IN RE: PETITION FOR SPECIAL EXCEPTION

NE/S Reisterstown Road, 800' SE of the c/l

Timber Grove Road

(11421 Reisterstown Road)

4<sup>th</sup> Election District

4<sup>th</sup> Council District

Jeffrey & Rachael Nesson and Fred & Joan Cohen - Petitioners BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 04-182-XA

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owners of the subject property, Jeffrey and Rachael Nesson and Fred A. and Joan Cohen, through their attorney, Jeffrey P. Nesson, Esquire. The Petitioners request a special exception for a Class B Office Building on the subject site, and variance relief from Section 204.C.9.c.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a landscape buffer adjacent to a non-residentially zoned property of 8 feet in lieu of the required 10 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Jeffrey P. Nesson and Fred A. Cohen, both Attorneys at Law and co-owners of the subject property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the northeast side of Reisterstown Road, between Highfalcon Road and Sunset Road in Owings Mills. The property is approximately 81 feet wide and 245 feet deep and contains a gross area of 1,945 sq.ft. (0.45 acres) zoned R.O. The site is presently improved with a one-story, dilapidated building currently used for offices, and a detached garage to the rear of the structure. The Petitioners recently acquired the property and propose an extensive redevelopment of the site. As shown on the plan, the Petitioners propose constructing an addition to the rear of the existing building and connecting same with the existing garage. The particulars of these

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Date
By

improvements are more clearly shown in the floor plans and elevation drawings submitted into evidence as Petitioner's Exhibit 2. Upon completion of these improvements, the Petitioners will relocate their respective law offices to the premises. It is anticipated that there will be four offices within the new building as well as a conference room and storage space. Letters in support of the request were received from the owners of the adjacent properties on both sides. Those letters indicate that they have no objections to the proposal and express a belief that the proposed improvements are in the best interests of the neighborhood. Indeed, it does appear that the proposed improvements represent an upgrade to the property.

A Class B office building is defined in Section 101 of the B.C.Z.R. as a principal building used for offices and which is not a Class A Office Building. A Class B office building is permitted in the R.O. zone by special exception.

Based upon the testimony and evidence presented, I am easily persuaded that special exception relief should be granted. In my judgment, the proposal complies with the requirements of Section 502.1 of the B.C.Z.R. and that the proposed office building will not cause detrimental impacts to the health, safety and general welfare of the locale.

Variance relief is also requested. In this regard, the Petitioners seek relief to allow an 8-foot landscape buffer along both sides of the property in lieu of the required 10 feet. As shown on the site plan, access to the interior of the property is by way of a curb cut on Reisterstown Road. The existing driveway that serves this property will be improved and a parking lot installed to the rear of the site. A circular traffic pattern is proposed to insure convenient and safe traffic flow on the site. Due to the narrow width of the lot and the location of existing and proposed improvements, an 8-foot landscape buffer is proposed. In my judgment, this variance should be granted. I find that the Petitioners have satisfied the requirements of Section 307.1 of the B.C.Z.R. as interpreted by the Court of Special Appeals in Cromwell v. Ward, 307 Md. 1 (1996).

Finally, it is to be noted that although there were no Protestants or adverse Zoning Advisory Committee comments, the Office of Planning has requested the opportunity to review the building elevation drawings at the time of the issuance of any building permits. As noted above,

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elevation drawings of the proposed improvements were submitted at the hearing and are contained within the file. These improvements appear to be attractively designed consistent with the style of the exiting building. Nonetheless, I will provide the Office of Planning the opportunity to review those drawings prior to the issuance of any building permits.

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

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 204.C.9.c.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a landscape buffer adjacent to a non-residentially zoned property of 8 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall submit building elevation drawings of the proposed improvements to the Office of Planning for review and approval prior to the issuance of any permits.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

#### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



#### Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

December 16, 2003

Jeffrey P. Nesson, Esquire 6 Park Center Court Owings Mills, Maryland 21117

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE NE/S Reisterstown Road, 800' SE of the c/l Timber Grove Road (11421 Reisterstown Road)

4<sup>th</sup> Election District – 4<sup>th</sup> Council District
Jeffrey & Rachael Nesson and Fred & Joan Cohen - Petitioners
Case No. 04-182-XA

Dear Mr. Nesson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and 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

for

LES:bjs

cc: Ms. Barbara V. Reynolds
306 Lauren Hill Court, Reisters

306 Lauren Hill Court, Reisterstown, Md. /21136 Office of Planning; People's Counsel; Case File



Visit the County's Website at www.baltimorecountyonline.info



ORDER RECEIVE

# Petition for Special Exception

to the Zoning Commissioner of Baltimore County mills, I

for the property located at 11421 REISTERSTOWN Rb, which is presently zoned \_RO

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

C'LASS B OFFICE BUILDING

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 Lendon.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
	JEFFREY/RACHAEL NESSON
Name - Type or Print Name -	Type or Print Rachael & Usa
Signature	FRED A JOAN COHEN
Address Telephone No.	Des al Don Dayon Com
City State Zip Code	Signature //
Attorney For Petitioner:	11421 REISTERSTOWN ROAD 410-363-4488 Address Telephone No.
JEFFREY P. NESSON	Address  Owings Mills, Mb 21117  State Zin Code
Name - Type or Print City	State Zip Code
01191	Representative to be Contacted:
Signature OFFICES OF JEFFREY P. NESSON	BARBARA V. REYNOLDS
Company 6 PARK CENTER COURT 410-363-4488	Name 306 LAUREN Hill Court 410-833-2379
	Address releptione No.
OWINGS MILLS MD 21117	REISTERSTOWN MD 21/36 State Zip Code
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Case No. 64-182-XA	UNAVAILABLE FOR HEARING
	Reviewed By LTM Date 10/9/03
REV 09/15/98	
1 4	



# Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 11421 REISTERSTOWN Rb, OWINGS fi which is presently zoned RO

TO PERMIT A PROPOSED CLASS B OFFICE BUILDING TO HAVE A 8' LANDSCAPE BUFFER ADJACENT TO A HOH. RESIDENTIALLY ZOHED PROPERTY IN LIEU OF THE REQUIRED TO

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

TO BE DISCUSSED AT THE HEARING

roperty is to be posted and advertised as prescribed by the zoning regulations.
or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning gulations 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.

is the subject of this Petit	tion.
ontract Purchaser/Lessee:	Legal Owner(s):
ame - Type or Print	Name - Type or Print
gnature	signature 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Idress Telephone No.	Name - Type of Print John Soym Coffee
State Zip Code	Signature
ttorney For Petitioner:	11421 REISTERSTOWN RD 410-363-4488
JEFFREY P. NESSON ime - Type or Print	Address  Owing 5 Mills  Otty  Telephone No.  2117  City  State  Telephone No.
analize —	State Zip Code  Representative to be Contacted:
PAW OFFICES OF JEFFREY P. Nesson	BARBARA V REYNOLDS
PARK CENTER COURT 410-363-4488	306 LAUREN HILL COURT 410-833-2379
Telephone No.  2/1/7  MA 2/1/7	Address REISTERSTOWN MD 21/36
State Zip Code	City State Zip Code
	OFFICE USE ONLY
1000 - 182-XA	ESTIMATED LENGTH OF HEARING
Reviewed By	UNAVAILABLE FOR HEARING  LTM Date 10/9/03

#### **Description of Property**

#### 11421 Reisterstown Road, Owings Mills, MD 21117

Beginning at a point on the NE side of Reisterstown Road (width varies) at a point being 800' +/- SE of the nearest intersecting street which is Timber Grove Road. Thence the following courses and distances.

S 35 degrees 20' E 81.0' to a point N 54 degrees 25' E 245' to a point N 35 degrees 20' W 81.0' to a point S 54 degrees 25' W 245.0' to the beginning as recorded in Deed Liber 17533, Folio 143 containing 19,845 square feet +/-. Zoned RO

The property is located on Map 58, Grid 1, Parcel 680, Group 1 on the Baltimore County Tax Records

COUNCILMANIC BISTRICT 4
ELECTION DISTRICT 4

#182

#### NOTICE OF ZONING HEARING

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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.

C638893

### CERTIFICATE OF PUBLICATION

116,2003
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
on 116,20 <u>03</u>
The Jeffersonian
<ul><li>Arbutus Times</li><li>Catonsville Times</li></ul>
☐ Towson Times
Owings Mills Times
<ul><li>□ NE Booster/Reporter</li><li>□ North County News</li></ul>

LEGAL ADVERTISING

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ARYLAND CE PT	ACCOUNT 1	AMOUNT		1 ()	YELLOW
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	0 63		MAN	-500	PINK - AGENCY
BALTIMORE COU OFFICE OF BUDGET MISCELLANEOU	DATE_{		RECEIVED FROM:	FOR:	DISTRIBUTION WHITE - CASHIER

# CERTIFICATE OF POSTING

RE: Case No.: 04-182-X	RE:	Case No.:	04-	182-XA
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Petitioner/Developer: Leffrey + Rachael

Nesson, Fred + Joan Cohen

Date of Hearing/Closing: 11-25-03

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

Attention: 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 11421 Reisterstown Road

Owings Mills, MD 21117

nber 10, 2003
(Month, Day, Year)

Sincerely,

(Signature of Sign Poster and Date)

Stacy Gardner

SHANNON-BAUM SIGNS INC.

105 COMPETITIVE GOALS DR.

ELDERSBURGITMS 21784

1-800-368-2295

(City, State, Zip Code)

# 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

October 31, 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: 04-182-XA

11421 Reisterstown Road

N/east side Reistestown Road, 800 feet +/- southeast Timber Grove Road

4<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owner: Jeffrey and Rachael Nesson, Fred and Joan Cohen

Special Exception to permit a Class B office building. <u>Variance</u> to permit a proposed Class B office building to have an 8 feet landscape buffer adjacent to a non-residentially zoned property in lieu of the required 10 feet.

Hearings:

Tuesday, November 25, 2003 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco

but hotroco

Director

TK:klm

C: Mr. and Mrs. Jeffrey Nesson, Mr. and Mrs. Joan Cohen, 11421 Reisterstown Rd., Owings Mills 21117

Mr. Jeffrey Nesson, 6 Park Center Court, Owings Mills, 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 10, 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.

; w

Post-it® Fax Note 7671	Date 11/3 # of pages 2
To Barbara Lein	From Decky & Land
Co./Dept	86.50
Phone #	Phone #
Fax# 410-833-1814	Fax #

Post-it® Fax Note 7671	Date 11-5-03 # of pages ▶ /
To Stacy Gardner	From David Davall
Co./Dept.	Co.
Phone #	Phone #
Fax# 410 781 4673	Fax #

TO: PATUXENT PUBLISHING COMPANY

Thursday, November 6, 2003 Issue - Jeffersonian

Please forward billing to:

Jeffrey P. Nesson 6 Park Center Court Owings Mills, MD 21117

410-363-4488

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Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# Department of Permits and Development Management

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



### **Baltimore County**

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

October 27, 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: 04-182-XA

11421 Reisterstown Road

N/east side Reistestown Road, 800 feet +/- southeast Timber Grove Road 4<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owner: Jeffrey and Rachael Nesson, Fred and Joan Cohen

Hearings:

Tuesday, November 25, 2003 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco Director

TK:rlh

C: Mr. and Mrs. Jeffrey Nesson, Mr. and Mrs. Joan Cohen, 11421 Reisterstown Rd., Owings Mills 21117

Mr. Jeffrey Nesson, 6 Park Center Court, Owings Mills, Md 21117

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- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY

Thursday, November 6, 2003 Issue - Jeffersonian

Please forward billing to:

Jeffrey P. Nesson 6 Park Center Court Owings Mills, MD 21117

410-363-4488

#### **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: 04-182-XA

11421 Reisterstown Road

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4<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

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Hearings:

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Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(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 <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.

Item Num	nber or Case Number: 04-182-XA
Petitioner	r: JEFFREY PINESSON
Address	or Location: 11421 REISTERSTOWN ROAD, OWINGS Mills, MD 21
	FORWARD ADVERTISING BILL TO:  JEFFREY P. NESSON LAW OFICES  6 PARK CENTER COURT
Address:	OWINGS MILLS, MD 2/117

Revised 2/20/98 - SCJ

#### **REVIEW AGENCIES:**

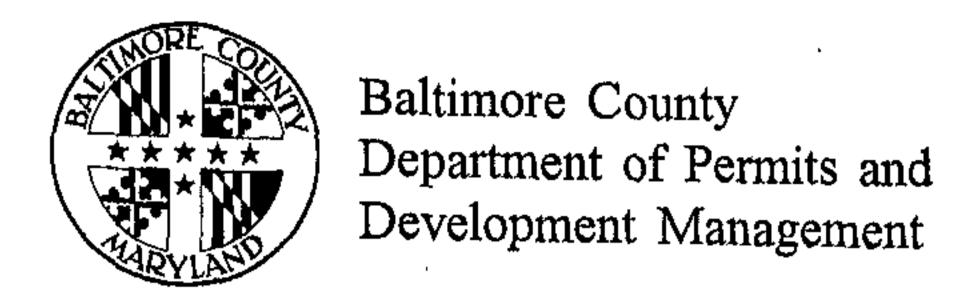
Prior to preparing the required plat, the petitioner or his engineer should contact the following agencies for pertinent data that may be required by that particular agency.

1.	Assessments	410-512-4906
2.	Bureau of Capital Projects (traffic issues)	410-887-3751
3.	Fire Department	410-887-3998
4.	State Highway Administration	410-545-5600
<b>5</b> .	County Roads	410-887-3739
6.	Planning (design, screening, landscaping	410-887-3211
7.	Building Engineer (plans)	410-887-3987
8.	Department of Environmental Protection	
	and Resource Management (DEPRM)	410-887-3980
9.	If floodplain, Dept. of Natural Resources	410-631-3902
10.	If critical area, Maryland Office of Planning	410-767-4485

#### NOTE:

The petitioner has the responsibility to verify the location of the subject site in regards to the Chesapeake Bay Critical Area (CBCA). A critical area map is available for reference in PDM. Should the site be located in this area, the petitioner is required to meet DEPRM critical area requirements regarding the site. PDM must have the DEPRM comments on the petitioner's request prior to the public hearing.

Also, floodplains and historic buildings should be identified. (See pages 16 and 17.)



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

November 21, 2003

Jeffrey Nesson Law Offices of Jeffrey Nesson 6 Park Center Court Owings Mills, MD 21117

Dear Mr. Nesson:

RE: Case Number: 04-182-XA, 11421 Reisterstown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 9, 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,

u. Calliball W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:klm

Enclosures

C; People's Counsel Fred & Joan Cohen, 11421 Reisterstown Road, Owings Mills 21117 Jeffrey & Rachel Nesson, 11421 Reisterstown Road, Owings Mills 21117 Barbara Reynolds, 306 Lauren Hill Ct., Reisterstown 21136



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 October 22, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 20, 2003

Item No.:

182

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, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 170.21.03

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

RE: Baltimore County

Item No. 182

LTM

Dear Ms. Hart:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/WS /42.

are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

1. J. Soull

fun -

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

# 11/25

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 4, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

11421 Reisterstown Road

INFORMATION:

**Item Number:** 

04-182

Petitioner:

Jeffery and Rachael Nesson

Zoning:

RO

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

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

For further information concerning the issues stated herein, please contact Diana Itter at 410-887-3480.

Prepared by:

RECEIVED

NOV - 4 2003

Section Chief:

ZONING COMMISSIONER

AFK/LL:MAC:

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

please file.

DATE: January 7, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Lynn Lanham

**Development Review Section** 

Office of Planning

SUBJECT:

11421 Reisterstown Road

PROJECT REQUEST:

Item Number 04-182XA

DRC # 100703K

The Office of Planning has reviewed the architectural elevations as directed by the Zoning Commissioner and recommends approval.

Lynn Lanham

LL:

CC:

Joe Merrey, Zoning

Don Rascoe

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JAN - 8 2004

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT RE: PETITION FOR SPECIAL EXCEPTION

AND VARIANCE

11421 Reisterstown Rd; NE/side Reisterstown\*

Rd, 800' +/- SE Timber Grove Rd

4<sup>th</sup> Election & 2<sup>nd</sup> Councilmanic Districts

Legal Owner(s): Jeffrey & Rachael Nesson,

Fred A & Joan Cohen

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

**BALTIMORE COUNTY** 

04-182-XA

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.

RECEIVED

OCT 2 4 2003

Per.....

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 24<sup>th</sup> day of October, 2003, a copy of the foregoing Entry of Appearance was mailed to Barbara V Reynolds, 306 Lauren Hill Court, Reisterstown, MD 21136 & to Jeffrey P Nesson, Esquire, Law Offices of Jeffrey P Nesson, 6 Park Center Court, Owings Mills, MD 21117, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

#### To Whom it may Concern

FROM: Edward Nickoles and Leroy Nickoles owners of 11419 Reisterstown Rd, Owings Mills, MD

We have had an opportunity to review the proposed addition to 11421 Reisterstown Rd including the proposed 8' setback adjacent to our property. We have no objection to this proposal and believe that it is the best interests of the neighborhood for this modification and renovation to take place to this building.

Edward Nickoles

Leroy Nickoles

Mot 3A

#### To Whom it may Concern

FROM: Shaun Hopkins owners of 11423 Reisterstown Rd, Owings Mills, MD

I/We have had an opportunity to review the proposed addition to 11421 Reisterstown Rd including the proposed 8' setback adjacent to our property. We have no objection to this proposal and believe that it is the best interests of the neighborhood for this modification and renovation to take place to this building.

**Shaun Hopkins** 

Add 3B

production. Horticultural nurseries may engage in accessory uses such as storage of plant materials, sale of products necessary for the health of the nursery stock, and provision of limited landscape services. A nursery which sells plant materials grown exclusively on-site and which does not offer any of the accessory services permitted at horticultural nurseries shall be considered a farm. [Bill No. 41-1992]

NURSERY SCHOOL — A school or a level within a school providing educational instruction for children between two and four years old. [Bill No. 47-1985]

NURSING HOME (formerly "convalescent home") — A facility which provides board, shelter and nursing care to chronic or convalescent patients. This term also includes facilities which provide domiciliary care within a nursing home. [Bill No. 37-1988]

OFFICE — A building or portion of a building used for conducting the affairs of a business, profession, service, industry or government, including a medical office. The term "office" does not include a bank, a post office, a veterinarian's office or an establishment where merchandise is stored on or sold from the premises. [Bill Nos. 13-1980; 167-1980; 37-1988: 186-1994]

OFFICE BUILDING, CLASS A — A principal building that was originally constructed as a one-family or two-family detached dwelling and that is converted by proper permit to office use without any external enlargement for the purpose of creating the office space or otherwise accommodating the office use. For the purposes of this definition, enclosure of a otherwise accommodating the office use. For the purposes of this definition, enclosure of a porch of a house or the addition of an exterior stairway at the side or rear of the building does not constitute external enlargement. [Bill Nos. 13-1980; 170-1991]

OFFICE BUILDING, CLASS B — A principal building used for offices and which is not a Class A office building. [Bill Nos. 151-1988; 186-1994]

OPEN DUMP — Any land publicly or privately owned, other than a sanitary landfill, on which there is deposit and accumulation, either temporary or permanent, of any kind of organic or inorganic refuse, including but not limited to waste materials, waste products, wastepaper, garbage, empty cans, broken glass, rags and all other kinds of organic or wastepaper, but excluding scrap for use in manufacturing processes on the premises, inorganic refuse, but excluding scrap for use in manufacturing from the construction or or waste materials resulting from such processes, or resulting from the construction or elimination of facilities for such processes. [Bill No. 140-1962]

OPEN SPACE, COMMON — Local open space, public parks or other parklike open space reserved for the public use and enjoyment, whether privately owned or owned by the county, state or federal government or other agencies. Space that lies within the boundaries of an area designated as common open space and is devoted to such recreational facilities as are customarily found in public parks is considered part of the common open space. Amenity open space (as defined elsewhere in this section) is not common open space unless it is so designated by the developer of the tract on which the space is located. Upon the adoption of appropriate standards pursuant to the authority of Section 504, nontidal the adoption of appropriate standards pursuant to the authority of Section 504, nontidal streams and lakes and other nontidal watercourses or bodies of water lying within, lying streams and lakes and other nontidal watercourses are to be considered part of the partially within or abutting common-open-space land areas are to be considered part of the common open space to the extent permitted under those standards. Storm-drainage-common open space to the extent permitted under those standards. Storm-drainage-reservation strips and floodplains may be designated common open space, but fenced

