R FILING

IN RE: PETITION FOR SPECIAL HEARING N/S Mt. Carmel Road, 250' W of the c/l York Road (14 Mt. Carmel Road)

7th Election District 3rd Council District

14 Mt. Carmel Road, LLC Petitioners

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 04-355-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, 14 Mt. Carmel Road, LLC, by Randolph H. Shelley, Member, through Howard L. Alderman, Jr., Esquire. The Petitioners request a special hearing to approve an amendment to the special exception granted under Case No. 02-565-X to permit the construction of a two-story frame building and an addition to the parking lot. 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 Randolph Shelley, a Member of the 14 Mt. Carmel Road, LLC, property owners; Geoffrey C. Schultz, Professional Engineer with McKee and Associates, Inc., who prepared the site plan for this property; and Howard L. Alderman, Jr., Esquire, the Petitioners' attorney. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located along the north side of Mt. Carmel Road, just west of York Road in Monkton. The property contains a gross area of 1.360 acres, more or less, zoned R.C.5/C.R., and is improved with a two-story frame building, which is used for medical and general offices. This use was approved by special exception, pursuant to the relief granted on July 31, 2002 in prior Case No. 02-565-X by then Deputy Zoning Commissioner Timothy M. Kotroco. The Petitioner

ORDER RE

now comes before me seeking approval of an expansion of the existing use. Specifically, the Petitioner proposes the construction of a second building on the site. As more particularly shown on the plan, a two-story building, 100' x 50' in dimension, is proposed to the rear of the site and a parking area between the two buildings is proposed to provide up to 36 spaces. The first floor of the new building will have one general and three medical offices, while the second floor will contain attic space and another general office space. Although the building will be two stories in height, there will be limited space on the second floor in that the first floor features a vaulted, cathedral ceiling. The proposed building will contain 5,780 sq.ft. in area. The existing building contains 2,582 sq.ft. Upon completion of the proposed construction, the site will contain a total office area of 8,362 sq.ft., which is within the maximum permitted in the C.R. district. The proposal also complies with all other applicable regulations in the R.C.5/C.R. district. That is, no zoning variances are requested, there is adequate parking on-site, and the proposed floor area ratio is appropriate.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. Schematic representations of the proposed building were submitted (see Petitioner's Exhibit 10) which show same to be appropriately designed and compatible with the area. Additionally, a landscape plan has been submitted for review and approval (Petitioner's Exhibit 7). Finally, the proposal enjoys the support of the Hereford Community Association (Petitioner's Exhibit 11) and the adjacent property owner, Ted Chilcoat (Petitioner's Exhibit 12).

Reference is made to the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning, the Department of Environmental Protection and Resource Management, and the Maryland State Highway Administration in which certain suggestions were made relative to the design of this project. In this regard, it was indicated that the Petitioners have met with representatives of those agencies to discuss their suggestions and that they will comply with any final recommendations made as a result of these discussions.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of April 2004 that the Petition for Special Hearing to approve an amendment to the special exception granted under Case No. 02-565-X to permit the construction of a two-story frame building and an addition to the parking lot, 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, the 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 modify the plan as necessary to comply with any final recommendations made by the Office of Planning, the Department of Environmental Protection and Resource Management, and the Maryland State Highway Administration.
- 3) When applying for a building permit, 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

LES:bjs

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

April 15, 2004

Howard L. Alderman, Jr., Esquire Levin & Gann 502 Washington Avenue, 8th Floor Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
N/S Mt. Carmel Road, 250' W of the c/l York Road
(14 Mt. Carmel Road)
7th Election District — 3rd Council District
14 Mt. Carmel Road, LLC - Petitioners
Case No. 04-355-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc:

Mr. Randolph H. Shelley, 14 Mt. Carmel Road, LLC P.O. Box 356, Monkton, Md. 21111 Mr. Geoffrey Schultz, McKee & Assoc., Inc. 5 Shawan Road, Hunt Valley, Md. 21030 People's Counsel; Case File



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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at_	14 Mt. Ca			
	presently	zoned	RC-5/CR	

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An Amendment to the Special Exception granted under Case No. 02-565-X to allow the construction of a 2-story frame building and an addition to the parking lot.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

> I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

	•••••		14 Mt. Carmel	Road, LLC	·
Name - Type or Print		Name	- Type or Print		
Signature	,		Signature Randolph H. Shell	lev. Member	
Address		Telephone No.	Name - Type or Print	<u></u>	
City	State	Zip Code	Signature	(440) 00	20.0040
Attorney For Petitioner:			P.O. Box 356 Address	(410) 32	29-8040 Telephone No.
Howard L. Alderman Jr	<u> </u>	City	Monkton, MD 2111	.1 State	Zlp Code
Name - Type or Print	nnun	· ·	Representative to		,
Signature Levin and Gann, P.A.			Geoffrey C. Sch McKee and Assoc		
Company Nottirgham Centre		(410) 321-0600	Name 5 Shawan Road,		(410) 527-1555
Midresis MD 21204	······································	Telephone No.	Address Cockeysville, I		Telephone No.
Tlowson, MD 21.204	State	Zip Code	City	State	Zip Code
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1 1			ESTIMATED LENGTH OF	HEARING	
No. 04-355	SPH	•	UNAVAILABLE'FOR HEA	RING	
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REV9/15/98		NGTIC			, ,

Engineering • Surveying • Environmental Planning Real Estate Development

February 2, 2004

ZONING DESCRIPTION OF

#14 MT. CARMEL ROAD

7TH ELECTION DISTRICT

3RD COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND



BEGINNING at a point on the north side of Mt. Carmel Road (40-foot wide right-of-way) at a distance of 250 feet west of the centerline of York Road; thence running along the north side of Mt. Carmel Road, North 65 degrees 24 minutes 53 seconds West, 144.63 feet and by a curve to the left, having a radius of 1,165.92 feet and an arc length of 228.74 feet; thence running North 00 degrees 58 minutes 15 seconds West, 170.92 feet, South 65 degrees 35 minutes 03 seconds East, 28.95 feet, South 65 degrees 35 minutes 03 seconds East, 342.78 feet, South 04 degrees 29 minutes 25 seconds East, 144.93 feet, and South 04 degrees 29 minutes 25 seconds East, 7.17 feet to the place of beginning. CONTAINING 1.189 acres of land as recorded in Deed Liber 1202, folio 033.

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NOTICE OF ZONING
HEARING
The Zoning 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: #04-355-SPH 14 Mt. Carmel Road N/side of Mt. Carmel Road, 250 feet west of centerline of York Road 7th Election District 3rd Councilmanic District Legal Owner(s): Randolph Shelley, Member Special Hearing: to amend case #02-565-X to permit the construction of a 2-story frame building and an addition to the parking lot. Hearing: Monday, April 5, 2004 at 11,00 am 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.

3/246 Mar. 18 C654768

CERTIFICATE OF PUBLICATION

318,2004
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 $3/8$, 2004.
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

TO AL ADVERTISING

CERTIFICATE OF POSTING

	Date: 3/19/04
Ε:	Case Number 04-355 SPH
	Petitioner/Developer: Randolph H. Shelley, Member
	Date of Hearing/Closing: Monday, April 5, 2004, 11AM
ere (This is to certify under the penalties of perjury that the necessary sign(s) required by laposted conspicuously on the property located at14 Mt. Carmel Road
	*
	The sign(s) were posted on3/19/04
	(Month, Day, Year)
	(Signature of Sign Poster)
	J. Lawrence Pilson
	(Printed Name of Sign Poster) McKee and Associates, Inc.
	5 Shawan Road, Suite 1
	(Street Address of Sign Poster)
	- •
	Cockeysville, MD 21030
	(City, State, Zip Code of Sign Poster)
	(410) 527-1555
•.	(Telephone Number of Signt Poster) MAR 1 9 2004

RE: PETITION FOR SPECIAL HEARING

14 Mt. Carmel Road; N/side Mt. Carmel Road,

250' W c/line of York Road

7th Election & 3rd Councilmanic Districts

Legal Owner(s): 14 Mt Carmel Road, LLC,

Randolph H Shelley, Member

FOR

Petitioner(s)

BALTIMORE COUNTY

ZONING COMMISSIONER

BEFORE THE

04-355-SPH

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 and 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 24th day of February, 2004, a copy of the foregoing Entry of Appearance was mailed Geoffrey C. Schultz, McKee & Associates, Inc, 5 Shawan Road, Suite 1, Cockeysville, MD 21030 & to Howard L. Alderman, Jr. Esquire, 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioners.

RECEIVED

FEB 2 4 2004

ammorana PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Department of Permits de 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

February 23, 2004

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

CASE NUMBER: 04-355-SPH

14 Mt. Carmel Road N/side of Mt. Carmel Road, 250 feet west of centerline of York Road 7th Election District – 3rd Councilmanic District Legal Owner: Randolph Shelley, Member

Special Hearing to amend case #02-565-X to permit the construction of a 2-story frame building and an addition to the parking lot.

Hearing: Monday, April 5, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Howard Alderman, Levin & Gann, 502 Washington Ave., 8th Fl., Towson 21204 Randolph Shelley, P.O. Box 356, Monkton 21111 Geoffrey Schultz, 5 Shawan Rd., Ste. 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 20, 2004.

- (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

Thursday, March 18, 2004 Issue - Jeffersonian

Please forward billing to:

Randy Shelley P.O. Box 356

Monkton, MD 21111

410-329-8840

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: 04-355-SPH

14 Mt. Carmel Road

N/side of Mt. Carmel Road, 250 feet west of centerline of York Road

7th Election District – 3rd Councilmanic District Legal Owner: Randolph Shelley, Member

Special Hearing to amend case #02-565-X to permit the construction of a 2-story frame building and an addition to the parking lot.

Hearing: Monday, April 5, 2004 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.



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.

ACITI MATTICE	or Case Numb	per: <u>04 —</u>	355 ~5	PH
Petitioner:	14 MT	CARM	EL RO	AD LLC
Address or L	ocation:	4 MT.	CARM	EL ROAD
Vame:	RAND		· · · · · · · · · · · · · · · · · · ·	
Address:	P.O.	BOX 3	56	
	MONKT		MD. 21	1 1 1

Department of Pernand 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

March 31, 2004

Howard L. Alderman Levin & Gann Nottingham Centre, 8th Floor 502 Washington Avenue Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number: 04-355-SPH, 14 Mt. Carmel Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 3, 2004.

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. Call Rilla D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

C: People's Counsel

14 Mt. Carmel Road, LLC. Randolph H. Shelley P.O. Box 356 Monkton 21111

Geoffrey C. Schultz McKee & Associates, Inc. 5 Shawan Road, Suite 1 Cockeysville 21030

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 February 24, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: February 17, 2004

Item No.:

355)366

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.

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

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

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 12, 2004

Department of Permits & Development Management

7Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 23, 2004

Item Nos. 355, 356, 357, 359, 362,

and 366

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

March 22, 2004

SUBJECT:

Zoning Item # 04-355

Address

14 Mount Carmel Road

Shelley Property

Zoning Advisory Committee Meeting of February 17, 2004

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Both proposed and existing buildings must each have a 10,000 square foot septic reserve area.

Reviewer:

Sue Farinetti

Date: Februay 17, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

4/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 19, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

MAR 2 3 2004
ZONING COMMISSIONER

SUBJECT:

14 Mt. Carmel Road

INFORMATION:

Item Number:

4-355

Petitioner:

Randolph H. Shelley

Zoning:

RC 5/CR

Requested Action:

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request subject to the following:

- 1. The proposal is located in a CR district and is subject to compatibility. As such, submit a compatibility report to this office for review and approval.
- 2. Submit architectural elevations of all sides of the proposed structure to include building materials and color scheme.
- 3. Submit a landscape plan, a lighting plan, and elevations of any proposed signs.

r repared by:

Section Chief:

AFK/LL:MAC:



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

MARYLAND DEPARTMENT OF TRANSPORTATION

February 23, 2004

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

RE: Baltimore County Item No. 355 (JJS) MD 137 14 MT. Carmel Road Mile Post 8.36

Dear Ms. Matthews:

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

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

- 25' wide curbed entrance with 20' curbed radii using standard Type "A" combination curb and gutter, offset 4' from the edge of existing paving.
- Highway widening dedication to an ultimate 80' right-of-way.

Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

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

Very truly yours,

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

 IN RE: PETITION FOR SPECIAL EXCEPTION

N/S of Mt. Carmel Road, 250' W centerline of York Road

7th Election District

3rd Councilmanic District

(14 Mt. Carmel Road)

Nancy Wheatley & Vincent Chilcoat,

Legal Owners and

14 Mt. Carmel Road, LLC,

Contract Purchaser/Lessee

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 02-565-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Nancy Wheatley and Vincent Chilcoat and the contract purchaser/lessee, 14 Mt. Carmel Road, LLC. The Petitioners are requesting a special exception to approve the use of the subject property for general office and medical office use in a RC-5/CR district. The petition was prepared and filed by Howard L. Alderman, Jr., Attorney at Law.

Appearing at the hearing on behalf of the special exception request were Karen Kinsey, Randy Shelley, Guy Ward and Howard L. Alderman, the attorney representing the Petitioners. There were no protestants or others in attendance..

Testimony and evidence indicated that the property, which is the subject of this special exception request, consists of 1.360 acres, more or less, zoned R.C.5/CR. The subject property is improved with an existing 2-story frame building, which is proposed to be used by the Petitioner as a physical therapist office and other general office use. The details and design of the property are more particularly shown on Petitioners' Exhibit No. 1, the site plan submitted into evidence. The Petitioner proposes to utilize the building as general offices and intends to install a parking

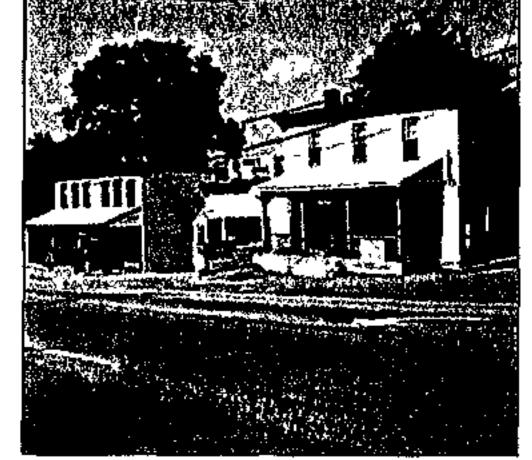




life, primarily the importance of the automobile, but in a way that does not cede total control to the automobile. Locational factors such as proximity to existing schools and roads should be considered. The economic and environmental feasibility of providing water and sewage service on site also must be addressed for any village development.

Actions

- 1. Investigate the feasibility of a rural village concept based on the following:
 - Map potential locations for rural villages within rural residential areas and rural commercial centers to minimize impact on agriculture and resource preservation areas.
 - Locate villages within proximity of adequate roads.
 - Create appropriate design standards.
 - Provide buffers between rural villages and agricultural uses.
 - Rural villages should not be located close to one another.
 - Set limits on the amount of density, and determine the appropriate mix of land uses for each rural village.
- 2. Determine the economic and environmental feasibility of providing water and sewage systems required for a rural village.
- 3. Investigate using the rural village as a receiving area for a TDR program, transferring density from an agricultural or resource preservation area.
- 4. Apply the program on a limited basis as a test case and evaluate its merits for rural preservation.
- 5. Allow rural village development as a PUD; however, this would be an optional, not mandated, approach.



Hereford is one of the two designated rural commercial centers.

RURAL COMMERCIAL CENTERS

Only two designated rural commercial centers will continue to provide local services and facilities for the surrounding rural area. They are:

EXHIBIT

- Hereford
- Jacksonville

POLICY

 The nature, size, and scale of rural commercial centers should remain geographically small, rural in character, and be regulated through a master plan process.

ISSUES AND ACTIONS

Issue: Managing Growth in Rural Commercial Centers

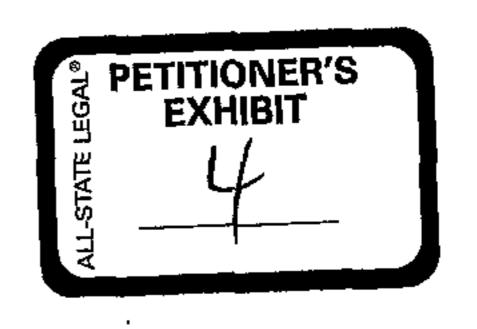
The two rural commercial centers contain a certain mass of retail and office service uses that should not be spread or repeated throughout the rural areas. These areas will continue to be the only locations within the rural area where such services will be concentrated. The size, scale, and quality of development have been a continuing issue in these centers. In addition, the ultimate buildout limits of these areas needs to be considered. These areas may also be suitable as places to transfer development rights removed from agricultural preservation or resource preservation areas.

Actions

- 1. Manage growth and development through the adoption of specific rural commercial center master plans that are regularly updated. The master planning process should determine the ultimate boundaries and buildout of these areas.
- 2. Undertake detailed studies to determine the appropriateness and capacity of these areas to receive TDRs, both commercial and residential. Any expansion of these areas should conform to a rural village concept.
- 3. Develop overlay districts or specific zoning classifications with design performance criteria that would be unique to each of the centers so issues such as use, size, scale and design are addressed. These centers have unique characteristics that should be enhanced by new development.
- 4. Adopt development performance guidelines and standards to ensure design quality, appropriate scale of uses, natural resource protection, appropriate buffers adjacent to agricultural uses, adequate open space close to homes, and pedestrian accessibility.
- 5. Provide infrastructure support such as stormwater management.
- 6. Develop a PUD-RP process that will allow large institutional, educational, religious, and recreational uses only through a planned development process. Create locational criteria and development standards.
- 7. Provide adequate buffers and transitions between commercial projects and differing adjacent land uses to maintain rural character.



MANAGEMENT OF
THE GROWTH AND
DEVELOPMENT IN
THE RURAL
COMMERCIAL
CENTERS WILL BE
BASED ON SPECIFIC
MASTER PLANS.



In summary, review of the commercial core indicates that there are numerous additional opportunities for conversion of small residential properties to small commercial uses. The opportunity for the larger multi-tenant development is restricted to two sites of which only the property located near I-83 has good access. Thus, there may be the long term need to provide for additional commercial zoning.

The area most suitable for future commercial development is north of Mt. Carmel Road and bounded by I-83 on the west, the existing commercial zoning on the east and the limits of the existing C.R. District to the north. The area is shown on Map 4. This area was selected in order to concentrate present and future growth of commercial.

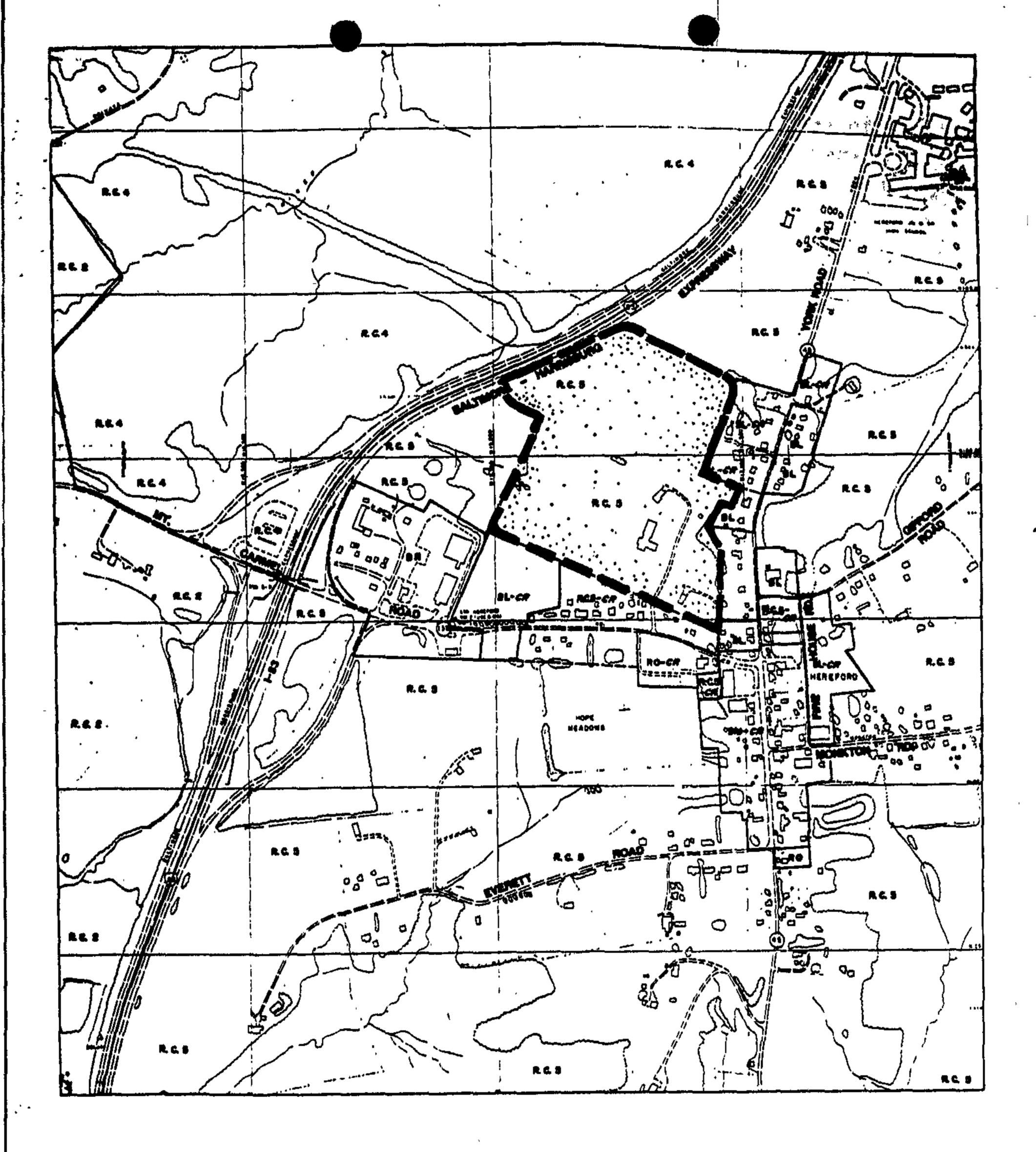
The commercial zoning was increased in the 1988 Comprehensive Zoning Process and this Plan calls for some expansion in 1992 with the addition of remaining residential within the proposed C.R. District. What is listed as future commercial is intended to be that area where growth should ultimately be directed. In addition to not rezoning this area in the near future, the rezoning should be phased so as to provide for limited controlled growth.

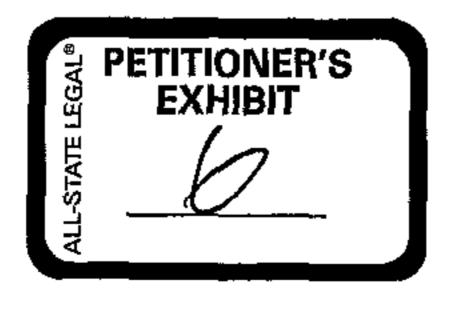
The objective with respect to future commercial growth is to try to maintain the compact nature of Hereford. To achieve this it is recommended that there be no commercial expansion to the north or south along York Road. The western boundary of commercial should continue to be the I-83 interchange. Expansion of commercial to the east should be in concert with the potential Mt. Carmel Road expansion.

There is currently a wide range of private services available in Hereford (Table 7). The range of public and institutional services is less broad (Table 8) but an important addition was the Hereford Branch of the Baltimore County Public Library System in 1988.

PETITIONER'S

EXHIBIT



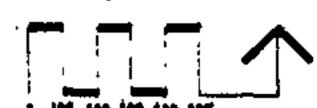


Long hange potential commercial areas

HEREFORD COMMUNITY PLAN

Propered By: Baillmure County Gilles at Plenning and Zening

MAP 4



- Limited Exemption granted by the DRC to convert the **then existing** dwelling to offices, per DRC No. 072202B, dated August 8, 2002
- A Spirit and intent letter was issued by the Zoning Office on September 10, 2003 to approve a 749 square foot addition to the existing building
- On November 3, 2003, the DRC, by limited exemption, granted the 749 square foot addition to the building
- existing use to continue as General Office and Medical Office in the existing building
- proposed use is a second office building:
 - First Floor Medical Offices of 3700 square feet
 - First Floor General Office of 1040 square feet
 - Second Floor General Offices of 1040 square feet
- enlarged parking lot and amenity open space and perimeter landscaping

Hereford is one of the two (2) designated rural commercial centers in the currently adopted Baltimore County Maser Plan [Master Plan 2010, page 246]

Office uses are a key ingredient of the Rural Commercial Center [Master Plan 2010, page 247]

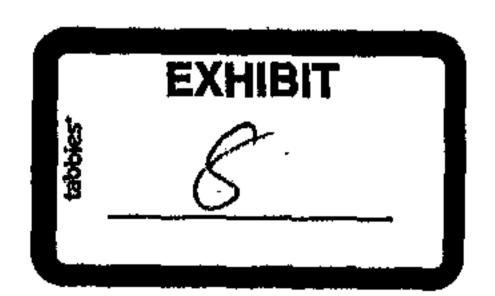
Hereford Community Plan recognizez that there are "additional opportunities for conversion of small residential properties to small commercial uses." [Hereford Plan at page 15]

RC-5 property to the north of the subject property designated in the Hereford Plan as a Long Range Potential Commercial Area [Hereford Plan at page 17, Map No. 4]

14 MT. CARMEL ROAD

WATER USAGE FOR SEPTIC DESIGN

USE	FLOOR AREA	GAL PER SF	GAL PER DAY
GENERAL OFFICE	2880	0.09	259.2
MEDICAL OFFICE	5482	0.62	3398.8
•		TOTAL	3658



HAL CARMEL BLDG.
FROM: DRP 6-24-203 NOSCALE

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The Principle Voice of the Hereford Community

HEREFORD COMMUNITY ASSOCIATION

April 2, 2004

Mr. William Hughey
Sector Planner
Baltimore County Office of Planning
Courts Building
401 Bosley Avenue
Towson, MD 21204

Dear Mr. Hughey,

This letter is in reference to Case # 4-355-SPH to amend Case #02-565-X to permit the construction of a 2-story frame building and an addition to the parking lot on the property at 14 Mount Carmel Road, LLC, Randolph H. Shelley, Member.

Hereford Community Association At the Hereford Community Association meeting on November 11 2003, the members voted to support the proposal to build an additional building on the property at 14 Mount Carmel Road provided it complied with current zoning regulations and the Hereford Plan.

P.O. Box 180 Mankton, MD 21111

Today I have reviewed the proposed plat developed by McKee and Associates that will be presented at the Special Hearing Request on Monday, April 4, 2004. In my judgment, the proposal meets the requirements of current zoning regulations and the Hereford Plan.

t. 410-357-0252 f. 410-357-0252

pcummins@verizon.net

Therefore, on behalf of the Hereford Community Association, I recommend that Case #4-355-SPH be approved.

Sincerely,

Paul Z. Cummins, II

President

C: Mr. Randolph II. Shelley

EXHIBIT //

Randy Shelley 2601 Cotter Road Millers, MD 21102

April 4, 2004

Mr. & Mrs. Chilcoat Mt. Carmel Road Parkton, MD 21120

Dear Mr. & Mrs. Chilcoat:

This letter is to confirm that I have shown you the plans for the new building on 14 Mt. Carmel Road. If these plans are satisfactory with you, I will submit this letter to the Hearing Officer of Baltimore County, Office of Planning and Development Management. Thank you for your support.

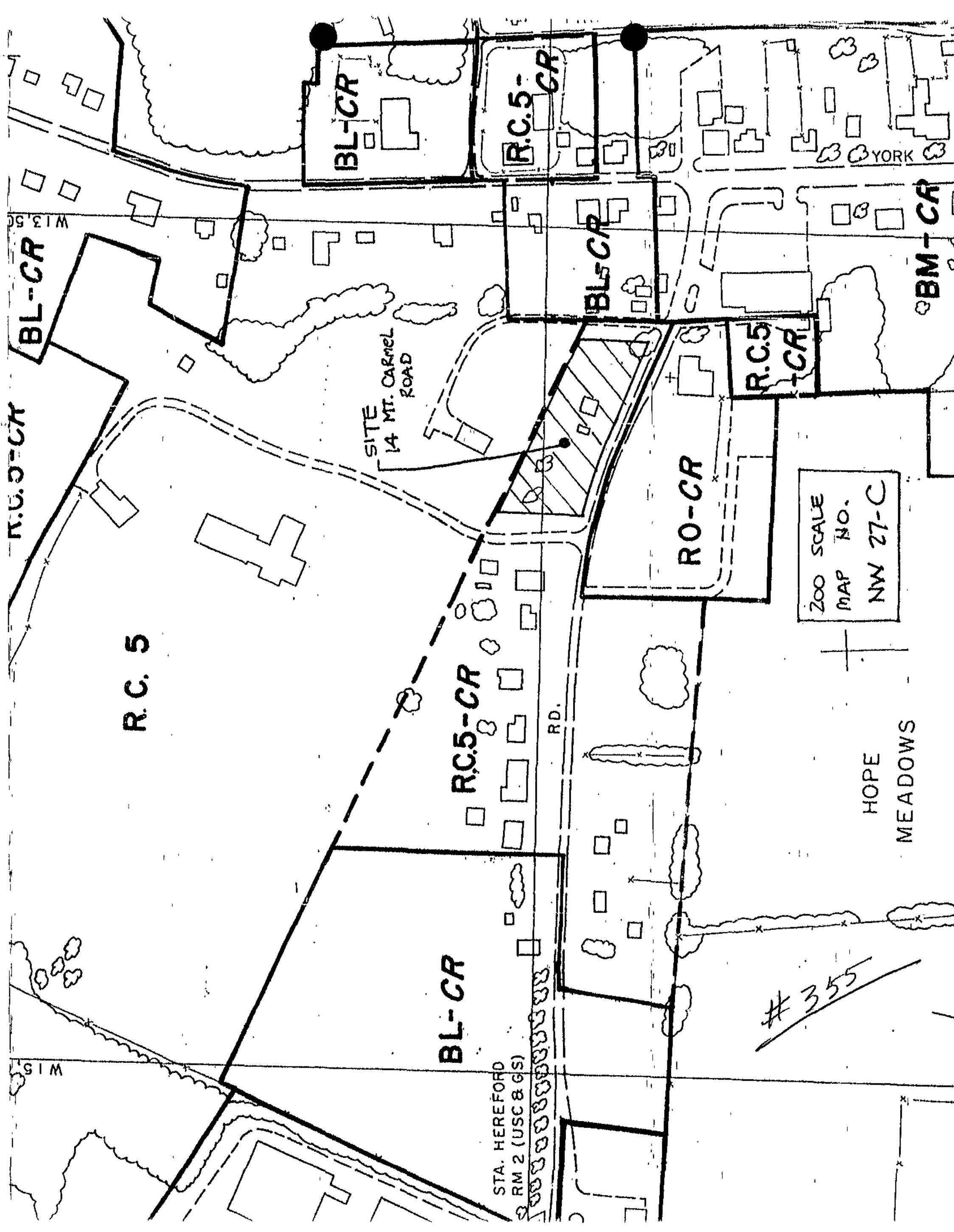
Randolph H. Shelley

Ted Chilcoat



PETITIONER'S SIGN-IN SHEET

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EXHIBIT

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