IN RE: PETITION FOR VARIANCE

N/S Joppa Road, 595' E of the c/l

Old Harford Road

(2416 E. Joppa Road)

9th Election District 5th Council District

Joppa Road, LLC Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 05-125-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 owner of the subject property, Joppa Road, LLC, through Timothy S. O'Shea, a member. The Petitioner seeks variance 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 10 feet in lieu of the required 20 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 on behalf of the Petitioner were Charles Merritt of Merritt Development Consultants, Inc., and Howard, L. Alderman, Jr., Esquire, attorney for the Petitioner. Appearing as an interested citizen was Linda Clarke, a nearby resident. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the north side of Joppa Road, just east of its intersection with Old Harford Road in Parkville. The property contains a gross area of 0.29 acres, more or less, zoned R.O. and is located in an area that contains a mix of business/residential uses. In this regard, to the north is a small ROA zoned parcel, and B.L. zoned land is located to the west; however, the residential communities of Harford Hills and Joppa Springs are located immediately east and south of the subject site. In any event, the subject property is improved with a 1½-story office

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building. Currently, all visitors/employees park in the front portion of the lot along the existing driveway. Mr. Merritt testified that this is the only R.O. zoned lot on the north side of Joppa Road that has parking in front. Apparently, a parking study (East Joppa Road Corridor Study) was recently undertaken by the Joppa Road business community and it was determined that all parking for business uses along this road should be provided to the rear of the buildings. Thus, the Petitioners propose to extend the existing macadam driveway on the east side of the building to the rear of the property and relocate parking to that portion of the site. However, due to the location of the existing building on the lot, the Petitioner cannot meet the required driveway width for two-way traffic movement. In this regard, the site plan shows that the property is somewhat trapezoidal in shape and that the building is not situated squarely on the lot. Moreover, side yard setbacks of 13 feet (west) and 11 feet (east) are provided. Thus, it is clear that the Petitioner cannot meet the required driveway width on either side of its property and that variance relief is necessary.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the Office of Planning supports the Petitioner's proposal. However, that agency has recommended that all parking be limited to the north side of the proposed parking area, as indicated on the plan, and not immediately behind the building so as to provide safe and efficient movement of vehicles to and from the driveway. The Petitioner agreed to restrict parking to this area.

As noted above, Ms. Linda Clarke appeared as an interested citizen. Ms. Clarke did not raise any questions and apparently had no objections to the Petitioner's proposal.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. As noted above, the variance request is generated due to the location of the existing building and unusual shape of the lot and it is clear that the Petitioner would suffer a practical difficulty if relief were denied. The Petitioner's proposal is consistent with adjacent R.O. zoned uses and will not be detrimental to the health, safety and general welfare of the locale. To the contrary, relocating parking to the rear of the site will improve the general

appearance of the property and help to preserve the character of the adjacent residential neighborhood. Thus, I am persuaded that relief should be granted.

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 shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28 day of October 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 10 feet in lieu of the required 20 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, 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) All parking shall be limited to the north side of the proposed parking area and not immediately behind the building or along the south side of the macadam paved area so as to promote safe and efficient movement of vehicles to and from the driveway.

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

ILLAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW: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 William J. Wiseman III, Zoning Commissioner

October 28, 2004

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

RE: PETITION FOR VARIANCE
N/S Joppa Road, 595' E of the c/l Old Harford Road
(2416 E. Joppa Road)
9th Election District – 5th Council District
Joppa Road, LLC - Petitioners
Case No. 05-125-A

Dear Mr. Alderman:

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.

MILITARY J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. Timothy S. O'Shea

2416 E. Joppa Road, Baltimore, Md. 21234

Mr. Charles Merritt, 9831 Magledt Road, Baltimore, Md. 21234 Ms. Linda Clarke, 4319 Willshire Avenue, Baltimore, Md. 21206

Office of Planning; People's Counsel; Case File



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



OR FILING

ORDER

SEV 9/15/98

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Petition for Variance

to the Zoning Commissioner of Baltimore County

PRYLA	to the wantering continuisments of meretiments contined
	for the property located at Z416 E. JOPPA ROAD
	which is presently zoned RO
owner(s) of the property :	ed with the Department of Permits and Development Management. The undersigned, legal situate in Baltimore County and which is described in the description and plat attached hereto thereby petition for a Variance from Section(s) 40944
TO PERUIT A	nereby petition for a Variance from Section(s) 4094A BCZR 10' WIDE DRIVEWAY FOR TWO WAY MOVEUSUTS IN LIGHT
OF THE REQUIR	RED BO'WIDTH.
of the Zoning Regulation (indicate hardship or prac	ns of Baltimoré County, to the zoning law of Baltimore County, for the following reasons:
TO PERUIT A	TO BE DISCUSSED AT HEARING

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

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

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

<u>Legal Owner(s):</u> Contract Purchaser/Lessee: Name - Type or Print Name - Type or Print TIMOTHY Signature Signature Name - Type or Print Address Telephone No. City Zip Code State Signature Attorney For Petitioner: 24K E. JUPPA . 410 666-1320 RUNC Address Telephone No. ALDERMAN 21234 BALTO HOWARD MO Name - Type or Print State Zip Code City Representative to be Contacted: Signature でくくり かってい MERRITT Company 321-0600 والته 9831 Address SOZ WASHINGTON Address Telephone No. Telephone No. 71234 Towlson 21200 BALTU MO MD Zip Code State Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. UNAVAILABLE FOR HEARING Reviewed By _____

August 3, 2004

ZONING DESCRIPTION FOR #2416 JOPPA ROAD

Beginning at a point on the north side of Joppa Road, which is 70 feet wide, at the distance of 595 feet east of the centerline of the nearest improved intersecting street, Old Harford Road, which is 60 feet wide. Being Lot #55 in the subdivision of Harford Hills as recorded in Baltimore County Plat Book #16 folio #13, containing 0.29 acres. Also known as #2416 Joppa Road and located in the 9th Election District, 5th Councilmanic District.



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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:

Gase #05-125-A
2416 E. Joppa Road
N/side of E. Joppa Road,
595 feet east of centerline
of Old Harford Road
9th Election District
5th Councilmanic District Legal Owner(s): Timothy
O'Shea
Variance: to permit a 10foot wide driveway for twoway traffic in lieu of the
rquired 20 feet width.
Hearing: Monday, October
25, 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 accommoda-tions Please Contact the Zoning Commissioner's Of-

floo at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zon-Ing Review Office at (410) 887-3391. 10/015 Oct.7 24551

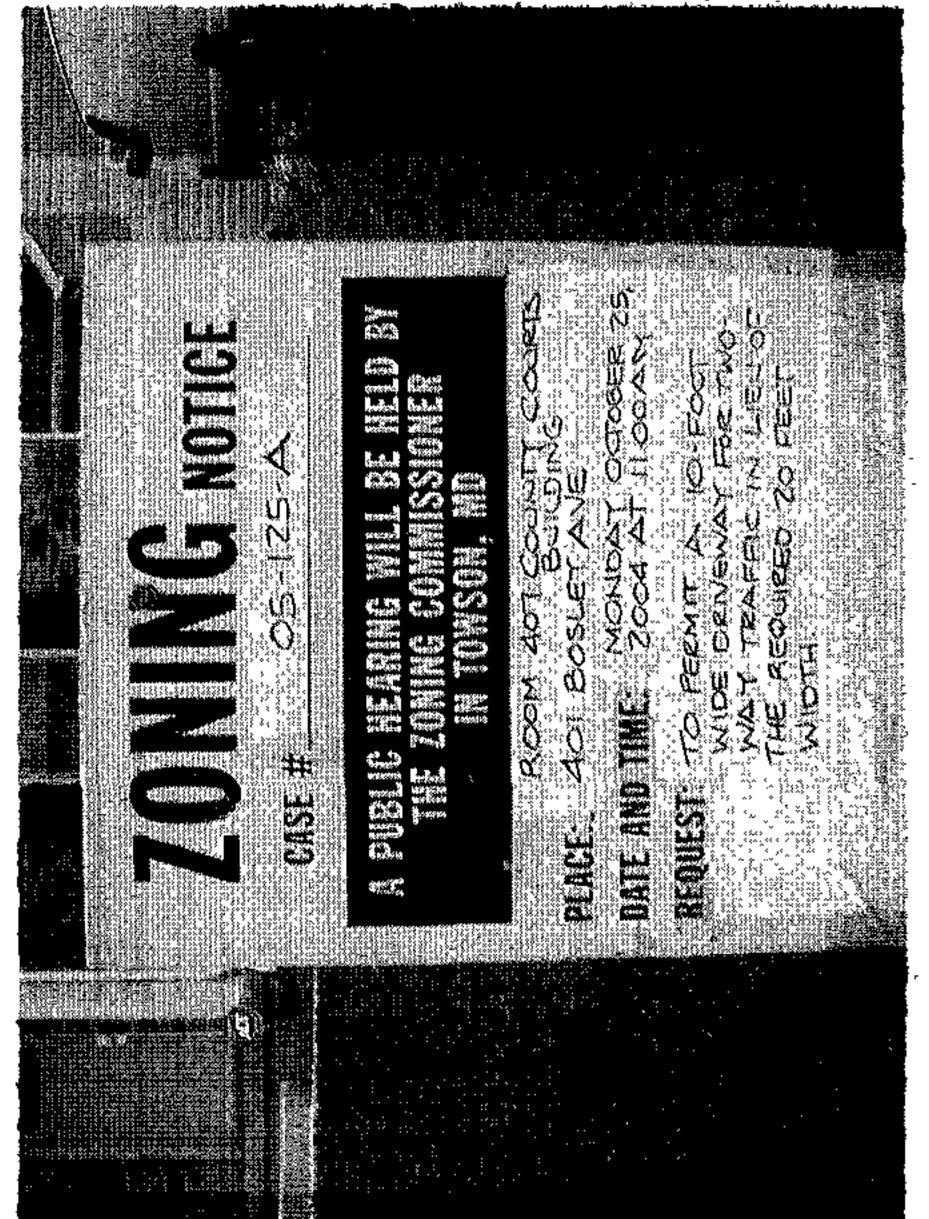
CERTIFICATE OF PUBLICATION

10 7, 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 10 7 ,20 <u>04</u> .
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

J. W. LUNG LEGAL ADVERTISING

CERTIFICATE OF POSTING

	Vate: 10 14 04
RE: Cas	se Number: 05-175 A
Pe	etitioner/Developer: 2416 E. Jopps RollC
Da	ate of Hearing/Closing: OCT 25, Zoo4
This is to	certify under the penalties of perjury that the necessary sing(s) required by law were posted conspicuously
	operty located at 2416 E. JUPPA RUAD
	······································
	†
The sign((s) were posted on 10804
	(Month, Day, Year)



Charles E. Merritt 9831 Magledt Road Baltimore, MD 21234

410-665-5562

Department of Permits and Development Management

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



Baltimore County

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

September 20, 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: 05-125-A

2416 E. Joppa Road

N/side of E. Joppa Road, 595 feet east of centerline of Old Harford Road

9th Election District – 5th Councilmanic District

Legal Owner: Timothy S. O'Shea

Variance to permit a 10-foot wide driveway for two-way traffic in lieu of the required 20 feet width.

Hearing: Monday, October 25, 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 Timothy O'Shea, 2416 E. Joppa Rd., Baltimore 21234 Chuck Merritt, 9831 Magledt Road, Baltimore 21234

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 9, 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, October 7, 2004 Issue - Jeffersonian

Please forward billing to:

2416 Joppa Road LLC 2416 Joppa Road Baltimore, MD 21234

410-668-1230

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: 05-125-A

2416 E. Joppa Road

N/side of E. Joppa Road, 595 feet east of centerline of Old Harford Road

9th Election District - 5th Councilmanic District

Legal Owner: Timothy S. O'Shea

Variance to permit a 10-foot wide driveway for two-way traffic in lieu of the required 20 feet width.

Hearing: Monday, October 25, 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.



Baltimore County Department of Permits and Development Management

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

(Revised 09/24/96)

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
or newspaper advertising:
tem No.: 125
etitioner: TIMOTHY O'SHEA
ocation: ZAIG Joppa ROAO
LEASE FORWARD ADVERTISING BILL TO:
IAME: 2416 JOPPA ROAD LLC
DDRESS: 2416 JOPPA ROAD
BAUTIMORE MD Z1734
PHONE NUMBER: 410 668-1320
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Department of Permits 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 20, 2004

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

Dear Mr. Alderman:

RE: Case Number:05-125-A, 2416 E. Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 7, 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. Callinal ()

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

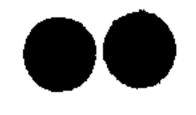
Enclosures

c: People's Counsel Timothy O'Shea 2416 E. Joppa Road Baltimore 21234 Chuck Merritt 9831 Magledt Road Baltimore 21234



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

Fire Department



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



Saltimore 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

September 21, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: September 20, 2004

Item No.:

125), 127, 130, 132-13[°]

Pursuant to your request, the referenced plan(s) have been reviewed 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:

9.17.04

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

RE:

Baltimore County

Item No. 125

Dear. Ms. Matthews:

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

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

Very truly yours,

1. 1. Soulh Steven D. Foster, Acting Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr Jod

DATE:

October 27, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of September 20, 2004.

__X_ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

Q5-125)

04-133

04-135

04-136

04-137

Reviewers:

Sue Farinetti, Dave Lykens



DATE: September 27, 2004

RECEIVED

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

2416 E. Joppa Road

INFORMATION:

Item Number:

5-125

Petitioner:

Timothy S. O'Shea

Zoning:

RO

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

- 1. Additional parking at the rear of the property shall be limited to the north side of the proposed macadam paving area, as indicated on the site plan.
- 2. Parking spaces shall not be allowed along the south side of the proposed macadam paving area. Safe, efficient movement of vehicles to and from the proposed 10-foot wide driveway would be severely impacted should parking be allowed in the aforementioned scenario.

Prepared by:

Division Chief:

AFK/LL:MAC:





BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 4, 2004

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 27, 2004 Item Nos 125, 130, 133, 135, and 137

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

2416 E. Joppa Road; N/side of East Joppa Rd,

595' E c/line of Old Harford Road

9th Election & 5th Councilmanic Districts

Legal Owner(s): Timothy O'Shea

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-125-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. $\frac{1}{2} \int_{\Omega} d\Omega = \frac{1}{2} \int_{\Omega} d\Omega = \frac{1$

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

Per....

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 22nd day of September, 2004, a copy of the foregoing Entry of Appearance was mailed to, Chuck Merritt, Merritt Development Consultants, Inc, 9831 Magledt Road, Baltimore, MD 21234, and to Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NUMBER OS LOS ATE DATE OF CONTRACTOR

PETITIONER'S SIGN-IN SHEET

DUME ONLY

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NAME	CAXION MORET	Howard L Americand LR										

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CASE NAME
CASE NUMBER
DATE

CITIZEN'S SIGN-IN SHEET

E-MAIL											L
, ZIP	200										
CITY, STATE,	BALTO MO										
ADDRESS	43,9 Willshire Are					•					
NAME	Linda CLALKE										

24/16 E. JOPPA RD TIMOTHY D'SHEA

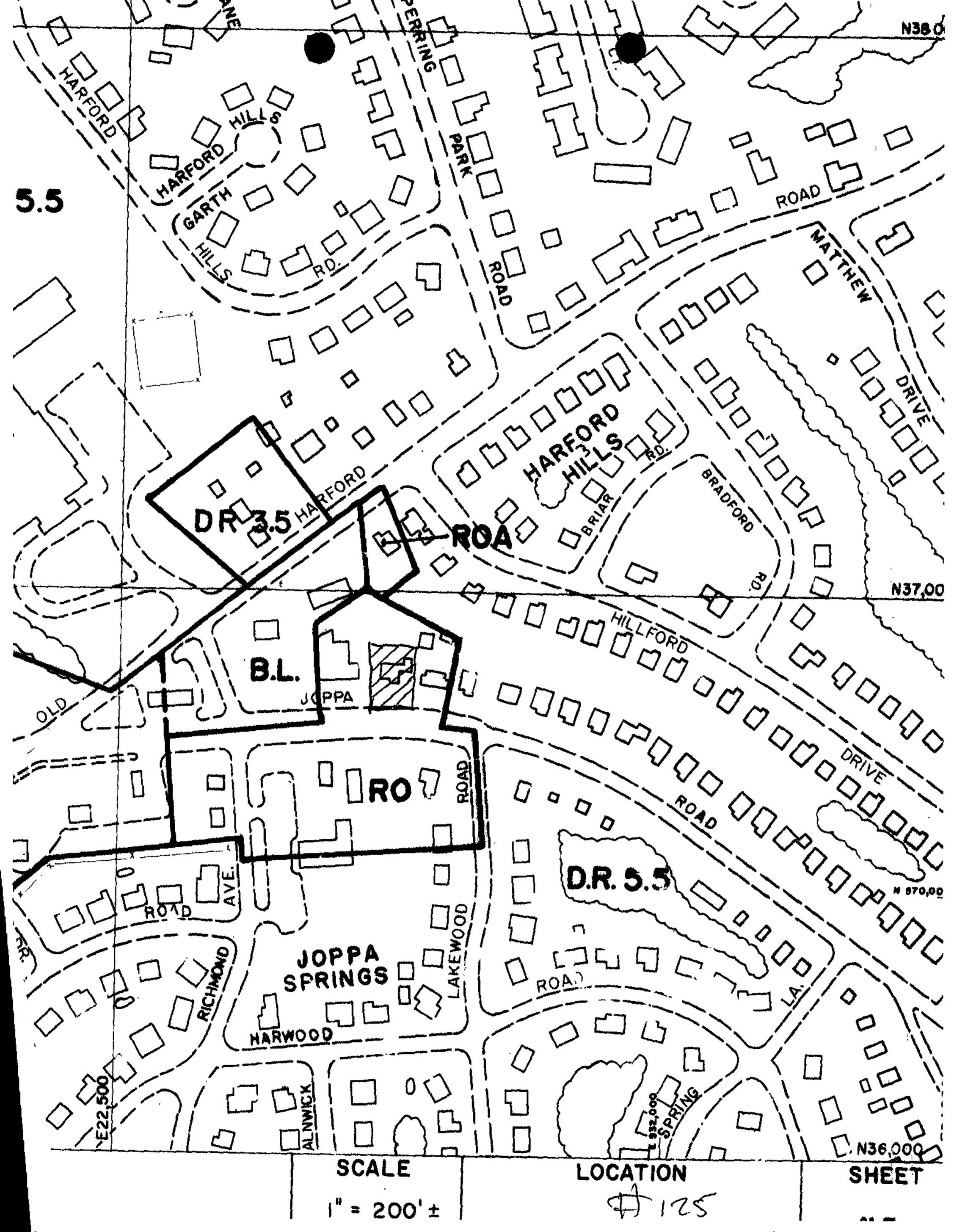
Case No.:	05-	125A
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Exhibit Sheet

Petitioner/Developer

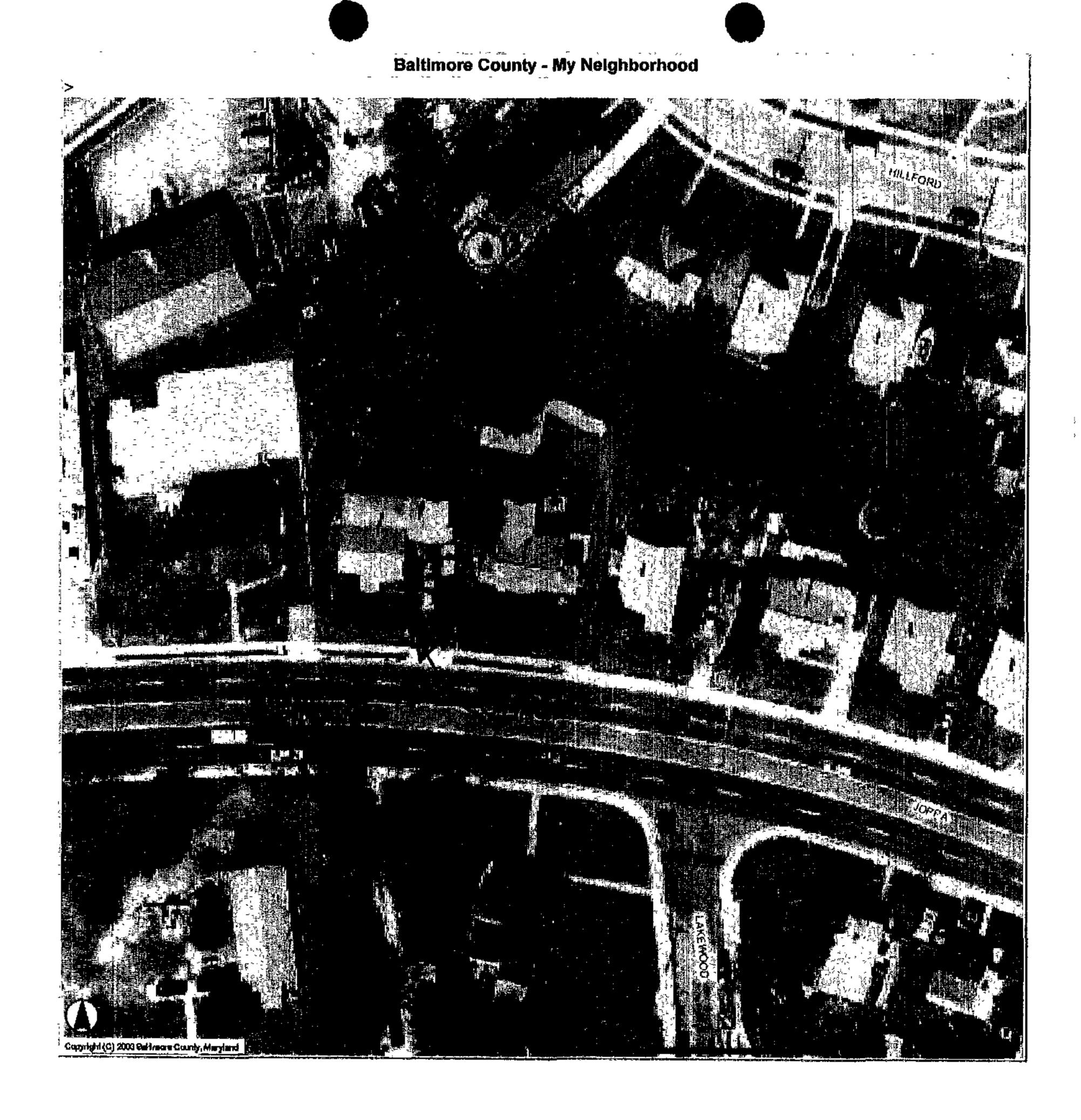
Protestant

No. 1	PLAT PLAN PREPARED 134	* · · · · · · · · · · · · · · · · · · ·
	PLAT PLAN PREPARED 134 Merritt Development	
	aurail Views.	
No. 3		
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Baltimore County - My Neighborhood



