ORDER RECEIVED FOR FILING Date IN RE: PETITION FOR VARIANCE

NW/S Belair Road, 128' SW of the c/l

Pine Hill Road

(9320 Belair Road)

11<sup>th</sup> Election District

5<sup>th</sup> Council District

Thomas N. Benisch, Jr. and Tomkat Properties, LLC, Owners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 04-583-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Thomas N. Benisch, Jr. and Tomkat Properties, LLC, through their attorney, John B. Gontrum, Esquire. The Petitioners request a variance from Section 409.4.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a driveway width for two-way movements of 12 feet in lieu of the required 20 feet. In addition, relief is requested from Section 450.4.I of the B.C.Z.R. to allow one freestanding sign adjacent to residential zoned property. 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 Thomas N. Benisch, Jr., property owner, and Katherine Benisch. Also appearing were Paul Naldrett on behalf of Hicks Engineering Company, the consultants who prepared the site plan for this property, and Sang Oh, Esquire and John B. Gontrum, Esquire, attorneys for the Petitioners. Other individuals appearing in support of the request were Jennifer Sauer, George and Mary Harkins, and Daniel and Alice Angelonga, all nearby residents of the area. 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 northwest side of Belair Road, just north of its intersection with Joppa

Road and Ebenezer Road, and west of its intersection with Pine Hill Road in Perry Hall. The property contains a gross area of 9,280 sq.ft., more or less, zoned R.O.A., and is improved with a two-story frame building, which was formerly used as a single family dwelling, and an attached garage to the rear of the structure. Mr. Benisch recently acquired the property and proposes converting same to use for his business offices as a State Farm Insurance agent. There are no exterior modifications proposed to the building; however, there will be interior changes made to accommodate the new office use. Additionally, the property will be improved to provide eight parking spaces. In this regard, there presently exists a 7-foot wide driveway leading into the property from Belair Road. This driveway will be enlarged to approximately 20 feet at the road; however, it will taper to a width of as little as 12 feet adjacent to the house. The driveway continues at that width alongside the building and widens again to the rear of the building to a macadam parking area. As noted above, eight parking spaces will be provided, including 1 handicapped space.

Based upon the testimony and evidence offered, I am persuaded that variance relief for the driveway should be granted. The unique factors relative to this property are the location of the existing building and the narrow width of the lot. It is to be noted that he width of the side yard on the other side of the building is only 8 feet. Thus, the driveway cannot be relocated to the other side without the need for variance relief. Additionally, it was indicated that there would be minimum volumes of traffic to the site. Mr. Benisch anticipates no more than six clients per day. The use proposed is permitted by right; thus, I am persuaded to grant this variance.

Turning next to the sign variance requested, it was indicated in open hearing that this variance was being withdrawn. In lieu of a freestanding sign, the Petitioners now propose a wall-mounted sign attached to the front of the building. As shown on the amended site plan marked as Petitioner's Exhibit 1, the proposed wall-mounted sign is in compliance with Section 450 of the B.C.Z.R. and thus, no variance relief is necessary. Therefore, the sign variance requested shall be dismissed as moot.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_ day of July 2004 that the Petition for Variance seeking relief from Section 409.4.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a driveway width for two-way movements of 12 feet in lieu of the required 20 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his 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.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.4.I of the B.C.Z.R. to allow one freestanding sign adjacent to residential zoned property, having been withdrawn, be and the same is hereby DISMISSED AS MOOT.

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

July 30, 2004

John B. Gontrum, Esquire Sang Oh, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE

NW/S Belair Road, 128' SW of the c/l Pine Hill Road

(9320 Belair Road)

11<sup>th</sup> Election District – 5<sup>th</sup> Council District

Thomas N. Benisch, Jr. and Tomkat Properties, LLC – Owners/Petitioners

Case No. 04-583-A

Dear Messrs. Gontrum & Oh:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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

Mr. Thomas M. Benisch, Jr. cc:

9518 Good Spring Drive, Perry Hall, Md., 21128

Mr. Paul Naldrett, Hicks Engineering, 200 E. Joppa Road, Towson, Md. 21286

Office of Planning; People's Counsel; Case File



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



ORDER RE

Date.

## Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9320 BELANZ ROAD which is presently zoned R.O.A

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

409, 4. A TO ALLOW A 12 FEST WIDTH DRIVEWAY FOR TWO WAY MOVEINENTS IN LIEU OF THE REQUIRED TO FEET AND

450.4. I TO ALLOW ONE FREE STANDING SIGN ADJACENT TO RESIDENTIAL ZUNED PROFERTY of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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

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

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

Contract Purchaser/L	essee:			<u>Legal Owner(s):</u>		
				Thomas N. B	enishor	₹
Name - Type or Print			<sup>™</sup> Name - '	Type or First  Signature  Name - Type or Print	Beuseka	) 1 .
Signature				Signature PRO	welties L	40
Address		Telephone No.	-	Name - Type of Print  Alo - 661 -	1218	
City	State	Zip Code		Signature		<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>
Attorney For Petitions Name - Type or Print				Address	. <del></del>	Telephone No.
Name - Type or Print	7	· · · · · · · · · · · · · · · · · · ·	City		State Z	ip Code
4113 1			_	Representative to b	e Contacted:	
Signature Chifeford, Tzylori	dPreston L	P	_	HICKS Engineeri Name Suite	ne Associati	es Inc.
200 W. Pennsylv	rniz 40-83	2-2053	<b></b>	200 E Joppa R Address	202d 410	- 494-0001
Address		Telephone No.				Telephone No.
Transon		Z(20) 4 Zlp Code	_	Tows on	Mn State	2128 C Zip Code
City	State	Zip Code		City	Otato	Zip oous
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Case No. 04-5	583-A			ESTIMATED LENGTH OF HE	ARING	•
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		Reviewed	Ву	JRF Date	ctr2101	
RF10 15/98						

# Hicks Engineering Associates, Inc.

200 East Joppa Road, Suite 402 Towson, Maryland 21286-3160 (410) 494-0001 Facsimile: (410) 821-8890

### **Description for Zoning**

No. 9320 Belair Road Eleventh Election District Baltimore County, Maryland

Beginning for the same at a point 128 feet +/- from the intersection Pine Hill Avenue and Belair Road, thence running and binding on the northwest side of said Belair Road, South 42 degrees 26 minutes 52 seconds West 75.47 feet, thence North 47 degrees 33 minutes 08 seconds West 122.96 feet, thence North 42 degrees 26 minutes 52 seconds East 75.47 feet, thence South 47 degrees 33 minutes 08 seconds East 122.96 feet to the point of beginning.

Containing 0.21 acres of land, more or less.

583

Page 1 of 1

Date: June 15, 2004

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# NOTICE OF ZONDRE HEARING

The Zening Connenssioner 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: #04-583-A
9320 Belair Road
N/west side of Belair Road at the distance of 128 feet +/- south of Pine Hill Avenue
11th Election District - 5th Councilmanic District
Legal Owner(s): Thomas Benisch, Jr.,
Tomkat Properties, LLC
Variance: to allow a 12-foot width driveway for two-way movements in lieu of the required 20 feet and to allow one freestanding sign adjacent to residential zone

property.
Hearing: Tuesday, July 27, 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 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.

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that the annexed advertisement was published ccessive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., ms THIS IS TO CERTIFY each of once in

The Jeffersonian

Times Catonsville

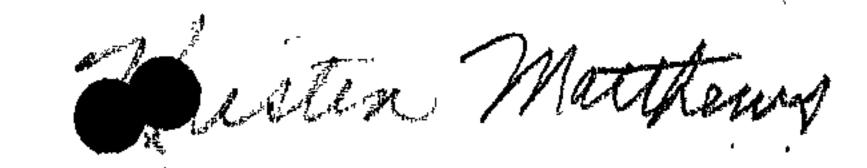
Arbutus Times

- Towson Times
- 1s Times Owings Mil
- NE Booster/Reporter
- North County News

Werns

LEGAL ADVERTISING





RE: Case No.: 04-583-A
Petitioner/Developer:
Thomas M. Benisch, Jr.
Date of Hearing/Closing: 7/27/04

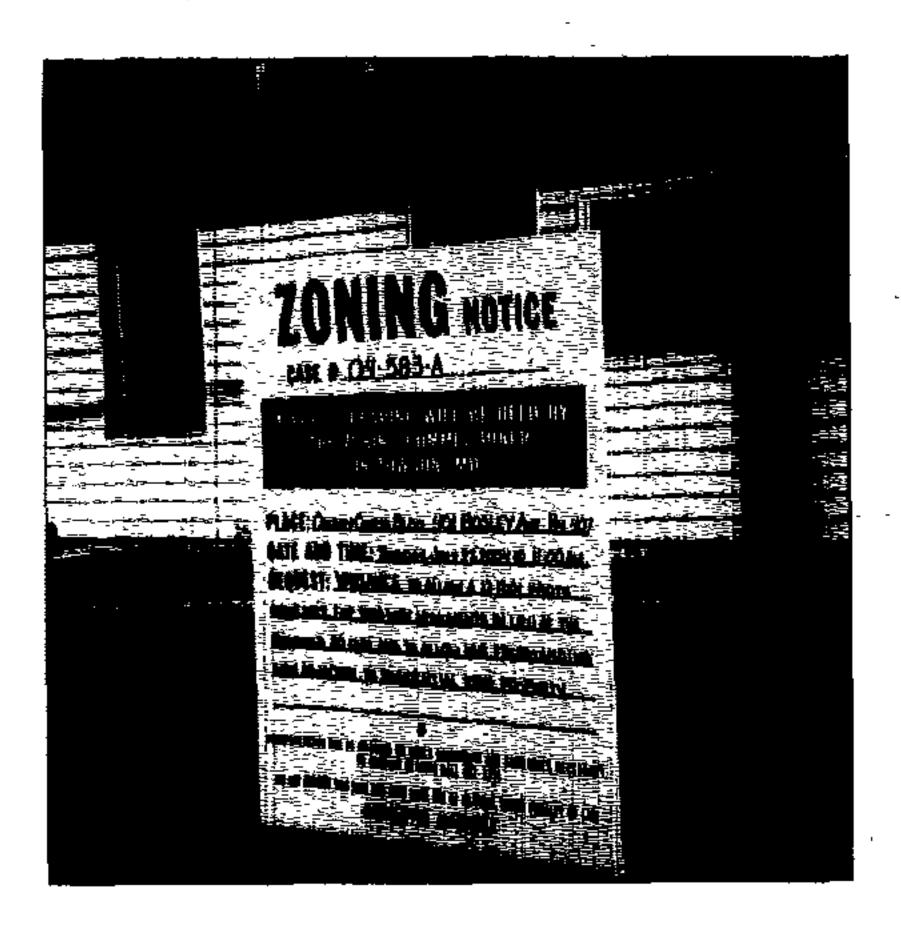
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Joe Chmura

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 9320 Beloir Road

Perry Hall, MD 21128



	4
July 9, 2004	•
(Month, Day, Year)	
Sincerely,	!

(Signature of Sign Poster and Date)

SHANNON-BAUMame)
105 COMPETITIVE

ELDERSBURG, M.

410.781-4000

(City State 71 mail

# 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

June 30, 2004

### **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: 04-583-A

9320 Belair Road

N/west side of Belair Road at the distance of 128 feet +/- south of Pine Hill Avenue 11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Thomas Benisch, Jr., Tomkat Properties, LLC

Variance to allow a 12-foot width driveway for two-way movements in lieu of the required 20 feet and to allow one freestanding sign adjacent to residential zone property.

Hearing: Tuesday, July 27, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: John Gontrum, Whiteford, Taylor & Preston, 210 W. Pennsylvania Ave., Towson 21204 Thomas Benisch, Jr., 9320 Belair Road, Perry Hall 21128 Hicks Engineering Associates, Inc., 200 E. Joppa Rd., Ste. 402, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 12, 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

Tuesday, July 13, 2004 Issue - Jeffersonian

Please forward billing to:

Tom Benisch 9320 Belair Road Perry Hall, MD 21128 410-661-1218

### **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: 04-583-A

9320 Belair Road

N/west side of Belair Road at the distance of 128 feet +/- south of Pine Hill Avenue 11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Thomas Benisch, Jr., Tomkat Properties, LLC

Variance to allow a 12-foot width driveway for two-way movements in lieu of the required 20 feet and to allow one freestanding sign adjacent to residential zone property.

Hearing: Tuesday, July 27, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Commence B. Schmidt.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

### Department of Permits and Development Management

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

June 28, 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 herein as follows:

CASE NUMBER: 04-583-A

9320 Belair Road

N/west side of Belair Road at the distance of 128 feet +/- south of Pine Hill Avenue

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Thomas Benisch, Jr., Tomkat Properties, LLC

Variance to allow a 12-foot width driveway for two-way movements in lieu of the required 20 feet and to allow one freestanding sign adjacent to residential zone property.

Hearing: Friday, August 20, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: John Gontrum, Whiteford, Taylor & Preston, 210 W. Pennsylvania Ave., Towson 21204 Thomas Benisch, Jr., 9320 Belair Road, Perry Hall 21128 Hicks Engineering Associates, Inc., 200 E. Joppa Rd., Ste. 402, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 5, 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.



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

TO: PATUXENT PUBLISHING COMPANY

Thursday, August 5, 2004 Issue - Jeffersonian

Please forward billing to:

Tom Benisch 9320 Belair Road Perry Hall, MD 21128 410-661-1218

### **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: 04-583-A

9320 Belair Road

N/west side of Belair Road at the distance of 128 feet +/- south of Pine Hill Avenue 11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Thomas Benisch, Jr., Tomkat Properties, LLC

<u>Variance</u> to allow a 12-foot width driveway for two-way movements in lieu of the required 20 feet and to allow one freestanding sign adjacent to residential zone property.

Hearing: Friday, August 20, 2004, at 9:00 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.

## 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.

For Newspaper Advertising:	
Item Number or Case Number: 04-583-A	,
Petitioner: TomM. BENISH JR	
Address or Location: 9320 BELAIR ROAD	
PLEASE FORWARD ADVERTISING BILL TO:  Name: Tom M. Benisy Jr.  Address: 9320 BELAIR RD  PERRY HALL MD 21128	
Telephone Number: 410-661-1218	

# Department of Permit Development Management

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





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

July 21, 2004

John B. Gontrum Whiteford, Taylor, & Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204

Dear Mr. Gontrum:

RE: Case Number:04-583-A, 9320 Belair Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 15, 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. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

**Enclosures** 

c: People's Counsel

Thomas M. Benisch, Jr. Tomkat Properties, LLC 9320 Belair Road Perry Hall 21228 Hicks Engineering Associates, Inc. 200 E. Joppa Road, Ste 402 Towson 21286



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



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 29, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 28, 2004

Item No.:

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







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

### MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

June 30, 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. 583 (JRF)

9320 Belair RD

US 1

Mile Post 20.23

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval of the Variance. However, we will require the owner to obtain an access permit through our office for the roadway improvements within the Maryland State Highway Administrations' right of way.

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,

Bowden Ward, Asst. Chief,

f. f. Houllei

Engineering Access Permits Division

JA 127

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 8, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

**SUBJECT:** 

9320 Belair Road

JUL - 9 2004

ZONING COMMISSIONER

INFORMATION:

Item Number:

4-583

Petitioner:

Thomas Bensich, Jr.

Zoning:

RO

Requested Action:

Variance

### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning reviewed the variance petition recommends the request to permit a freestanding sign in a ROA zone be **DENIED**.

This office does not oppose the request to permit a 12-foot wide driveway for two-way traffic movement in lieu of the minimum required 20 feet, provided landscaping is provided across the front of the subject property.

Prepared by:

Division Chief:

AFK/LL:MAC:

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 23, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For July 6, 2004

Item Nos. 580, 581, 582, 583, 584, 586, 587, 588, 589, 590, and 591

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

RWB:CEN:jrb

cc: File





**RE: PETITION FOR VARIANCE** 

9320 Belair Road; NW/side Belair Road,

128' S of Pine Hill Avenue

11<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts Legal Owner(s): Thomas M Benisch, Jr,

TomKat Properties, LLC

Petitioner(s)

BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 04-583-A

\* \* \* \* \* \* \* \* \*

### **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 1<sup>st</sup> day of July, 2004, a copy of the foregoing Entry of Appearance was mailed to, Hicks Engineering Associates, Inc, 200 E Joppa Road, Suite 402, Towson, MD 21286, and to John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

BECEINED

JUL 8 1 2004

PETER MAX ZIMMERMAN

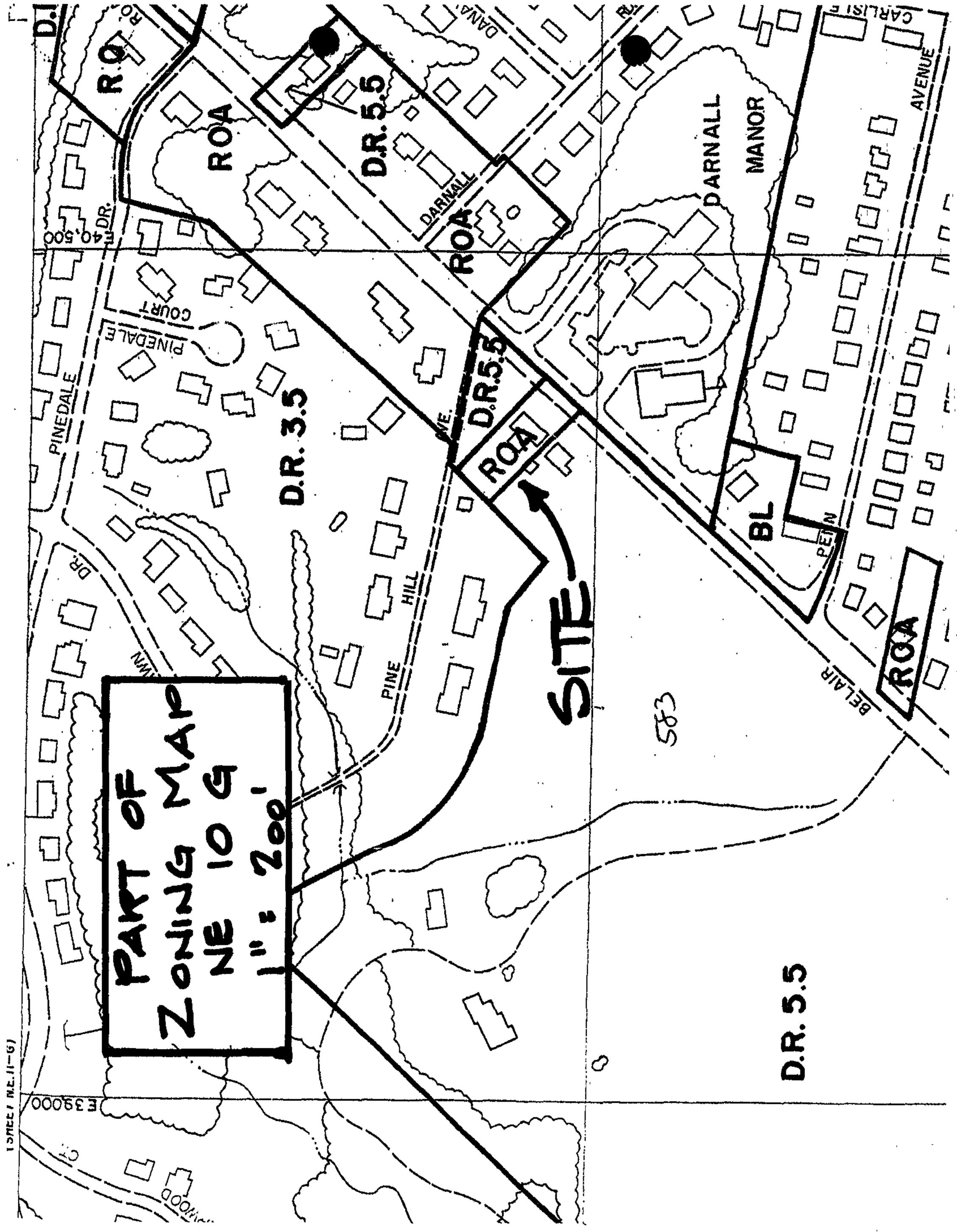
People's Counsel for Baltimore County

Per.......

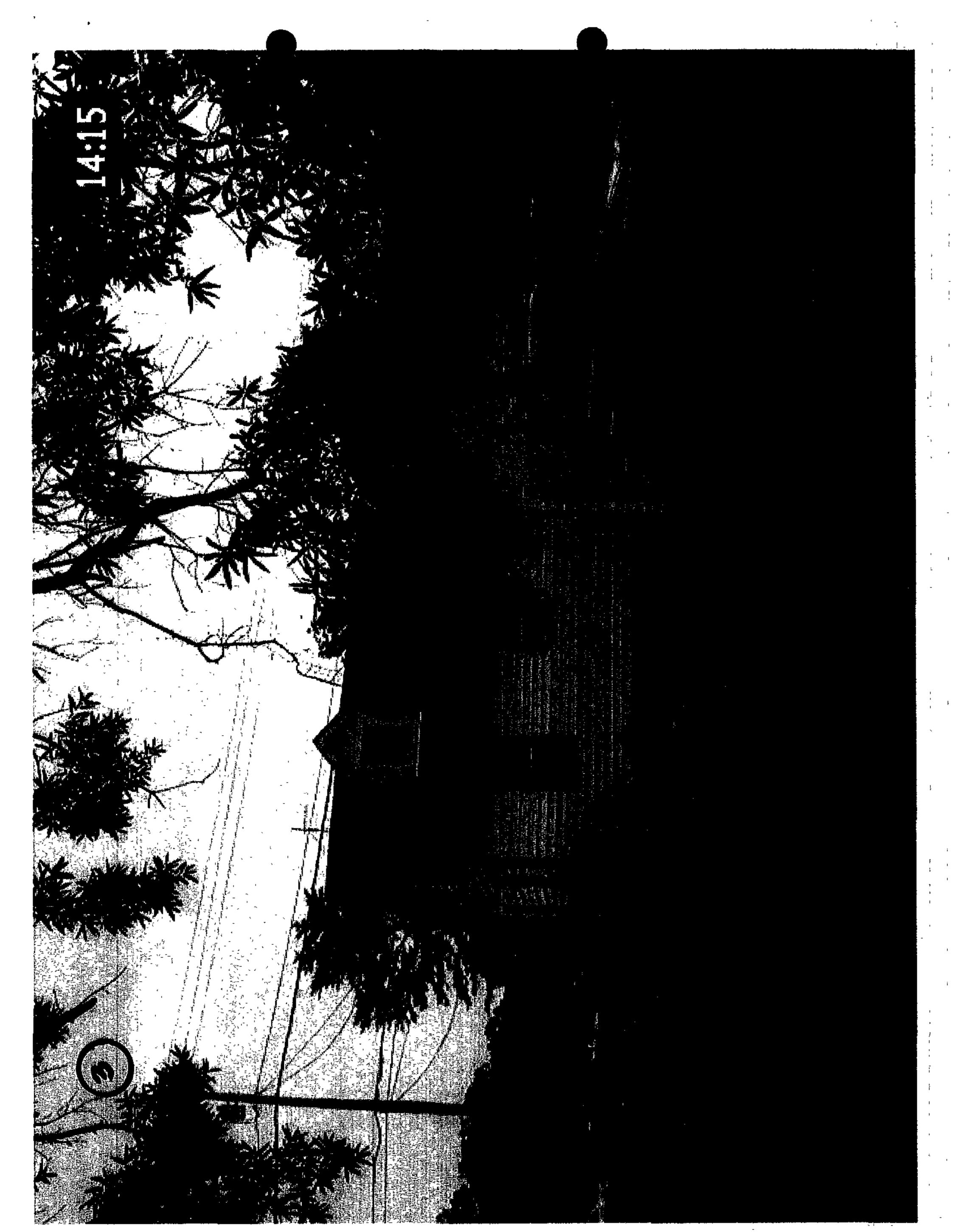
ATE	ASE NUMBER	ASE NAME
'	· , -	

# PETTIONER'S SIGN-IN SHEET

							Doniel Hugelonge	HINCE HUGELDNICH	Mr. HARRING	GEORGE HARKINS	Katherina Benisch	Jenniter Sauer	PAUL MALDRETT	NAME
							1114 Pine 4111 Rd	MIHHNOE ALL RO	23 have acure	23 LAKE DRIVE	9518 Good Spring Dr	All Prochill Rd.	200 E. Joppe Ris	ADDRESS
						17.01	Rolto M1121236	BALTO MD 21236	Bulace mes moje	BEL 17/2 MM 21014	Para Had Mixalla	Basto and 2136	Towson 1700 21284	CITY, STATE, ZIP
														E- MAIL

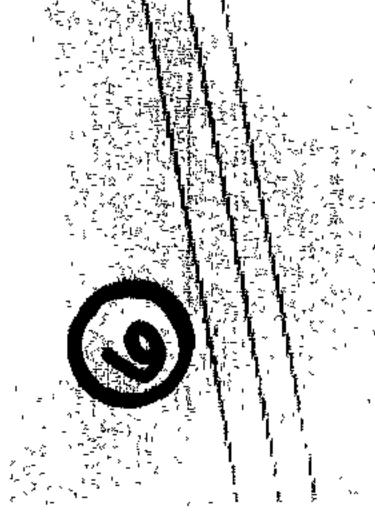


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### **Zoning Case # 04-583-A**

### 9320 Belair Road Baltimore, MD 21236



This letter confirms that we, the neighbors of 9320 Belair Road, are in favor of Mr. Tom Benisch operating his small insurance business out of 9320 Belair Road. Prior to Mr. Benisch's purchase of the property at 9320 Belair Road, the property was poorly maintained and detracted from the appearance of our neighborhood. Since March 2004, Mr. Benisch has made substantial improvements to and has routinely maintained the property so that the property now complements our neighborhood.

We are in support of Baltimore County granting the zoning variance to allow the 12 foot two-way entrance and the non-illuminated sign on the front yard.

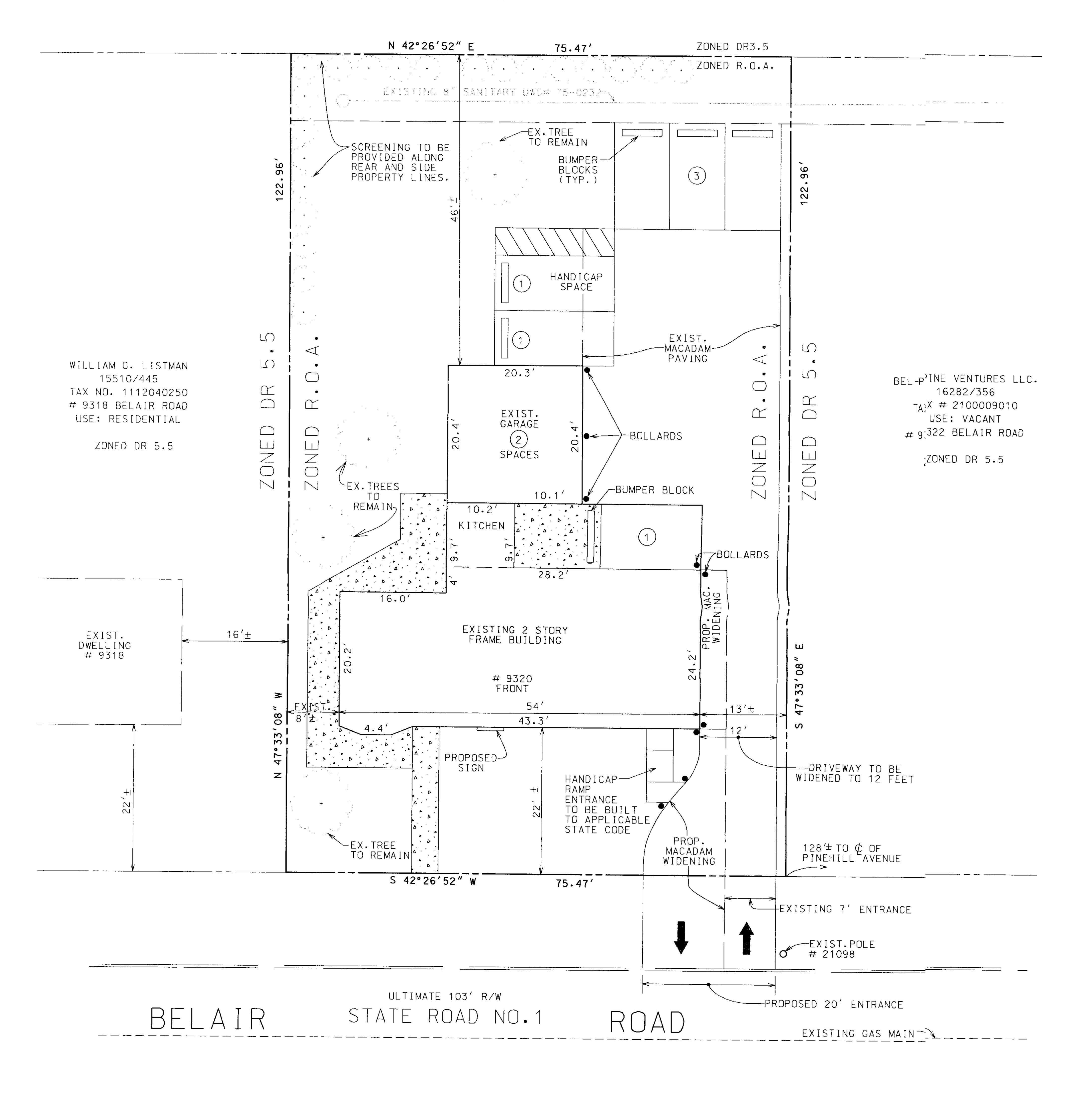
Thank you for your consideration in the matter.

Sincerely,

The Neighbors of 9320 Belair Road

Name	Address	Phone #	Signature & Date
Jeppifer &	Sauer 4111 Pine H	111 Rd. 410-256-85	29 Januar 5 Jun 7/19/04
Heiren	ruer 4111 Pine Hi	11 Rd 410 256-8579	Men Jun 7/19/04
Daviel Acree	Longar 4114 Pinet	ille 410-529-481	7. Daniel Angelonge 7/19/0
Alvee Angele	reac 4114 Pinette	11Rd 410-529-48	17 alece angelonga 7/19/04
anno Lis	tman 9318 Bela	in Rd. 410-256-538	30 Propre Listoman 17/24/04
FRANK LAUD	n. 9318 Belaik	Rd 410-868-1048	23 Manh Farm 7-24-04
Ponaco Oc	SMITH ALLZ PLUE	Luila dua 200. As	2-0 ( 1/1).
byce A.	Smith 4112 Pine	Hill Rd. 410-256-8	259 Jane a. Smith 7-24-04
Kose C	utair 4110 Pin	E Hill Rol. 410-5	259 Jayer a. Smith 7-24-04 528-4537 Rose Certain 1/24/04

STEVEN SAUER
10054/559
TAX NO. 2100009012
USE: RESIDENTIAL
#4111 PINEHILL ROAD
LOT 3 OF PLAT 60/136



GENERAL NOTES

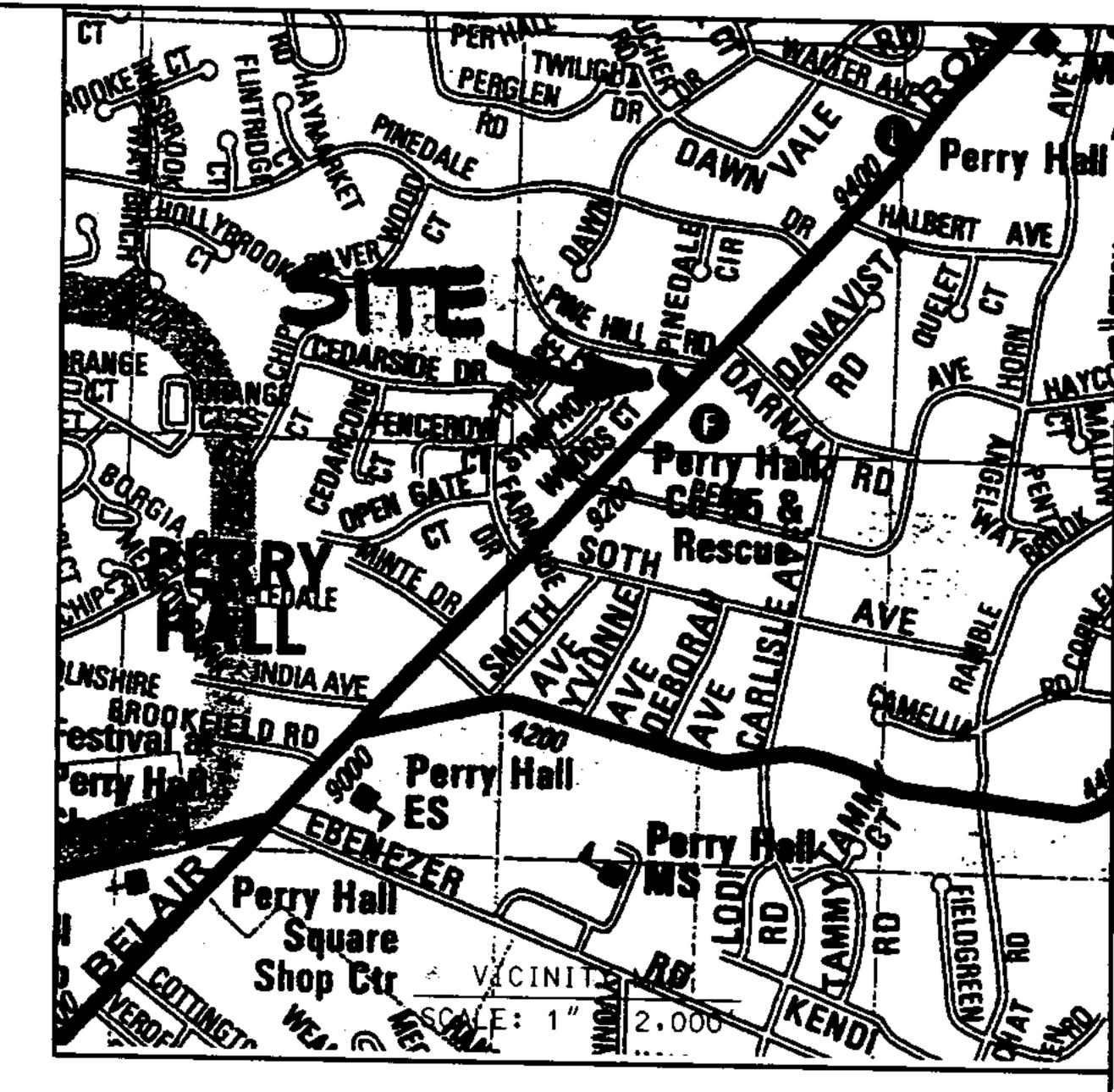
1. THE SUBJECT PROPERTY HAS NO PREVIOUS ZONING CASE HISTORY.

2. THERE ARE NO STREAMS OR STORM WATER MANAGEMENT SYSTEMS ON THE SUBJECT PROPERTY

3. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN.

4. "ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS." INDICATE PLACEMENT, HEIGHT, AND DIRECTION ON THE PLAT. LIGHT STANDARDS SHOULD BE PROTECTED BY CURBING OR LANDSCAPING.

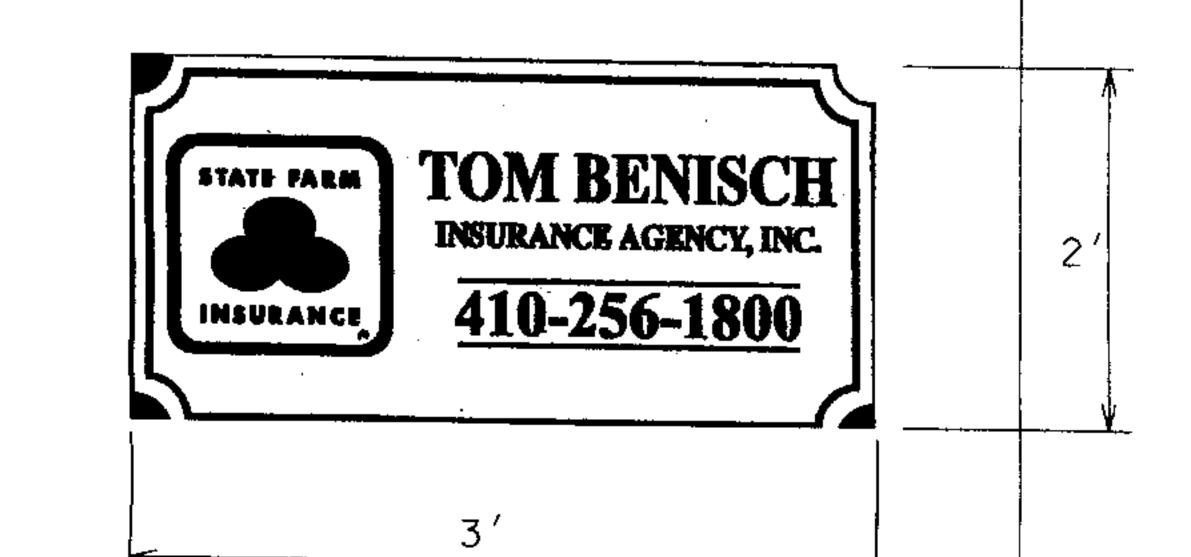
5. PAVING SHALL CONSIST OF A DURABLE AND DUST FREE SURFACE.
6. HOURS OF OPERARTION ARE 9AM - 5PM MON, THURS, & FRI
9AM - 7PM TUES, WED.
9AM - 12PM SATURDAY



VICINITY MAP

SCALE: 1" = 1.000'

FLOOR AREA = 1746 SQ FT.
TOTAL SITE AREA = 9280 SQ FT.
F.A.R. = 0.19



PROPOSED SINGLE-SIDED
WALL MOUNTED SIGN
NOT TO SCALE

DEED REFERENCE: 8236/432

PLAT REFERENCE: 60/136

TAX ACCOUNT NO.: 2100009011

EXISTING ZONING: R.O.A.

ZONING MAP: NE 10 G

COUNCILMAN DISTRICT 5

EXISTING USE: RESIDENTIAL

PROPOSED USE: INSURANCE AGENCY (OFFICE)

SITE AREA: 9.280 SF OR 0.21 ACRES

NOTE: THERE IS NO NEW PROPOSED DEVELOPMENT AT THIS TIME.

OWNER:
TOMKAT PROPERTIES LLC
9518 GOOD SPRING DRIVE
PERRY HALL MD. 21128-9389

410-661-1218

PARKING CALCULATIONS

PROPOSED USE: OFFICE

PARKING REQUIRED = 3.3 SPACES PER 1000 SF OF GROSS FLOOR AREA

FIRST FLOOR = 1232 SQ FT 2ND FLOOR = 400 SQ FT TOTAL = 1632 SQ FT  $1632/1000 \times 3.3 = 6 \text{ SPACES}$ 

EXISTING WATER MAIN\_\_\_\_\_\_\_

PARKING PROVIDED = 7 SPACES + 1 HANDICAP SPACE TOTAL SPACES = 8 TOTAL SPACES

MO MO MARIE MARIE

THICKS ENGINEERING CO., INC.

ENGINEERS, SURVEYORS & PLANNERS
200 EAST JOPPA ROAD - SUITE 402
TOWSON, MARYLAND 21286-3160
(410) 494-0001

PROJECT TITLE:
# 9320 BELAIR ROAD

STATE ROUTE NO.1

PERRY HALL, MD 21236
DRAWING TITLE:

PLAN TO ACCOMPANY

USE AND OCCUPANCY
PERMIT

7/26/04 - REV. PER ATTORNEY COMMENTS

DRAWING NO.:

OFFE

DRAWN BY:

MEH

CHECKED BY:

PMN

PLAT

MAY 25,2004

/"=/O' SHEETS PER SET: / OF