

IN RE: PETITIONS FOR SPECIAL EXCEPTION
AND VARIANCE – N/S E, Joppa Road,
122' E of the c/l Mason Avenue
(2904 E. Joppa Road)
9th Election District
5th Council District

2904 East Joppa Road, LLC
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-421-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, 2904 East Joppa Road, LLC, through their attorney, John F. Franke, Esquire. The Petitioners request a special exception to allow the conversion of an existing Class A Office Building to a Class B Office Building with 25% of the adjusted gross floor area occupied by medical offices, pursuant to Section 204.3.B.2a of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is requested from the B.C.Z.R. as follows: 1) from Section 204.4.C.6 to permit 0% amenity open space in an interior parking lot in lieu of the required 7%; 2) from Section 204.4.C.9.c to permit (a) a landscaped buffer 10' wide against abutting residentially zoned property in lieu of the required 20' width; and, (b) a landscaped buffer of as little as 0' wide against abutting non-residentially zoned property in lieu of the required 10' width; and 3) from Section 450.4 to permit one, double-faced, non-illuminated, freestanding sign, 3' x 5' in dimension in an R.O. zone facing residentially zoned property (D.R.5.5 and D.R.16), in lieu of the allowed sign facing non-residentially 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 Patricia S. Hall and John F. Franke, both attorneys at law and co-owners of the subject property as members of the 2904 East Joppa Road LLC. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING

Date

By

4/19/05

JFP

At the onset of the hearing, the Petitioners amended the Petition for Variance. In this regard, Counsel for the Petitioners noted the negative Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning, dated March 18, 2005, in which they recommended a denial of the requested variance from landscape buffer requirements to the rear of the property. In response to those comments, the Petitioners now seek approval of a 15' wide buffer to the rear of the property in lieu of the requested 10' wide buffer and revised the site plan accordingly. Thus, the hearing proceeded on the merits of the relief sought, as amended.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel, approximately 75' wide and 136' deep, located on the north side of East Joppa Road, just east of Mason Avenue in the Parkville/Carney area. The property contains a gross area of 0.285 acres, more or less, zoned R.O., and is improved with a 1½-story Class A Office Building and accessory parking area. The Petitioners have owned the property for approximately one year and propose extensive renovations to the site to accommodate their growing law practice. As shown on the site plan, the existing building is 25' x 25' in dimension and contains approximately 625 sq.ft. of office space. The Petitioners propose the construction of a two-story addition, 24' x 25' in dimension, to the rear of the structure to provide an additional 2,070 sq.ft. of space, all of which will be dedicated to office use. There will be no medical offices on the subject property. The proposed improvements are more particularly shown on building elevation drawings submitted into evidence as Petitioner's Exhibit 2. Testimony indicated that the owners of the adjacent commercial properties on both sides of the subject site support the proposal and expressed the belief that the proposed improvements are in the best interests of the surrounding locale. Indeed, it does appear from photographs submitted that the renovations to date and the proposed improvements represent an upgrade to the property. It is also significant to point out that the residentially zoned property across from the Petitioners' site on the south side of Joppa Road is vacant. In this regard, the Office of Planning noted within their ZAC comment that they are not opposed to the Petitioners' request for a freestanding sign as similar signs currently exist on R.O. zoned properties west of the subject site.

ORDER RECEIVED FOR FILING

Date

By

A Class B Office building is defined in Section 101 of the B.C.Z.R. as "A principle 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 will not cause detrimental impacts to the health, safety and general welfare of the locale.

Turning next to the variance requests, the Petitioners originally requested relief from the landscaping requirements to allow a landscape buffer width of 10' between the existing parking lot and the abutting residentially zoned property to the rear of the site. However, in response to the negative ZAC comment submitted by the Office of Planning, the Petitioners amended their request in response to and will now provide a 15' wide buffer along the rear property line. In addition, the Petitioners seek relief to allow a landscape buffer width of as little as 0' abutting non-residentially zoned property along both the east and west sides of the subject property in lieu of the required 10'. The existing paved driveway that leads into the property from East Joppa Road along the eastern property line will be improved and additional parking provided to the rear of the site. Due to the narrow width of the property and the location of existing improvements, a 10' landscape buffer width was originally proposed. A copy of the revised landscape plan prepared by Human and Rohde, Inc., Landscape Architects, was submitted into evidence as Petitioner's Exhibit 3. This plan evidences that a landscape buffer width of 15' can be provided to the rear of the property and as much as 8' along the eastern property line. In addition, an existing 6' high, board-on-board fence along the western property line will be extended across the rear of the property to provide an additional buffer between the subject site and the abutting residentially zoned property. The plan also shows a 10' wide buffer along the western property line in the front portion of the site immediately adjacent to the existing building. The landscaping will include plantings identical to those currently located on the adjacent R.O. zoned properties to the west at 2900 and 2902 East Joppa Road.

ORDER RECEIVED FOR FILING

Date

By

The variance to allow a 0% amenity open space in the interior parking lot for pervious land area and plantings in lieu of the required 7% is appropriate in this instance. In this regard, clients are seen by appointment only, and it was indicated that the existing driveway and parking area sufficiently accommodates the proposed use. To require the Petitioner to provide amenity open space in the parking lot would be inconsistent with other commercial uses in the vicinity. Moreover, the landscape plan provides for significant plantings (over 31 in number), which will be grouped in mulched beds.

The third variance request relates to proposed signage. In this regard, the Petitioners request approval of a double-faced, non-illuminated, freestanding sign, 3' x 5' in dimension, to be located in the front portion of the site, immediately across from residentially zoned property. As noted above, that property is currently vacant. Moreover, the Office of Planning has no objections to the sign as similar signs currently exist on R.O. zoned properties west of the subject site. Finally, photographs of the proposed sign show that it will be attractive and consistent with other signs in the area. Thus, I find that there will be no detriment to adjacent properties, and that the proposed sign is appropriate in this instance.

After due consideration of all of the testimony and evidence presented, I find the relief requested meets the requirements of Section 307.1 of the B.C.Z.R. as interpreted by the Court of Special Appeals in Cromwell v. Ward, 102 Md. App. 691 (1995). I further find that a granting of the variances, as amended, will not result in any detriment to the health, safety and general welfare of the surrounding locale.

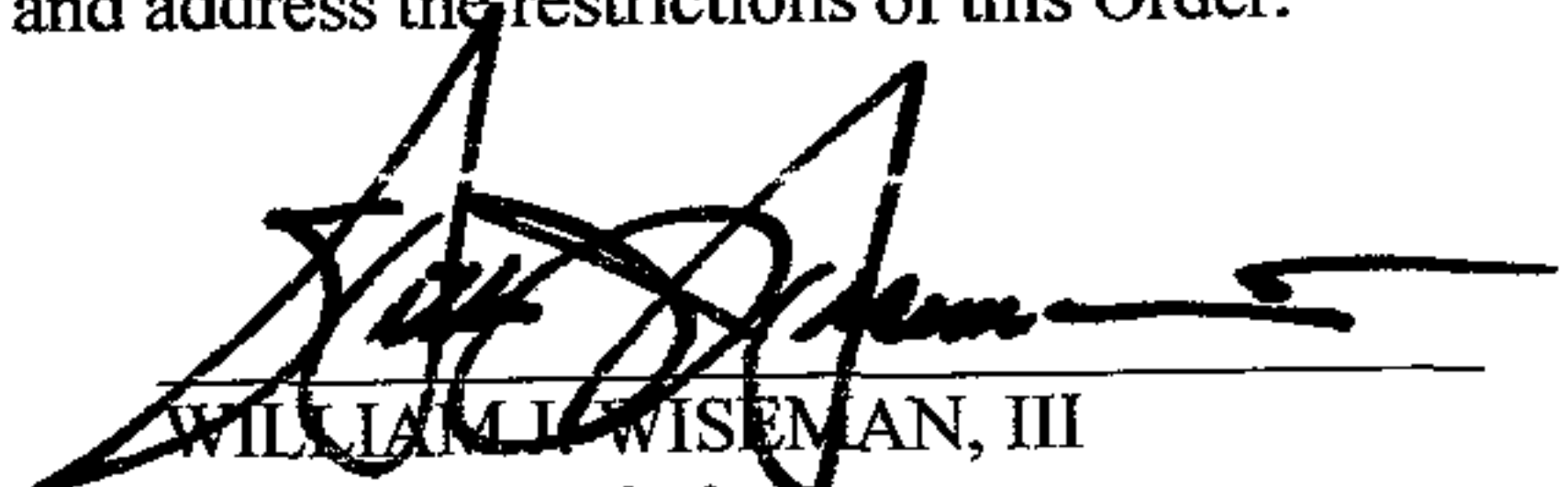
Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of April 2005 that the Petition for Special Exception to allow the conversion of an existing Class A Office Building to a Class B Office Building with 25% of the adjusted gross floor area occupied by medical offices, pursuant to Section 204.3.B.2a of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

ORDER RECEIVED FOR FILING
Date 4/19/05
By [Signature]

IT IS FURTHER ORDERED that the Petition for Variance seeking relief, as amended, from the B.C.Z.R. as follows: 1) from Section 204.4.C.6 to permit 0% amenity open space in an interior parking lot in lieu of the required 7%; 2) from Section 204.4.C.9.c to permit (a) a landscaped buffer 15' wide against abutting residentially zoned property in lieu of the required 20' width; and, (b) a landscaped buffer of as little as 0' wide against abutting non-residentially zoned property to the west and no less than 8' wide to the east in lieu of the required 10' width; and 3) from Section 450.4 to permit one, double-faced, non-illuminated, freestanding sign, 3' x 5' in dimension in an R.O. zone facing residentially zoned property (D.R.5.5 and D.R.16), in lieu of the permitted same sign facing non-residentially zoned property, in accordance with Petitioner's Exhibits 1 & 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use 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 proposed addition shall be constructed substantially in accordance with the building elevation drawings submitted into evidence as Petitioner's Exhibit 2, and shall comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy.
- 3) Landscaping on the subject property shall be in accordance with that shown on the revised landscape plan marked as Petitioner's Exhibit 3. Said landscaping shall include plantings identical to that currently located to the rear of the adjacent R.O. businesses to the west (2900 and 2902 East Joppa Road).
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


WILLIAM L. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 5/19/15
By [Signature]

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

April 19, 2005

John F. Franke, Esquire
Levi, Franke & Hall
2904 E. Joppa Road
Baltimore, Maryland 21234

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
N/S East Joppa Road, 122' E of the Mason Avenue
(2904 E. Joppa Road)
9th Election District – 5th Council District
2904 East Joppa Road, LLC - Petitioners
Case No. 05-421-XA

Dear Mr. Franke:

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,

A handwritten signature in black ink, appearing to read "W. J. Wiseman, III", is written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Michael Cook
911 Sidehill Drive, Bel Air, Md. 21015/
Office of Planning; People's Counsel; Case File

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





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 2904 East Joppa Road

which is presently zoned R-0

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

BCZR Section 204.3.B.2a - To allow the conversion of an existing Class 'A' office building to a Class 'B' office building with 25% or less of the adjusted gross floor area occupied by medical offices.

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

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

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

Contract Purchaser/Lessee:

Levi, Franke and Hall

Name - Type or Print

Signature

2904 E. Joppa Rd.

410-665-2100

Address

Telephone No.

Baltimore, MD

21234

City

State

Zip Code

Attorney For Petitioner:

John F Franke

Name - Type or Print

Signature

Levi, Franke and Hall

Company

2904 E. Joppa Rd.

410 665-2100

Address

Telephone No.

Baltimore

MD

21234

City

State

Zip Code

Legal Owner(s):

2904 East Joppa Road, LLC

Name - Type or Print

Signature

PATRICIA S. HALL

Name - Type or Print

John F Franke

Signature

2904 E. Joppa Rd.

410 665-2100

Address

Telephone No.

Baltimore

MD

21234

City

State

Zip Code

Representative to be Contacted:

Michael Cook

Name

911 Sidewalk Drive

410 515-5657

Address

Telephone No.

Bel Air

MD

21015

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BN

Date 3/23/05

Case No. 05-421-XA

REC-09/15/98

Extra

ORDER RECEIVED FOR FILING

Date

By



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2904 E. JOPPA ROAD

which is presently zoned R-O

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

- SEE ATTACHED -

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

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 bound 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:

LEVI, FRANKE & HALL

Name - Type or Print

[Signature]

Signature

2904 E. Joppa Rd.

410/665-2100

Address

Baltimore

MD.

21234

City

State

Zip Code

Attorney For Petitioner:

JOHN F. FRANKE

Name - Type or Print

[Signature]

Signature

LEVI, FRANKE & HALL

Company

2904 E. Joppa Rd.

410/665-2100

Address

Baltimore

MD.

21234

City

State

Zip Code

Legal Owner(s):

2904 EAST JOPPA ROAD, LLC

Name - Type or Print

[Signature]

Signature

PATRICIA S. HALL

Name - Type or Print

JOHN F. FRANKE

Signature

2904 E. Joppa Rd.

410/665-2100

Address

Baltimore

MD.

21234

City

State

Zip Code

Representative to be Contacted:

Michael Cook

Name

911 Sidehill Drive

410/513-5657

Address

Bel Air

MD.

21015

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BN Date 2/23/05

Case No. 05-421-XA

ORDER RECEIVED FOR FILING
Date _____
By _____

ATTACHMENT TO PETITION FOR VARIANCE

^C
(1) BCZR - Section 204.4-6; Variance to allow 0% amenity open space in an interior parking lot in lieu of the required 7%.

^C
(2) BCZR 204.4-9c – (a) A variance to allow a landscaped buffer 10' wide against abutting residentially zoned property in lieu of the required 20' wide. (b) A variance to allow a landscaped buffer of as little as 0 feet wide against abutting non-residentially zoned property in lieu of the required 10' wide.

(3) Section 450.4 to permit one, double-faced, non-illuminated, 3' x 5' free-standing sign in an RO zone facing residentially-zoned property (DR-5.5 and DR-16) in lieu of one, double-faced, non-illuminated, 3' x 5' free-standing sign facing non-residentially-zoned property.

4-

ORDER RECEIVED FOR FILING

Date

By

#421

ATTACHMENT TO PETITION FOR VARIANCE

^C
(1) BCZR - Section 204.4-6; Variance to allow 0% amenity open space in an interior parking lot in lieu of the required 7%.

^C
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(3) Section 450.4 to permit one, double-faced, non-illuminated, 3' x 5' free-standing sign in an RO zone facing residentially-zoned property (DR-5.5 and DR-16) in lieu of one, double-faced, non-illuminated, 3' x 5' free-standing sign facing non-residentially-zoned property.

4-

ORDER RECEIVED FOR FILING

Date

By

#421

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

No. **442704**

DATE

2/23/05

ACCOUNT

K 001-006 6152

AMOUNT

\$ 705.00

RECEIVED
FROM:

2904 E. Jones Rd LLC

FOR:

Variance & Special Exception

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 421

PAID RECEIPT

RECEIVED BY: **ALICE** DATE: **2/23/05**

TIME: **2:00 PM**

RECEIVED BY: **ALICE** DATE: **2/23/05**

TIME: **2:00 PM**

RECEIVED BY: **ALICE** DATE: **2/23/05**

TIME: **2:00 PM**

RECEIVED BY: **ALICE** DATE: **2/23/05**

TIME: **2:00 PM**

RECEIVED BY: **ALICE** DATE: **2/23/05**

CASHIER'S VALIDATION

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: #05-421-XA

2904 East Joppa Road

N/side of Joppa Road, 122 feet east centerline of Mason Avenue

9th Election District, 5th Councilmanic District

Legal Owner(s): Patricia S. Hall, 2904 East Joppa Road, D.C.

Contract Purchaser: Levin, Frank & Hall

Special Exception: to allow the conversion of an existing class "A" office building to a class "B" office building with 25% or less of the adjusted gross floor area occupied by medical offices. Variance: to allow 0% amenity open space in an interior parking lot in lieu of the required 7%. To allow a landscaped buffer 10 feet wide against abutting residentially zoned property in lieu of the required 20 feet wide. To allow a landscaped buffer of 5 feet 0 feet wide against abutting non-residentially zoned property in lieu of the required 10 feet wide. To permit one, double-faced non-illuminated, 3'x5' free standing sign in an RO zone facing residentially-zoned property (D.R. 5.5 and D.R. 16) in lieu of the one, double-faced, non-illuminated, 3'x5' free standing sign facing non-residentially zoned property.

Hearing: Tuesday, April 12, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN

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. JT 3/795 March 29 4463

CERTIFICATE OF PUBLICATION

3/30/ 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/29/ 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. : 05-421-XA

Petitioner/Developer: PATRICIA S.

HALL (LEVIN, FRANK & HALL

Date of Hearing/Closing: 4/12/05

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

Attention:

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
at 2904 EAST TOPPA ROAD

This sign(s) were posted on March 28, 2005
(Month, Day Year)

Sincerely,

Martin Ogle 3/28/05
(Signature of Sign Poster and Date)

Martin Ogle

Sign Poster

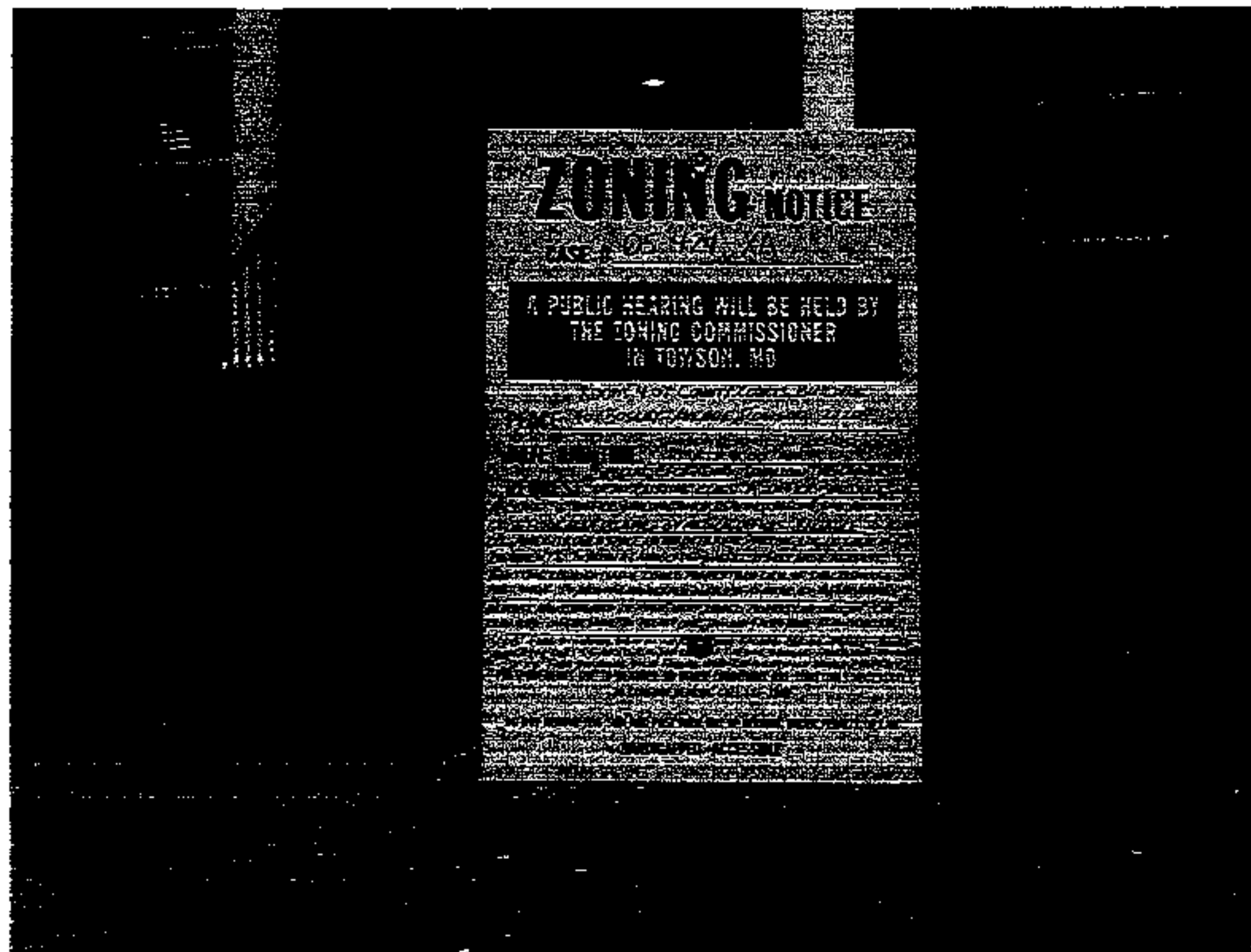
5016 Castlestone Drive

Address

Balto. Md 21237

(443-629-3411)

im000240 (1152x864x256 jpeg)



W. J. [unclear] 3/28/05

**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

March 7, 2005

NOTICE OF ZONING HEARING

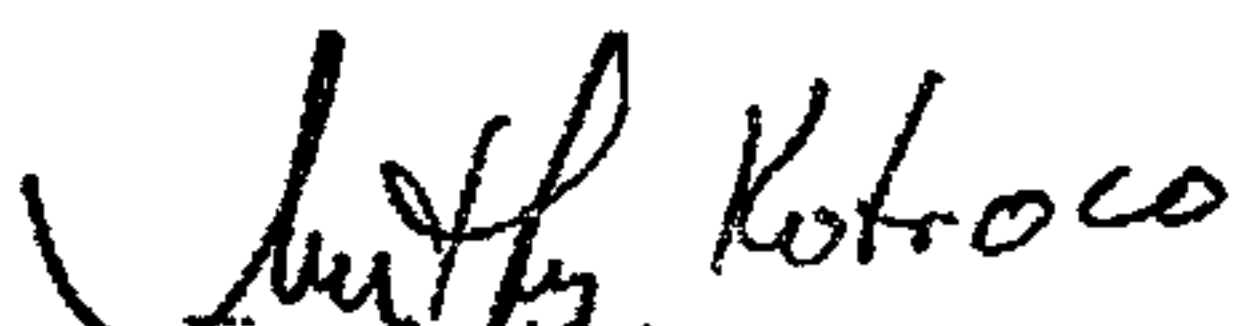
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-421-XA

2904 East Joppa Road
N/side of Joppa Road, 122 feet east centerline of Mason Avenue
9th Election District – 5th Councilmanic District
Legal Owners: Patricia S. Hall, 2904 East Joppa Road, LLC
Contract Purchaser: Levin, Franke & Hall

Special Exception to allow the conversion of an existing class "A" office building to a class "B" office building with 25% or less of the adjusted gross floor area occupied by medical offices.
Variance to allow 0% amenity open space in an interior parking lot in lieu of required 7%. To allow a landscaped buffer 10 feet wide against abutting residentially zoned property in lieu of the required 20 feet wide. To allow a landscaped buffer of as little as 0 feet wide against abutting non-residentially zoned property in lieu of the required 10 feet wide. To permit one, double-faced non-illuminated, 3'X5' free standing sign in an RO zone facing residentially-zoned property (D.R. 5.5 and D.R. 16) in lieu of the one, double-faced, non-illuminated, 3'X5' free-standing sign facing non-residentially zoned property.

Hearing: Tuesday, April 12, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: John F. Franke, 2904 E. Joppa Rd., Baltimore 21234
Patricia S. Hall, 2904 E. Joppa Rd., Baltimore 21234
Michael Cook, 911 Sidehill Drive, Bel Air 21014

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 28, 2005.**
(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
Tuesday, March 29, 2005 Issue - Jeffersonian

Please forward billing to:

2904 E. Joppa Road, LLC
2904 E. Joppa Road
Baltimore, MD 21234

410-665-2100

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: 05-421-XA

2904 East Joppa Road

N/side of Joppa Road, 122 feet east centerline of Mason Avenue

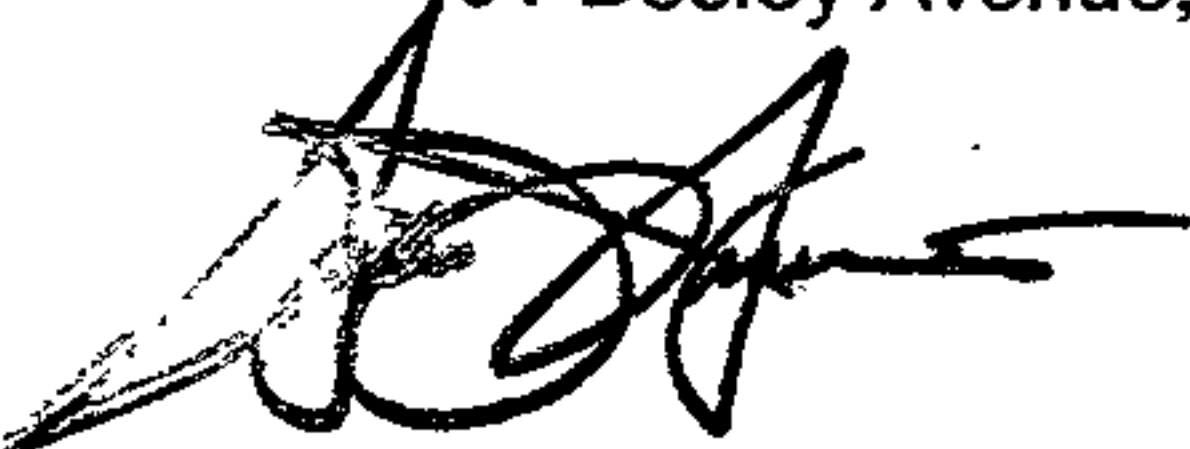
9th Election District – 5th Councilmanic District

Legal Owners: Patricia S. Hall, 2904 East Joppa Road, LLC

Contract Purchaser: Levin, Franke & Hall

Special Exception to allow the conversion of an existing class "A" office building to a class "B" office building with 25% or less of the adjusted gross floor area occupied by medical offices. Variance to allow 0% amenity open space in an interior parking lot in lieu of required 7%. To allow a landscaped buffer 10 feet wide against abutting residentially zoned property in lieu of the required 20 feet wide. To allow a landscaped buffer of as little as 0 feet wide against abutting non-residentially zoned property in lieu of the required 10 feet wide. To permit one, double-faced non-illuminated, 3'X5' free standing sign in an RO zone facing residentially-zoned property (D.R. 5.5 and D.R. 16) in lieu of the one, double-faced, non-illuminated, 3'X5' free-standing sign facing non-residentially zoned property.

Hearing: Tuesday, April 12, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN

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 Baltimore County Zoning Regulations (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: 05-421-XA

Petitioner: x 2904 EAST JOPPA ROAD, LLC

Address or Location: x 2904 E. Joppa Rd, Balto., Md. 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name: x 2904 EAST JOPPA ROAD, LLC

Address: x 2904 E. Joppa Rd.
x Balto., Md. 21234

Telephone Number: x 410/665-2100

**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*

April 5, 2005

John F. Franke
Levi, Franke and Hall
2904 E. Joppa Road
Baltimore, Maryland 21234

Dear Mr. Franke:

RE: Case Number: 05-421-XA, 2904 East Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 23, 2005.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
2904 East Joppa Road, LLC. 2904 East Joppa Road Baltimore 21234
Michael Cook 911 Sidehill Drive BelAir 21015

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



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

March 9, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: March 14, 2005

Item No.: 416, 417, 421

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.

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lieutenant Don W. Muddiman
Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



Printed on Recycled Paper

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 3 . 8 . 0 5

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

RE: Baltimore County
Item No. 421 BPR

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 Grédlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr *JDO*

DATE: April 13, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 7, 2005

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

05-416

05-417

05-418

05-420

05-421

05-422

05-424

05-425

05-426

05-428

05-431

05-432

05-433

Reviewers: Sue Farinetti, Dave Lykens

BW
4/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: March 18, 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED

MAR 22 2005

SUBJECT: 2904 East Joppa Road

INFORMATION:

Item Number: 5-421

Petitioner: Patricia S. Hall

Zoning: RO

Requested Action: Variance/Special Exception

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the petitioner's request to permit a 10-foot rear landscape buffer in lieu of the minimum required 20 feet be **DENIED**.

The petitioner should revise the site plan to show all required landscape buffers between the subject property and the adjoining residentially zoned property (9607 Mason Avenue) to accurately show the correct parking calculations and detailed landscaping. The landscaping plan shall include plantings identical to that which is currently located to the rear of the adjacent RO businesses to the west (2900, 2902 East Joppa Road).

This office does not oppose the petitioner's request to permit a freestanding sign in an RO zone facing residentially zoned property as similar signs currently exist on RO zoned properties to the west of the subject property.

This office also does not oppose the petitioner's request for a 0-foot landscape buffer between adjacent, non-residentially zoned property.

For more information concerning the matters stated herein, please contact Kevin Gambrill at 410-887-3480

Prepared by: Mark A. Cunningham

Division Chief: [Signature]
AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: March 23, 2005

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For March 14, 2005
Item Nos. 417, 418, 420, 421, 422, 425,
426, 427, 428, 429, 430, 431,
432, 433

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

RWB:CEN:cp

cc. File

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE
2904 East Joppa Road; N.side Joppa Road, * ZONING COMMISSIONER
122' E c/line Mason Avenue
9th Election & 5th Councilmanic Districts * FOR
Legal Owner(s): Patricia S. Hall
Contract Purchaser(s): Levi, Franke and Hall* BALTIMORE COUNTY
Petitioner(s) *
05-421-XA

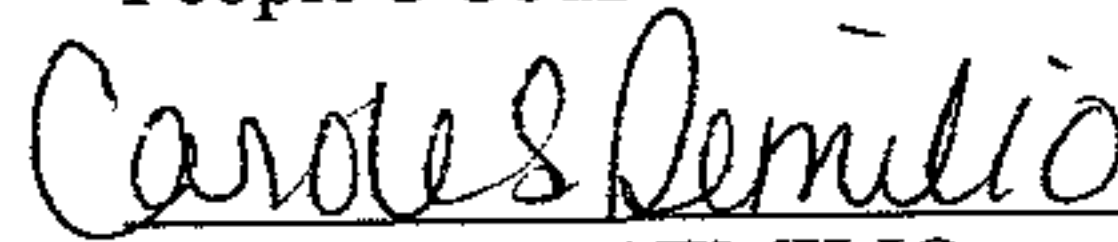
* * * * *

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 and all 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 11th day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to Michael Cook, 911 Sidehill Drive, Bel Air, MD 21015 and to John F. Franks, Levi, Frank & Hall, 2904 East Joppa Road, Baltimore, MD 21234, Attorney for Petitioner(s).

RECEIVED

Per.....



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

[Click here for a plain text ADA compliant screen.](#)



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 09 Account Number - 0919325270

Owner Information

Owner Name: 2904 EAST JOPPA ROAD LLC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 2904 E JOPPA RD Deed Reference: 1) /19862/ 546
BALTIMORE MD 21234-2922 2)

Location & Structure Information

Premises Address
2904 E JOPPA RD

Legal Description
LTS 6,7,8
2904 E JOPPA RD
CARNEY VIEW

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:	Plat Ref:
71	15	1112					6	2		7/ 90

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built
1941

Enclosed Area
1,014 SF

Property Land Area
10,200.00 SF

County Use
06

Stories

Basement

Type

Exterior

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	70,400	102,000		
Improvements:	52,800	77,300		
Total:	123,200	179,300	123,200	141,900
Preferential Land:	0	0	0	0

Transfer Information

Seller: VU SON	Date: 04/09/2004	Price: \$185,000
Type: IMPROVED ARMS-LENGTH	Deed1: /19862/ 546	Deed2:
Seller: JOPPA ROAD PARTNERSHIP	Date: 10/23/1997	Price: \$110,000
Type: IMPROVED ARMS-LENGTH	Deed1: /12454/ 527	Deed2:
Seller: SHAFFER RALPH G,JR	Date: 06/13/1989	Price: \$116,666
Type: IMPROVED ARMS-LENGTH	Deed1: / 8197/ 146	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

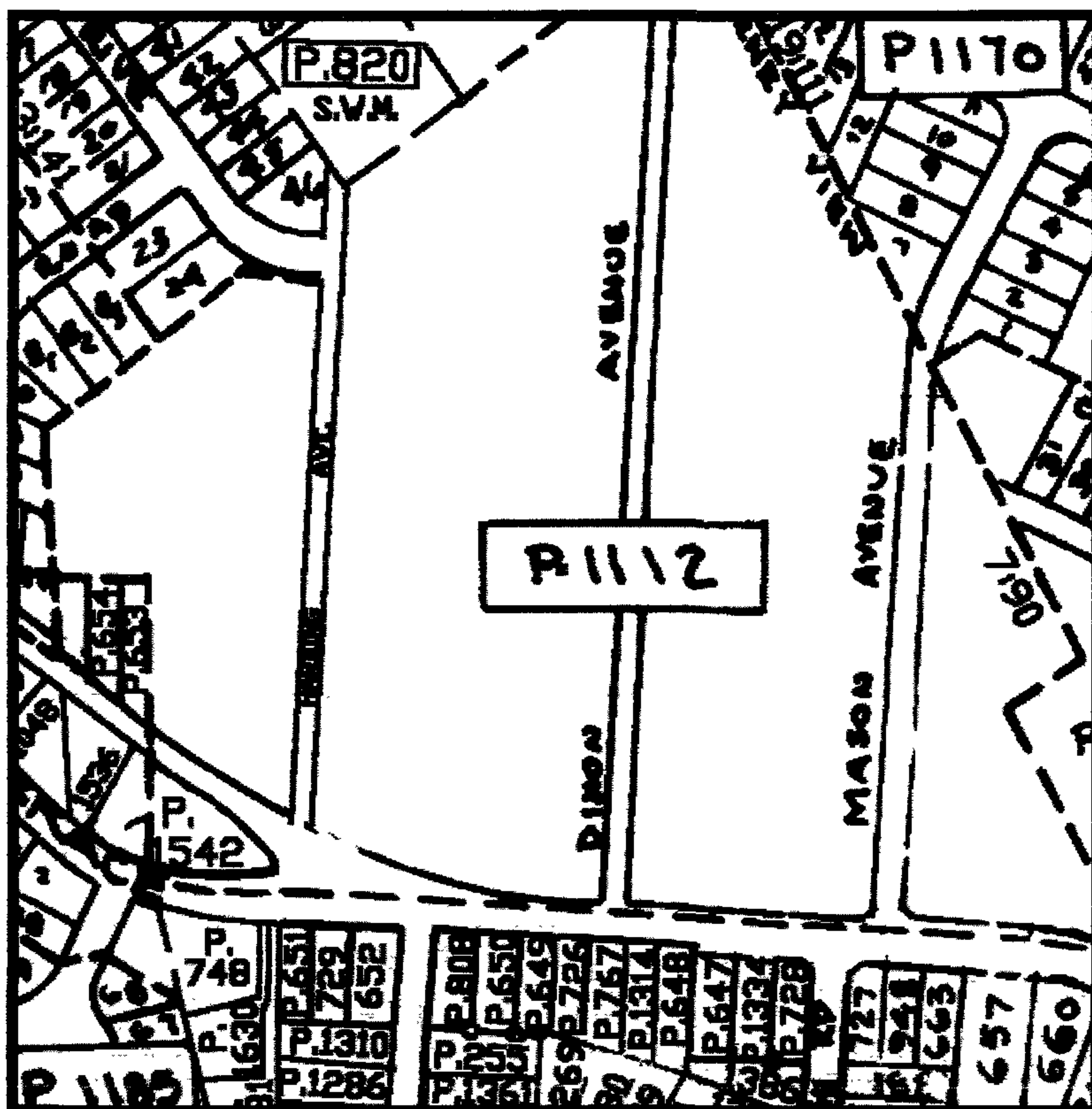
* NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
 Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 09 Account Number - 0919325270



Property maps provided courtesy of the Maryland Department of Planning ©2004.
 For more information on electronic mapping applications, visit the Maryland Department of Planning
 web site at www.mdp.state.md.us/webcom/index.html

PLEASE PRINT CLEARLY

DATE April 1, 2005

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.:

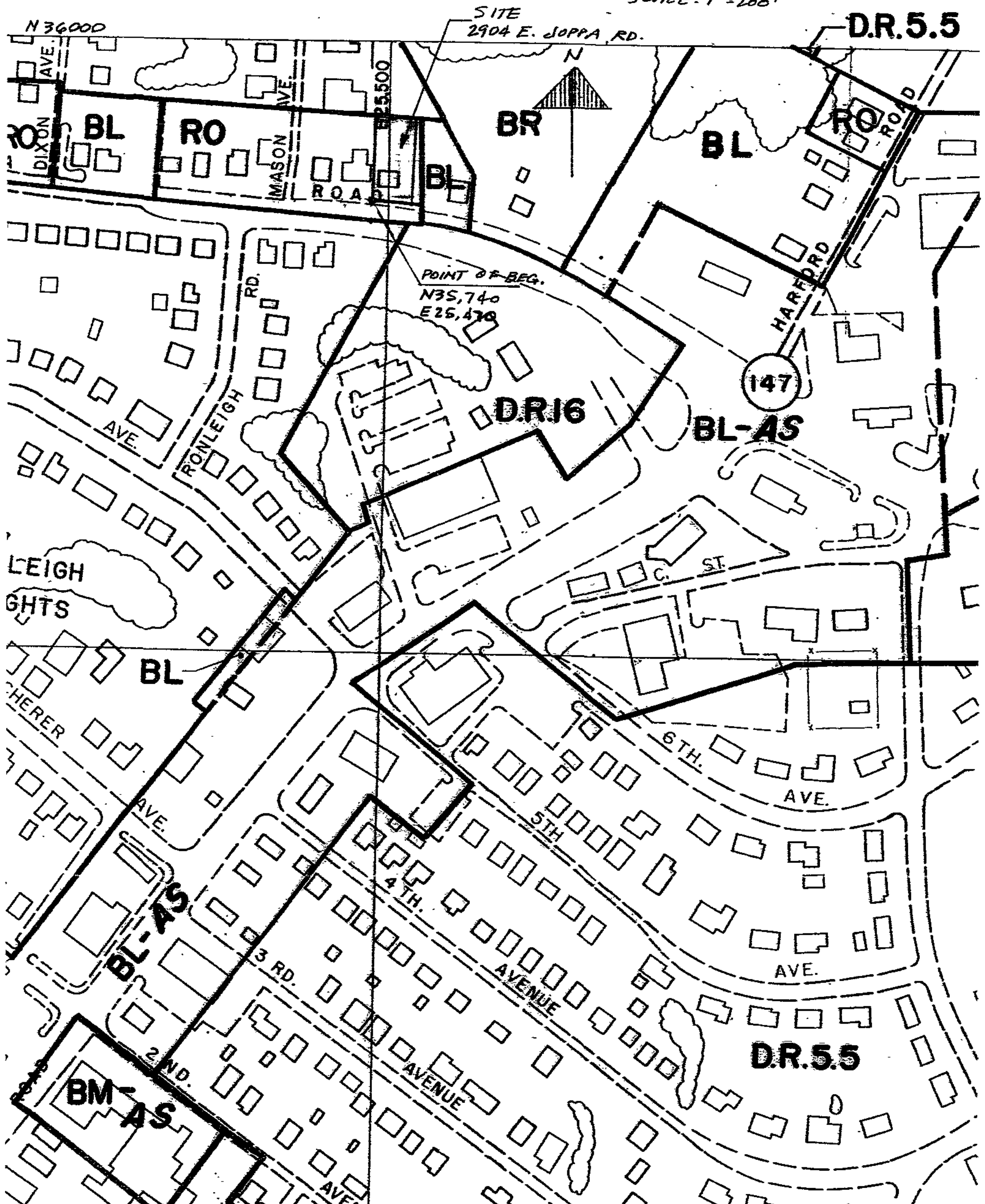
05-421-XA

Exhibit Sheet

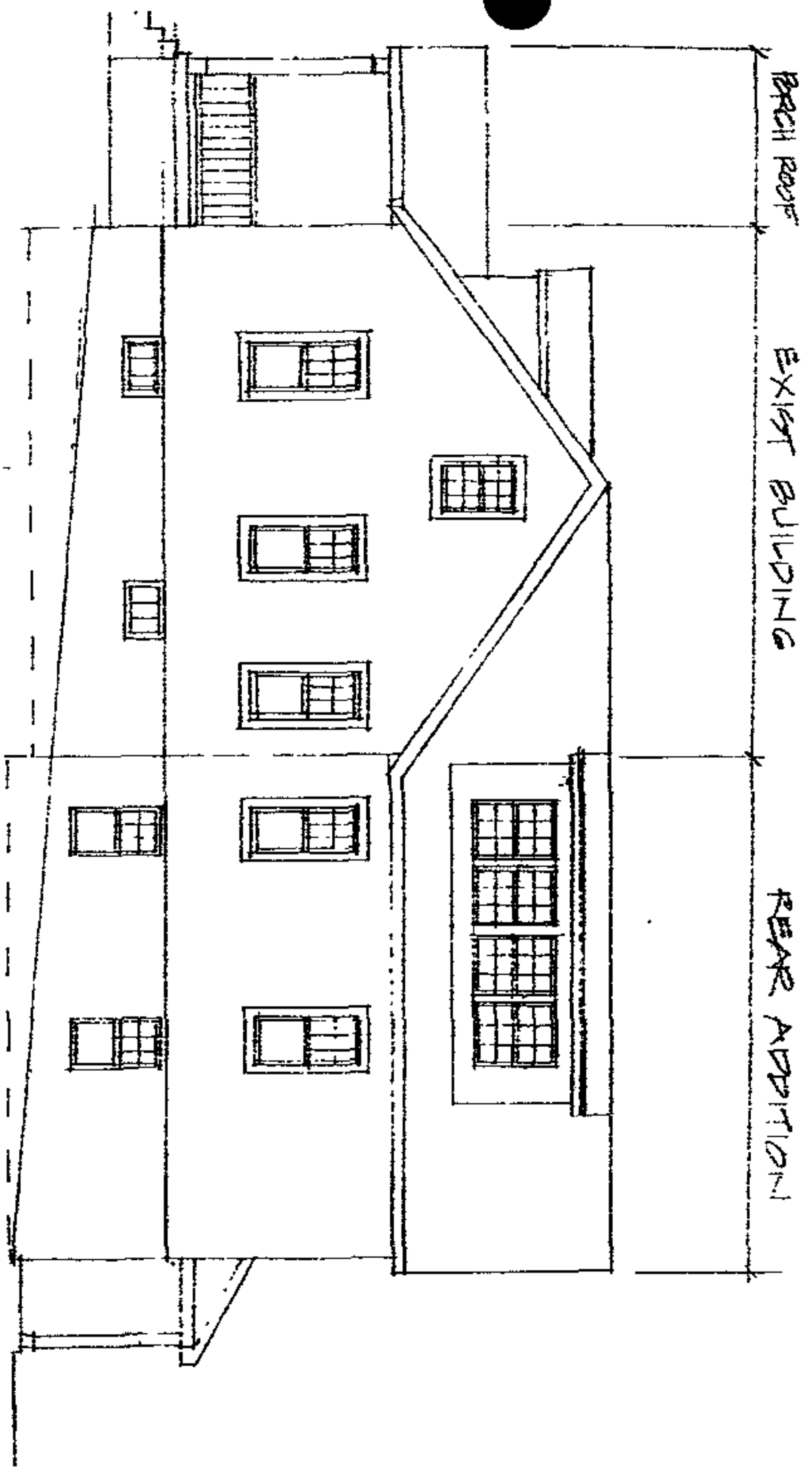
Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	ELEVATIONS OF EXISTING AND PROPOSED ADDITION	
No. 3	LANDSCAPE PLAN	
No. 4	A- PHOTO'S of PETITIONERS PROP B- ADJOINING PROPERTIES East & West Sides	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



1/8" = 1'-0" WEST SIDE ELEVATION

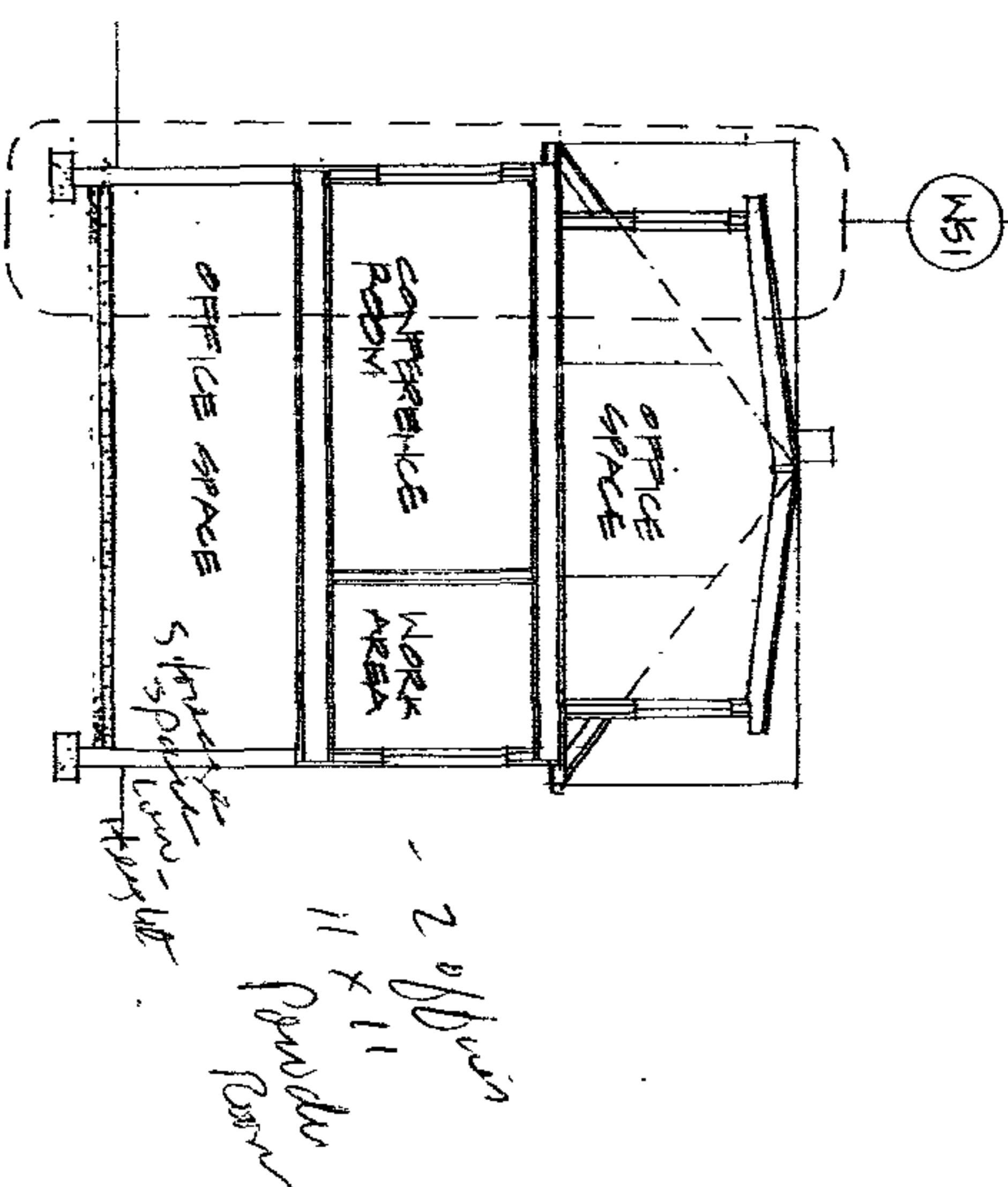


1/8" = 1'-0" NORTH SIDE ELEVATION

PROPOSED IMPROVEMENTS

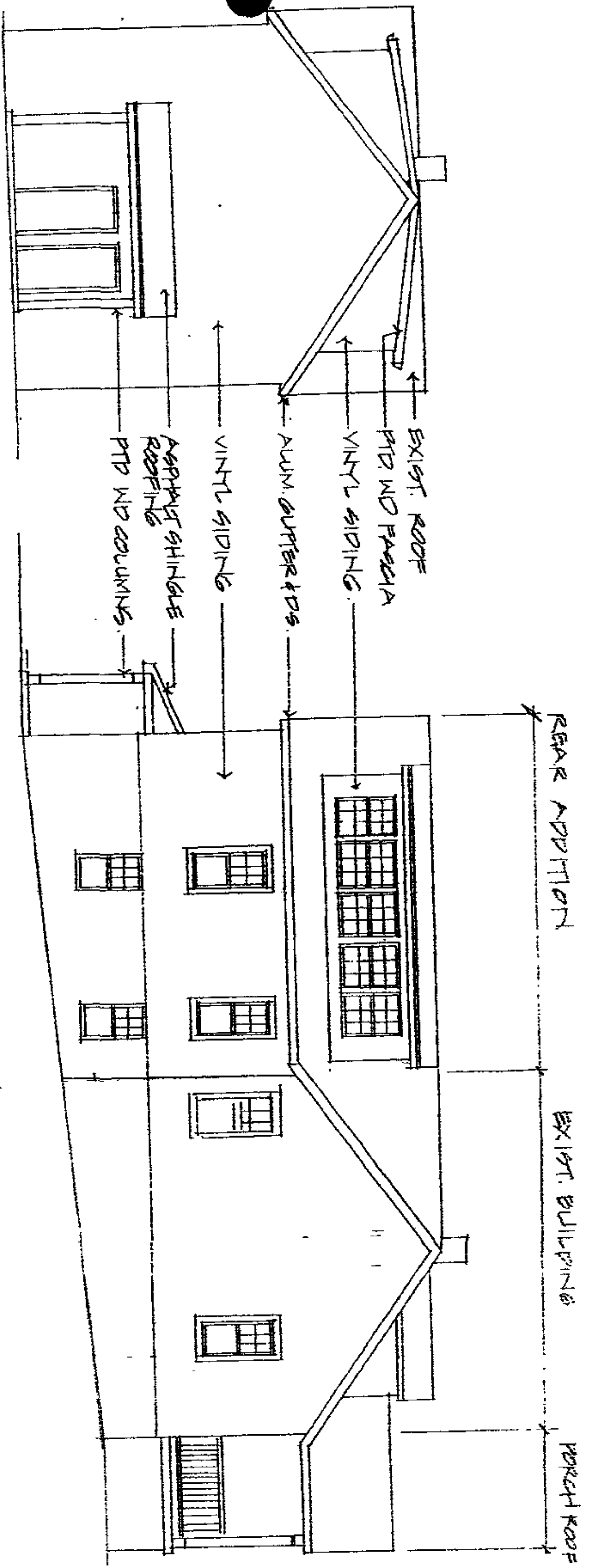
2904 EAST COMPA ROAD

3/16" = 1'-0" WALL SECTION WS1



1/8" = 1'-0" BUILDING SECTION G-1

PETITIONER'S
EXHIBIT NO. 2



REAR ELEVATION
1/8" = 1'-0"

LEFT SIDE ELEVATION
1/8" = 1'-0"

PROPOSED IMPROVEMENTS
2904 EAST 16TH ROAD



PETITIONER'S

EXHIBIT NO. 4A



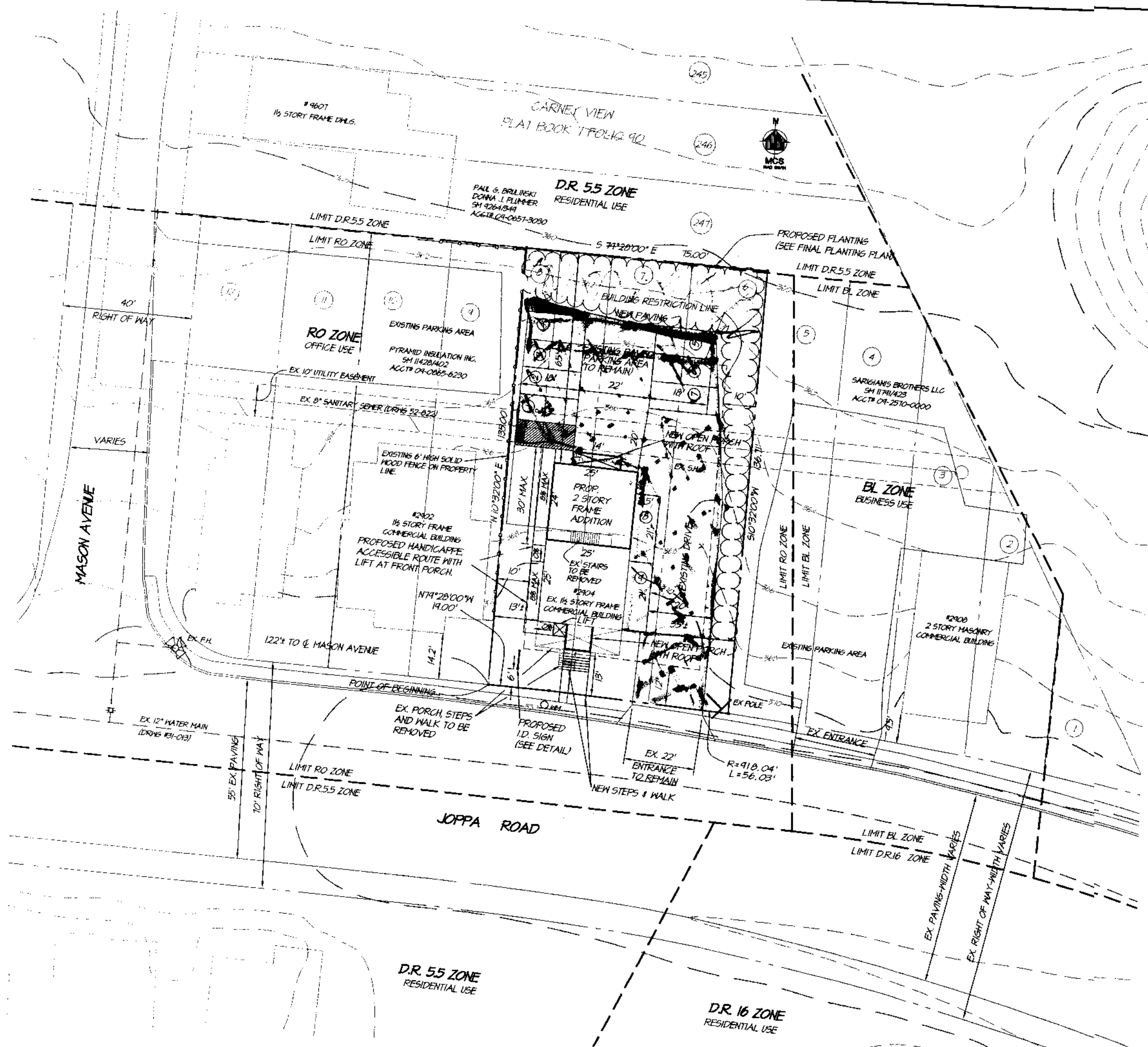
2906
to the East
of Pet.
Prop



2902
- West
of Pet. Prop
Property

PETITIONER'S

EXHIBIT NO. 4B



PLAN
SCALE: 1"=20'



DETAIL: FREESTANDING I.D. SIGN
SCALE: 1/8"=1'-0"

1. SIGN WILL NOT BE ILLUMINATED
2. MAXIMUM HEIGHT OF SIGN IS 6' ABOVE ADJACENT GROUND.
3. SIGN IS DOUBLE FACED
4. SIGN WILL NOT FACE RESIDENTIALLY ZONED PROPERTIES.

ZONING NOTES

- 1) NO PRIOR ZONING CASES ARE ON RECORD IN THE ZONING OFFICE.
- 2) PREVIOUS COMMERCIAL PERMITS: THERE ARE NO RECENT PERMITS ON RECORD IN THE COUNTY PERMITS OFFICE.
- 3) GROSS AREA = 0.285 AC +/- (12,424 S.F.)
NET AREA = 0.233 AC +/- (10,174 S.F.)
- 4) TITLE REFERENCE: LIBER SH 19862 FOLIO 546
- 5) EXISTING ZONING: R-O (see 200 scale zoning map NE 9-E)
- 6) PROPOSED ZONING: R-O
- 7) EXISTING USE: CLASS 'A' OFFICE
- 8) PROPOSED USE: CLASS 'B' OFFICE
- 9) EXISTING USE AND FLOOR AREA (EXISTING BUILDING TO REMAIN)

FIRST FLOOR: OFFICE 25'X25' = 625 S.F.
BASEMENT: STORAGE & MECHANICAL 25'X25' = 625 S.F.
THE BASEMENT OF THE EXISTING BUILDING HAS APPROXIMATELY 6 FT. HEADROOM AND IS CONSIDERED USABLE FOR STORAGE AND MECHANICAL PURPOSES ONLY.

PROPOSED USE AND FLOOR AREA:

BASEMENT: OFFICE 24'X25' = 600 S.F.
FIRST FLOOR: OFFICE 24'X25' = 600 S.F.
SECOND FLOOR: OFFICE = 870 S.F.
OFFICE USE IN PROPOSED ADDITION = 2070 S.F.
OFFICE USE IN EXISTING PORTION = 625 S.F.
TOTAL OFFICE USE FLOOR AREA = 2695 S.F.

- 10) MAXIMUM FLOOR AREA RATIO = 0.33 (SEC 204.4 C.1)
PROPOSED FLOOR AREA RATIO = 2695/10174 = 0.26
- 11) PROPOSED BUILDING HEIGHT LESS THAN 35' MAXIMUM.
- 12) OFF STREET PARKING
 1. PARKING REQUIRED: 3.3 SPACES per 1,000 S.F. TOTAL FLOOR AREA
 2. TOTAL SPACES REQUIRED: 2695/1000 x 3.3 = 8.84 OR 9 SPACES REQUIRED
 3. TOTAL SPACES PROVIDED: 9 (incl. 1 handicapped)
- 13) BUILDING SETBACK REQUIREMENTS (SEC 204.4 C)

FRONT - 25' OR AVERAGE SETBACK OF ADJACENT STRUCTURES WHICHEVER IS SMALLER
AVERAGE SETBACKS OF ADJACENT STRUCTURES = (14.2+9.5)/2 = 12'

FRONT SETBACK REQUIRED 12'
SIDE 10'
REAR 30'
- 14) SETBACKS PROVIDED

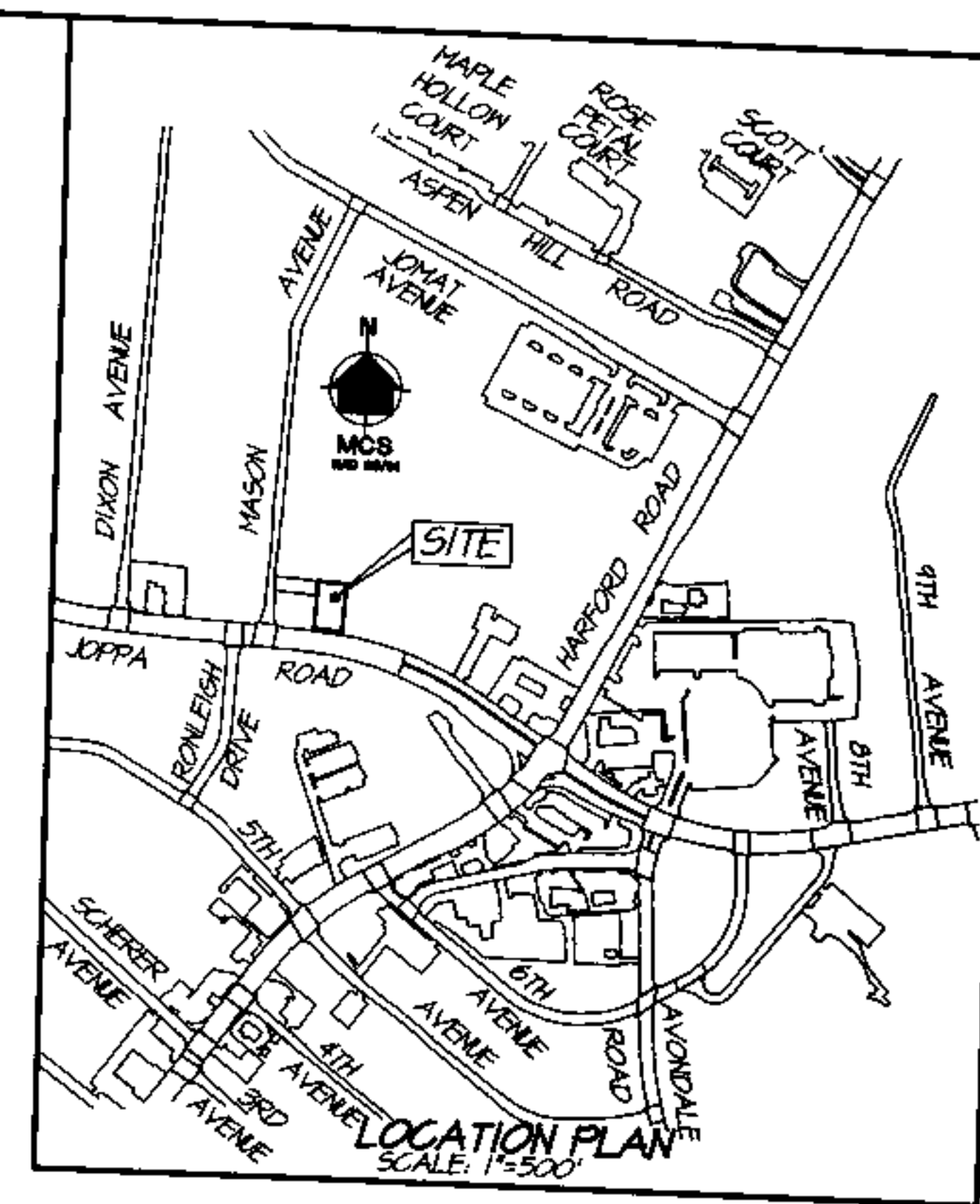
FRONT = 13'
SIDE = 13' +/- (MIN)
REAR = 65' +/-

15) THE PROPERTY LINES SHOWN HEREON ARE BASED ON DEEDS, PLATS, AND OTHER INFORMATION. THIS PLAN DOES NOT REPRESENT A BOUNDARY SURVEY, NOR DOES IT REPRESENT A PROPERTY DETERMINATION. TOPOGRAPHY AND PROPOSED GRADINGS SHOWN HEREON ARE BASED ON BALTIMORE COUNTY GIS TOPOGRAPHIC INFORMATION.

- 16) THE SITE IS NOT IN THE 100 YEAR FLOODPLAIN.
- 17) THE SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
- 18) THERE ARE NO HISTORICAL BUILDINGS OR STRUCTURES ON THE SITE.

PROPERTY OWNER / APPLICANT: 2904 EAST JOPPA ROAD LLC
2904 EAST JOPPA ROAD
CARNEY, MD. 21234
410-665-2100

DEED REFERENCE: LIBER SH 19862 FOLIO 546
ACCT # 09-1932-5210



NOTES:

1. LANDSCAPING AND SCREENING SHALL BE PROVIDED IN ACCORDANCE WITH A LANDSCAPING PLAN APPROVED BY THE BALTIMORE COUNTY PERMITS AND DEVELOPMENT MANAGEMENT, DEVELOPER PLANS REVIEW, LANDSCAPE PLAN REVIEWER.
2. THERE ARE NO FREESTANDING LIGHTS PROPOSED. BUILDING MOUNTED FLOOD LIGHTS WILL BE DIRECTED AWAY FROM RESIDENTIAL USES AND PUBLIC STREETS.

ZONING RELIEF REQUESTED:

1. BCZR SECTION 204.3 B.2.a: A SPECIAL EXCEPTION TO ALLOW THE CONVERSION OF AN EXISTING CLASS 'A' OFFICE BUILDING TO A CLASS 'B' OFFICE BUILDING WITH 25% OR LESS OF THE ADJUSTED GROSS FLOOR AREA OCCUPIED BY MEDICAL OFFICES.
2. VARIANCE TO BCZR SECTION 204.4 b: VARIANCE TO ALLOW OR AMENITY OPEN SPACE IN AN INTERIOR PARKING LOT IN LIEU OF THE REQUIRED TR.
3. VARIANCE TO BCZR SECTION 204.4 c:
 - (1) A VARIANCE TO ALLOW A LANDSCAPE BUFFER ~~ABUTTING RESIDENTIALLY ZONED PROPERTY~~ ABUTTING NON-RESIDENTIALLY ZONED PROPERTY IN LIEU OF THE REQUIRED 10 FEET WIDE.
 - (2) A VARIANCE TO ALLOW A LANDSCAPE BUFFER OF AS LITTLE AS 0 FEET WIDE AGAINST ABUTTING NON-RESIDENTIALLY ZONED PROPERTY IN LIEU OF THE REQUIRED 10 FEET WIDE.
4. VARIANCE TO BCZR SECTION 450.4 TO PERMIT ONE, DOUBLE FACED, NON-ILLUMINATED, 3'X5' FREE-STANDING SIGN IN AN RO ZONE FACING RESIDENTIALLY ZONED PROPERTY (DR-5.5 AND DR-16) IN LIEU OF ONE, DOUBLE FACED, NON-ILLUMINATED, 3'X5' FREE-STANDING SIGN IN AN RO ZONE FACING NON-RESIDENTIALLY ZONED PROPERTY.

~~2904 EAST JOPPA ROAD~~ ± 120 S.F.

PLAN TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION
AND ZONING VARIANCES
2904 EAST JOPPA ROAD
9th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN FEBRUARY 24, 2005

For your files

PLAN PREPARED BY:
RICHARD TRUELOVE P.E., Inc.
registered civil engineer
406 West Pennsylvania Avenue
Towson, Maryland 21204-4228
(410)484-4914 FAX (410)296-0326

2004045
PETITIONER'S

EXHIBIT NO. 1

