-432-SPHA, 1995.

The Estates at Rolling View, Baltimore County - Setback Variances for Residential Subdivision, Case No.94-464-A, 1994.

Zoning Hearings:

1110 Reisterstown Road, Baltimore County - Variances and Special Hearing, Case No. 94-248-SPHA, 1994.

Edgewood Senior Center, Harford County - Special Exception and Variances, 1994

Hyatt Property, Baltimore County - Setback Variance, 1994

Camp Glyndon, Baltimore County - Special Exception and Sign Variance, 1993

Painters Mill Executive Office Park, Baltimore County - Sign Variance

204 Sudbrook Lane, Baltimore County - Special Exception for Assisted Living Facility in a DR Zone

Amoco Oil, Philadelphia Road, Baltimore County - Special Exception & Sign Variance

Amoco Oil, Route 40, Harford County - Setback Variance

Littman Property, Residential Subdivision, Baltimore County - Special Hearing

Schuster Concrete, Crondall Lane, Baltimore County - Setback Variance

Amoco Oil, Carroll Plaza, Carroll County - Sign Variance

Maerk, Ltd., Carroll Plaza Shopping Center, Carroll County -Parking Variance

Methodist Home, Powells Run Rd., Baltimore County - Special Exception & Variance

Board of Appeals:

Sunoco Service Station, 6324 Baltimore National Pike, Baltimore County – Sign Variances, Case No. 01-312-A, 2001.

Sunoco Service Station, 10812 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-311-A, 2001.

Sunoco Service Station, 11701 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-310-A, 2001.

Bundy Property, Baltimore County – Petition for Reclassification, Case No. R-99-184, 1999.

Board of Appeals:

Easter Property, Baltimore County - CRG Appeal, 1994

Amoco Oil, Philadelphia Road, Baltimore County - Special Exception & Sign Variance

Pizza Palace, Baltimore County - Parking Variance for Restaurant

Littman Property, Residential Subdivision, Baltimore County - Special Hearing

Schuster Concrete, Crondall Lane, Baltimore County - Setback Variance

Hearing Officer's Hearings:

Chapeldale Woods, Single family detached lots, RC-5 zone, 2001

Merrymans Manor, Single family detached lots, RC-4 zone, 2000.

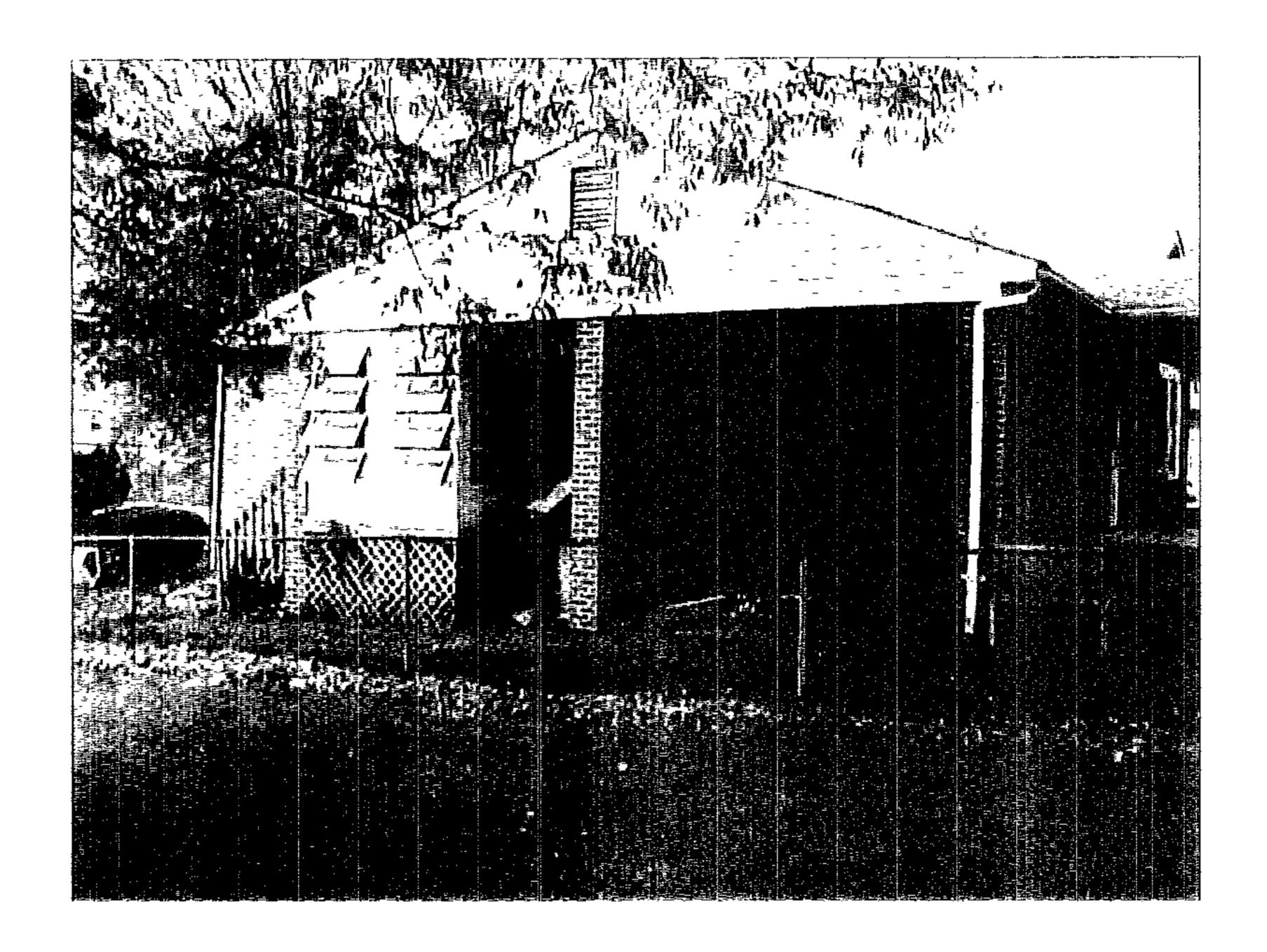
Carrington Ridge, Single family detached lots, DR-2 zone, 2000.



T.iX.W.

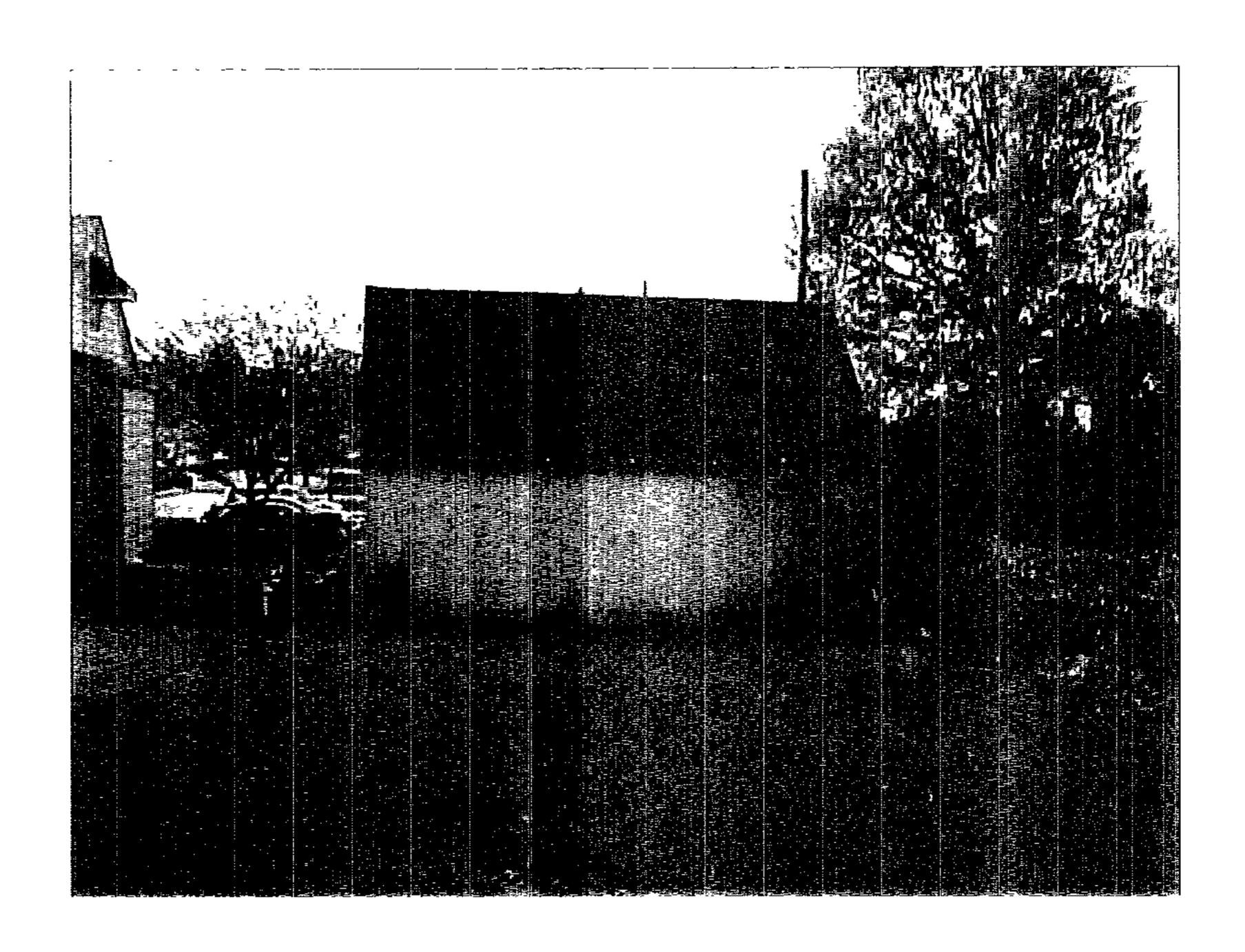


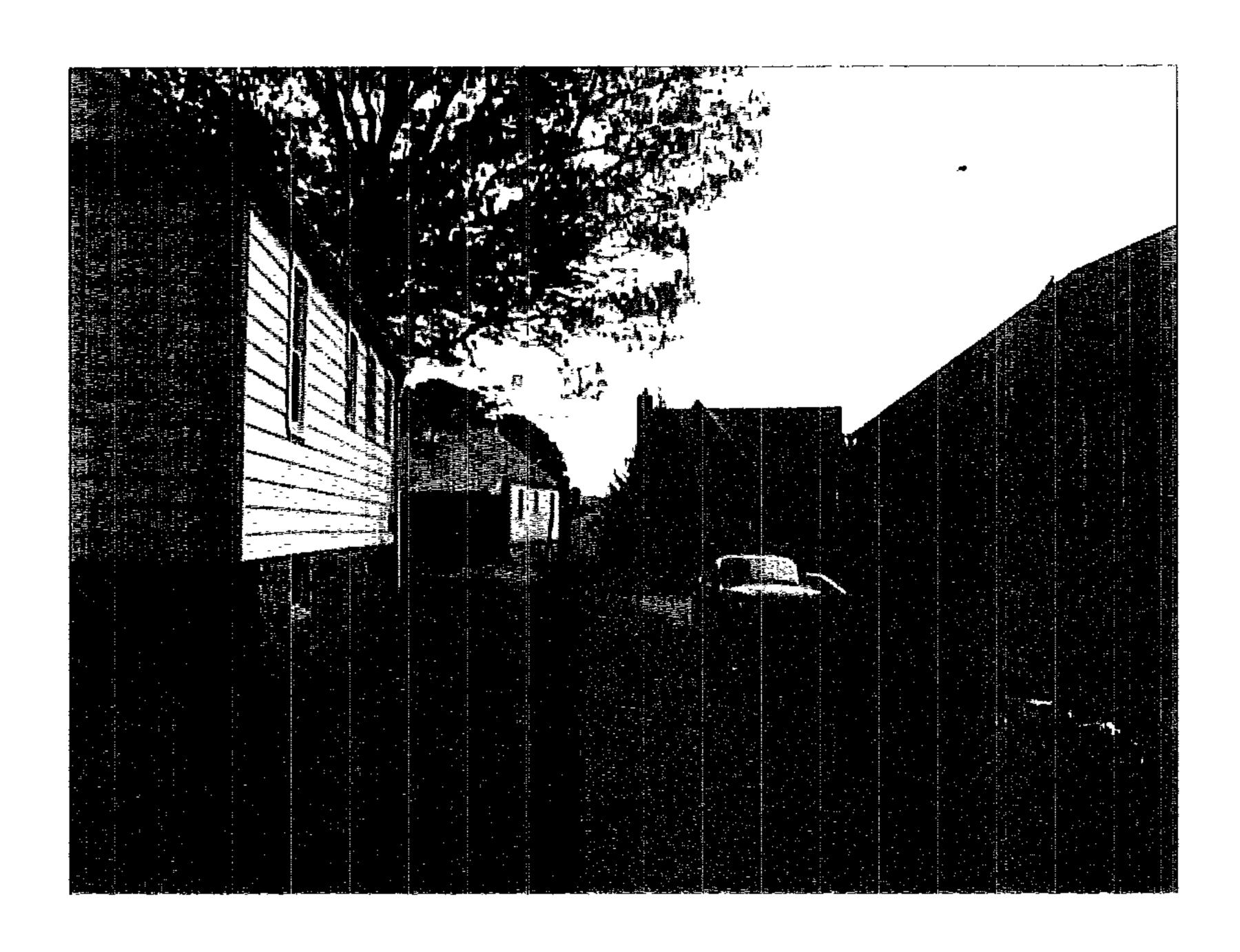
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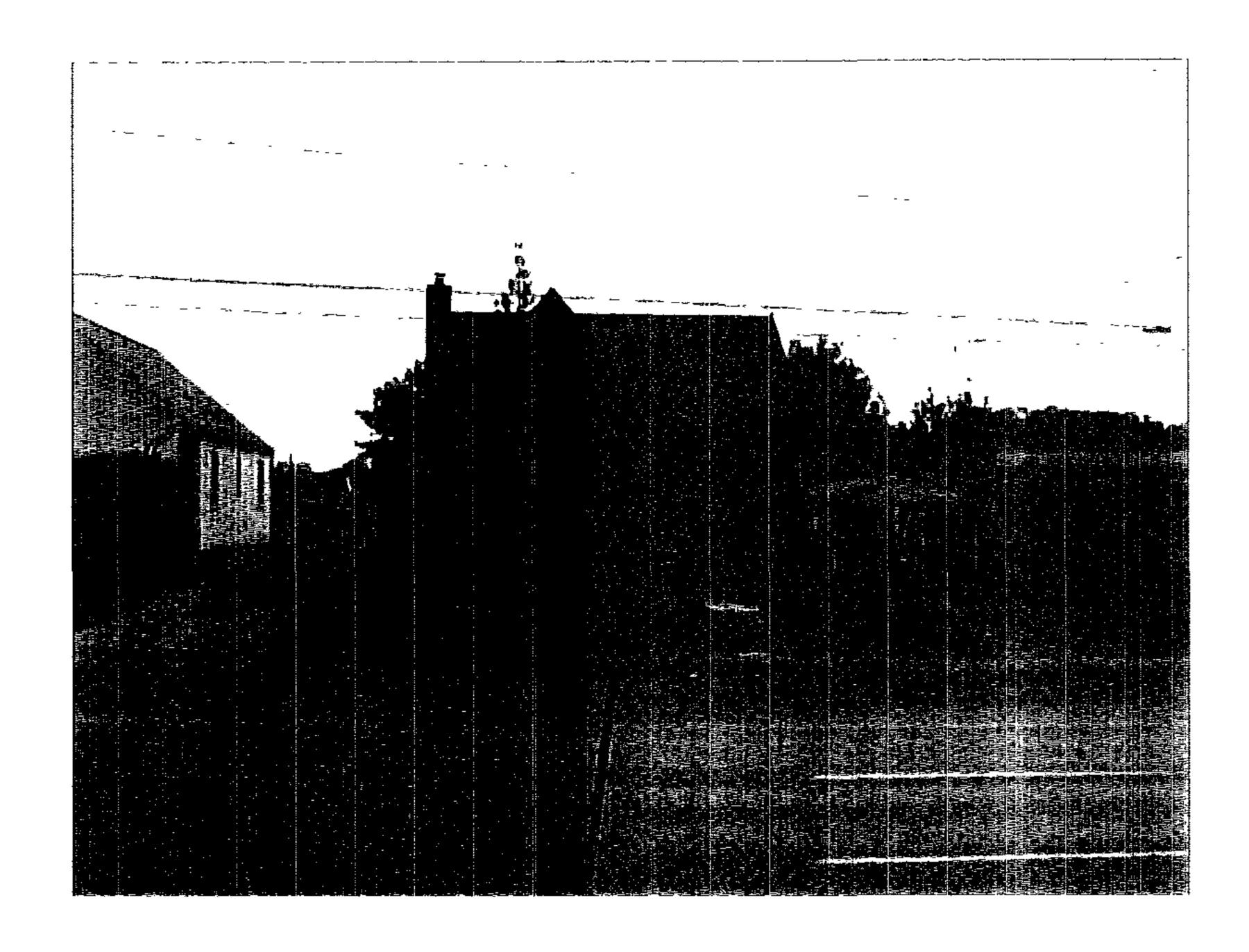
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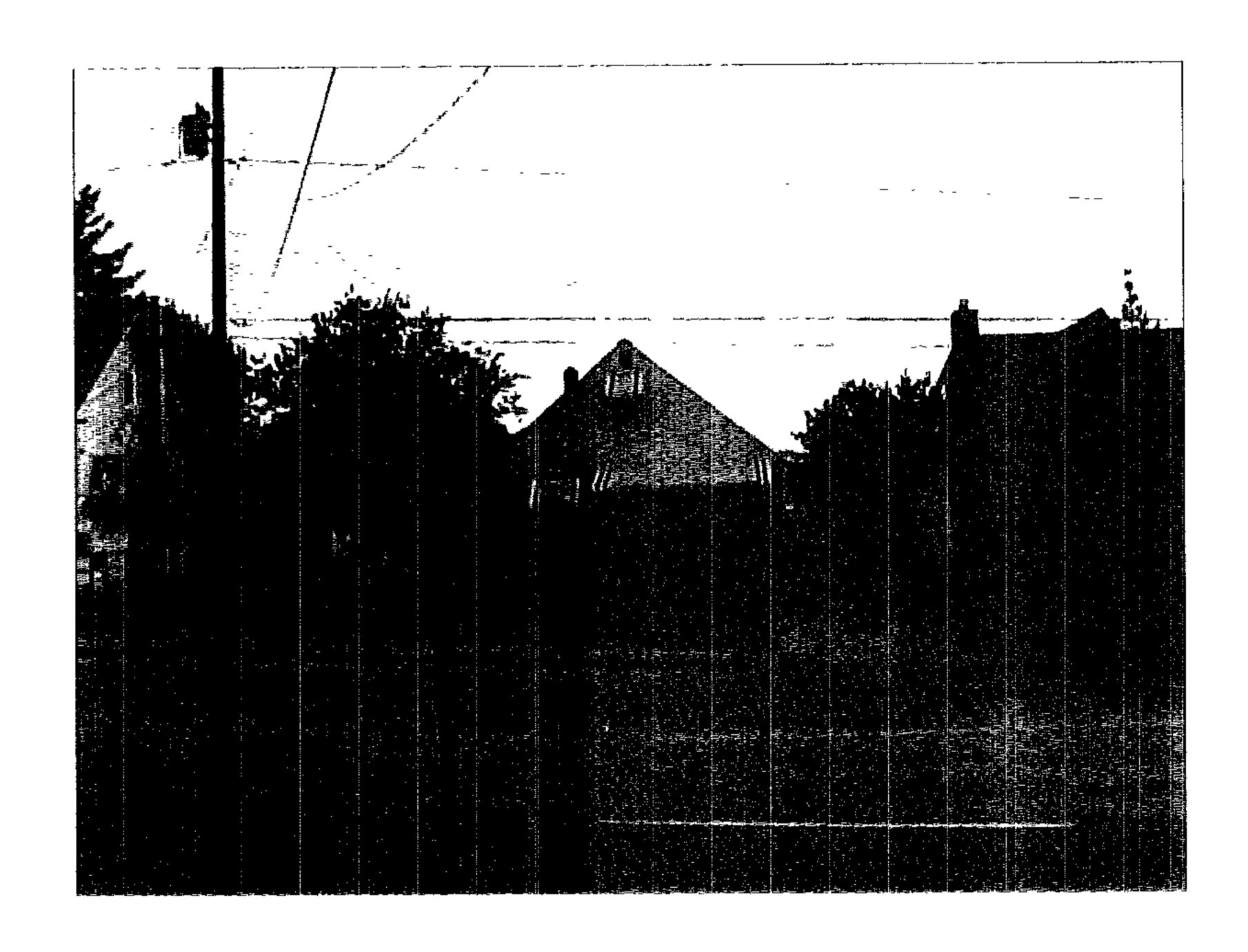


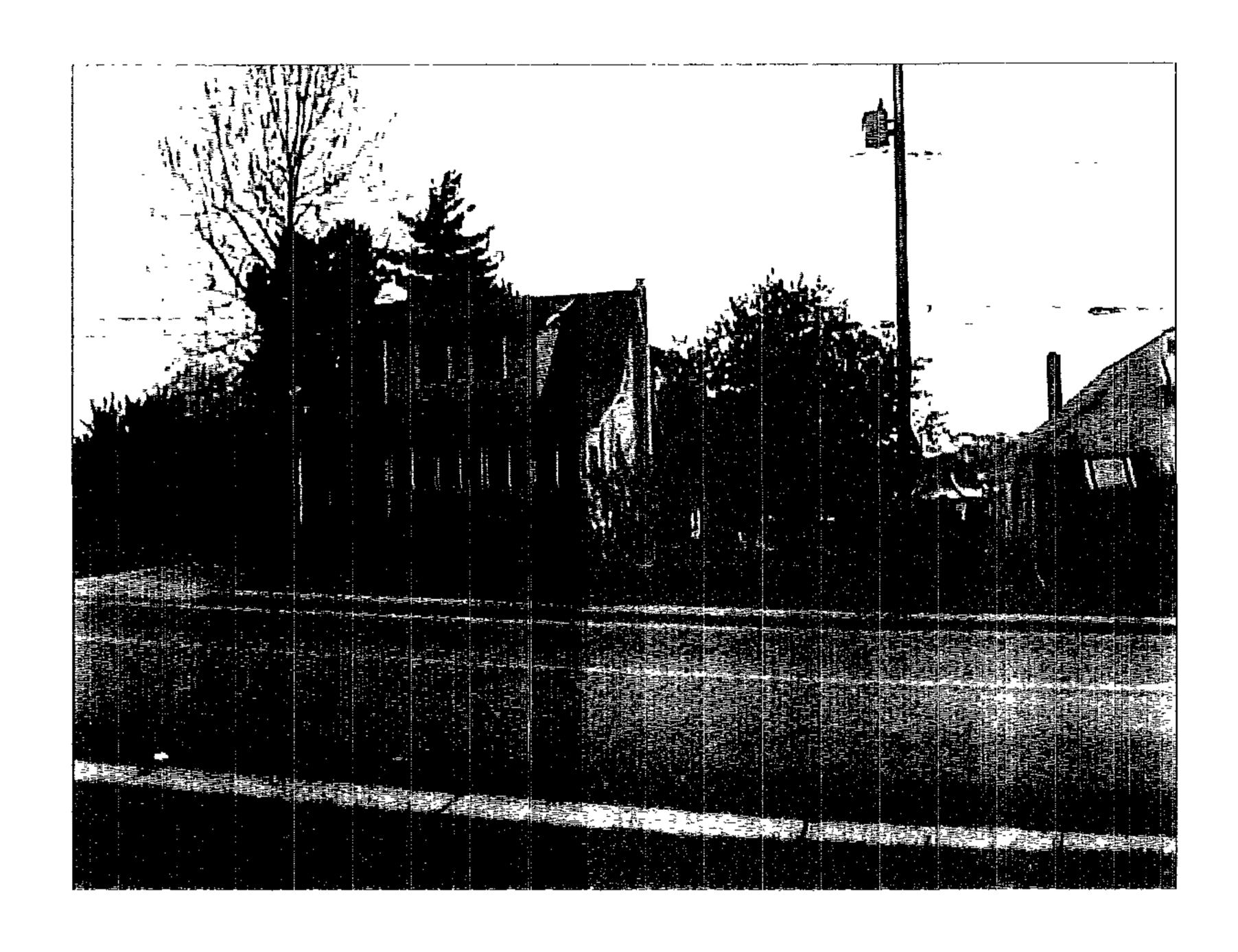


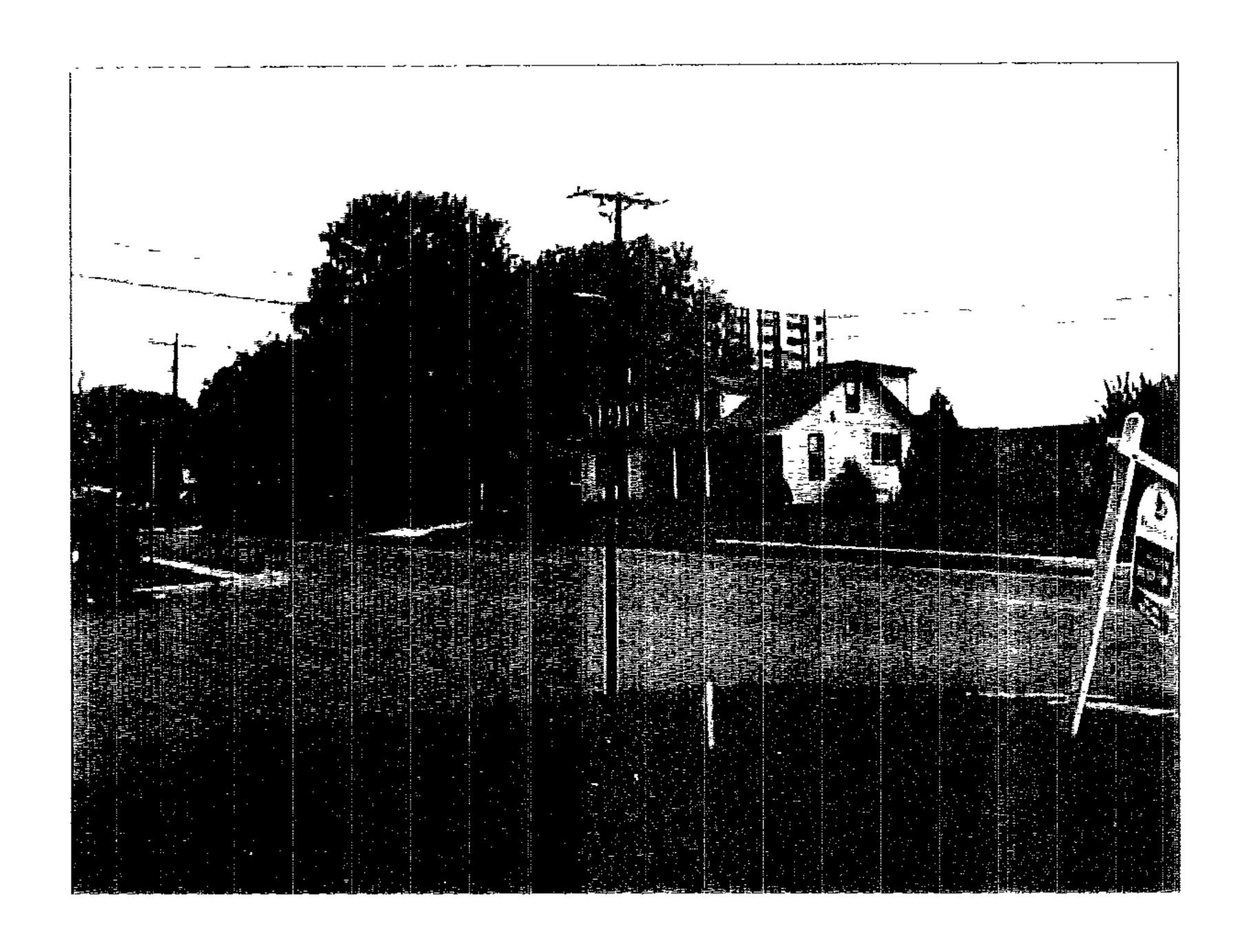








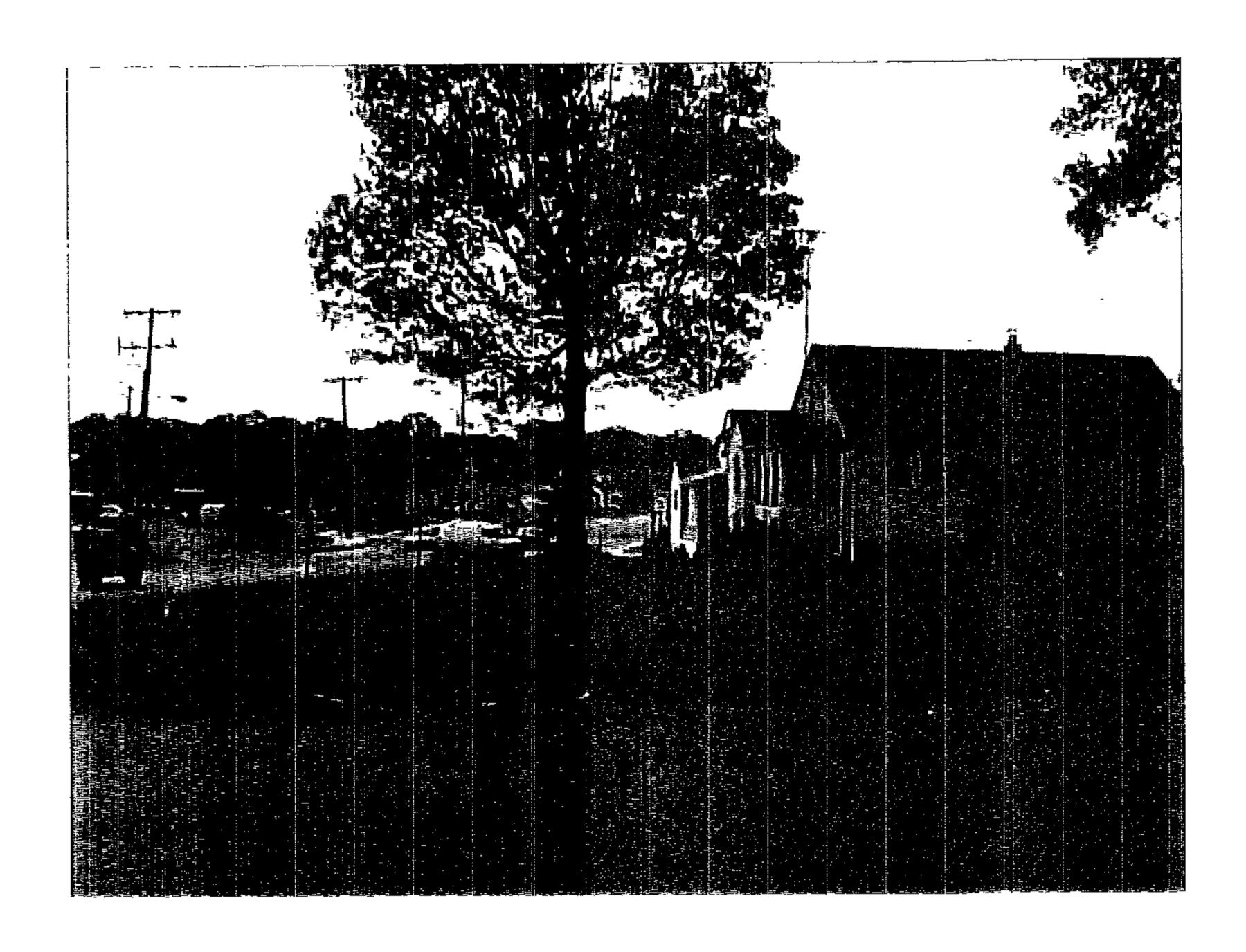


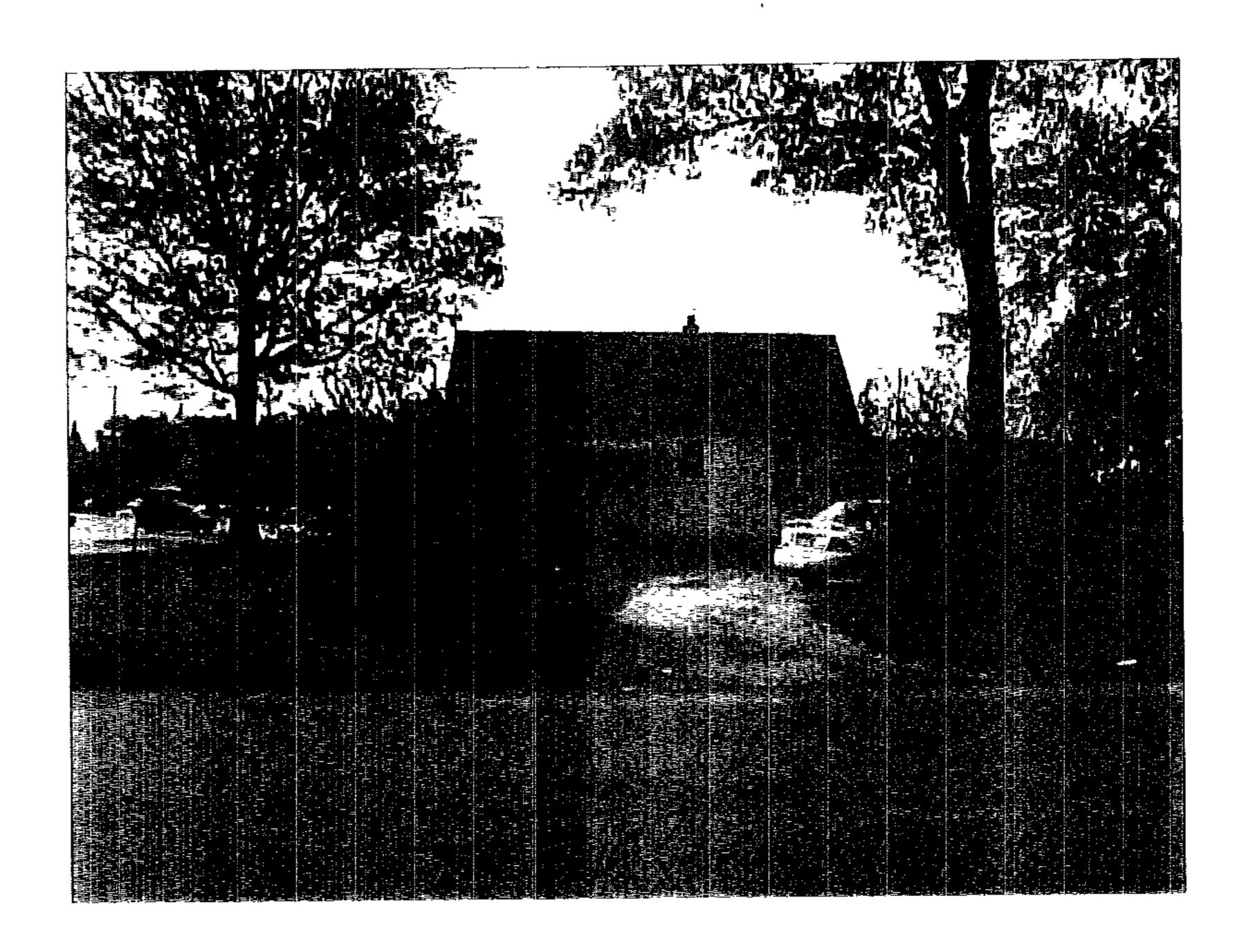


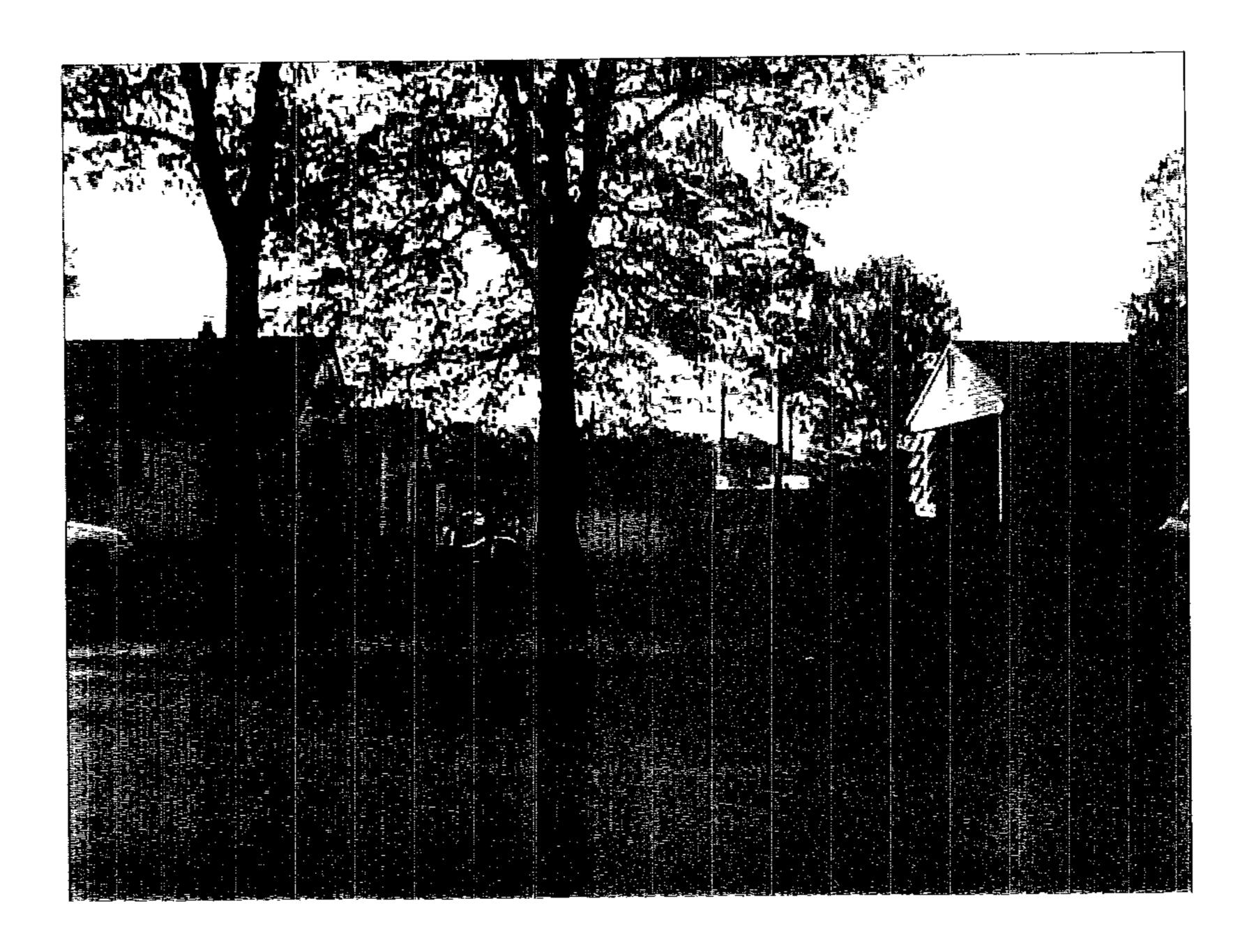























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