IN RE: PETITIONS FOR SPECIAL EXCEPTION *
AND VARIANCE
W/S of York Road, N/S of *

Harding Road 8th Election District

3rd Councilmanic District (2412, 2414 and 2416 York Road)

Walter L. Brewer, Jr. and Brent K. Brewer Legal Owners & Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-536-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception and Variance filed by Walter L. Brewer, Jr. and Brent K. Brewer, Legal Owners. The requests are for property located at 2412, 2414 and 2416 York Road in the West Timonium Heights area of Baltimore County.

A special exception is requested for a Class B office building an R.O. zone. The variance request is as follows: 1) allow a side yard setback of 10 feet in lieu of the required 20 feet from a residentially zoned property per Section 204.4.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.); 2) allow 0% amenity open space in lieu of the required 7% per Section 204.4.C.6 of the B.C.Z.R.; 3) allow landscape buffers as small as 0 feet in lieu of the required 20 feet per Section 204.4.C.9c(1) of the B.C.Z.R.; 4) allow a front setback of 50 feet in lieu of front average setback of 18.64 feet per Section 204.4.C.3 of the B.C.Z.R.; 5) allow a parking/dumpster area abutting a residential zone to be without screening in lieu of the required opaque screening per Section 204.C.9.a of the B.C.Z.R.

The property was posted with a notice of the public hearing date and time on May 22, 2006, and notice given to the general public by publication in the *Jeffersonian* Newspaper on May 3, 2006.

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Interested Persons

Appearing at the hearing on behalf of the variance request were Walter L. Brewer, Jr., Petitioner. Bruce E. Doak, of Gerhold, Cross & Etzel, Ltd., prepared the site plan. Eric Rockel, President of the Greater Timonium Community Council appeared at the hearing in support of the requests. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comments were received from the Office of Planning dated May 11, 2006 and Bureau of Development Plans Review dated May 3. 2006, copies of which are made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Section 502.1 of the B.C.Z.R. - Special Exceptions

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;

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- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Testimony and Evidence

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The subject property contains 0.5 acres zoned RO and is improved by an existing house. Mr. Doak proffered that the property is one of the Brewer family holdings in the area which in this case combines ten 20 foot wide lots. The property is located on York Road at Harding Street in a mixed commercial and residential area.

The Petitioner would like to raze the existing building and erect a small Class B office building with no medical offices. See Petitioner's exhibit 1, the Plat to Accompany. The proposed building is 5,167.65 square feet in size with one story. Eighteen (18) parking spaces are required and 18 parking spaces are being provided. Traffic will enter from York Road and exit at Harding.

In regard to the Planning Office comments Mr. Doak agreed to submit further elevations to the Planning Office and to save the large evergreens along York Road to the extent possible. However he pointed out that these trees have not been field located and so it is possible some may have to be removed. In contrast he disagreed with the comments from the Bureau of Development Plans Review which requested that no buffer be built within the right of way of Harding Street. The Plat to Accompany shows a buffer strip partially within the right of way. He noted that the it is common practice for owners to improve their property up to the curb line

which typically includes some road right of way. He indicated that this owner realizes the risk that the improvement may have to be removed if the County would ever actually use the full road width. He argued that Harding Street is peculiar compared to the other streets which intersect with York Road in the area. Most of these streets have 16 feet of paving in 30 foot right of ways. Harding Street already has a full 40 feet of right of way which has been widened on the Petitioner's side so that the street has an 11 foot wide step as shown on exhibit 1. Consequently the street will never be widened further so there is no reason that the landscape buffer can not be placed partially on the right of way and partially on the Petitioner's property. Mr. Doak opined that if he would place the full buffer within the subject property there would not be enough room for parking and aisleways. He noted the site is only 0.5 acres in size which only permits one way traffic. Any further reduction would be detrimental to traffic flow.

In regard to the request for variances, he noted that the property at Roosevelt Street and York Road north of the subject property is used commercially at present even if in a "residential" zone. This building and all the other commercial uses along York Road have 10 feet or less side yard distance between the RO use and the next property. Consequently the request for 10 foot side yard setback instead of 20 feet is consistent with the neighborhood. As shown the Petitioner proposes to have a landscape buffer in this 10 foot strip.

The regulations also require 7 % amenity open space within the parking field. While the Petitioner proposes some amenity open space, he can not meet the regulations because of the small size of the subject property.

The regulations require landscape buffers 20 feet wide along property lines which abut residentially used or zoned property. The Petitioner would like to have no buffer on the rear lot line because the Petitioner owns the adjoining lots to the west so there would be no need for landscaping. In addition Mr. Doak pointed out that there was a prior special exception case for

the Petitioner's office for his plumbing business at 3 Roosevelt Street which is west of the subject property. A condition of granting the special exception was that the Petitioner erect a 6 foot high privacy fence along the alley on the west side of the property. This will buffer the only nearby residential use which is the Chilcoat residence on lots 15 through 17 which front on Harding Street.

In regard to front yard setback, the other buildings on either side of the subject property are so close to York Road that the average setback is only 18 + feet. However the Petitioner would like to provide landscaping, parking and drive aisles on the York Road side of the building and

Finally Mr. Doak indicated that the Petitioner could provide the screening for the dumpster shown on exhibit 1 as required and no longer requests the 5th zoning relief.

therefore proposes to set the building back 50 feet from the edge of the right of way.

In regard to the Special Exception, Mr. Doak opined that the proposed use meets each criteria of Section 502.1 of the BCZR and would not adversely impact the neighborhood. The proposed office is in the York Road commercial corridor. Commercial uses are both to the north and south while the Petitioner's office for his plumbing business is on the west.

Mr. Rockel, President of the Greater Timonium Community Council spoke in support of both the special exception and variances. He related that the Council met with the Petitioner many times regarding the property and is satisfied that this is a good use of the property.

Findings of Fact and Conclusions of Law

Variances

This small tract is zoned RO and located along York Road, a very busy commercial road with residential uses along both sides beyond the commercial uses. Class B Office buildings are allowed by special exception in this zone. The tract is oddly shaped by having a substantial right of way widening by the County along Harding Street at York Road. This compresses the uses

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that may be made on the lot. I find the property unique in a zoning sense. The imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. For example the landscape buffers along Harding Street are directly impacted.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship as the Petitioner would not be able to erect the proposed building with parking and drive aisles.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The side yard setback is against another commercial use, the missing buffers in the rear would buffer the Petitioner's plumbing office, there already is a privacy fence along the alley in the rear, 158 sq. ft of amenity open space will not be significant if provided, and the front yard setback allows buffers along York Road. As important I note the Petitioner has worked with a very sophisticated community association on this plan who fully support not only the variances but the special exception as well. I see no adverse impact on the community in this plan.

Special Exception

I will also grant the special exception to allow this Class B office building in this RO Zone. The RO regulations make it clear that the primary goal of the RO zone is to provide a transition between commercial and residential uses. I agree with the Community Council that this is a good use at this location providing transition from busy and commercial York Road to the residential neighborhoods to the rear. I see no adverse impact on the community.

The Petitioner agreed to the Planning Office comments but disagreed with the comments from Plans Review who would like to have all landscaping within the site and none within the right of way of Harding Street. Plans Review's position is entirely proper. A site plan can not show improvements in the right of way which by implication would be approved with the site plan associated with the special exception. I can not approve uses in the County's right of way to which they object.

I also agree with Mr. Doak that Harding Street is already improved to the widest conceivable right of way. If the Petitioner chooses to provide additional buffering along Harding as shown then as Mr. Doak says the Petitioner takes the risk that these improvements may have to be removed if the County wanted to widen Harding Street yet again. While I must direct the Petitioner to remove the buffering from the right of way, this will not affect the Petition which asks for 0 feet buffers in some areas. The Petitioner will simply show 5 feet of buffers along Harding. I leave it to the Community Council and the Petitioner whether or not they want to risk planting in the right of way.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested special hearing and variance should be granted with conditions.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 15th day of June, 2006, that the variance requests as follows: 1) allow a side yard wetback of 10 feet in lieu of the required 20 feet from a residentially zoned property per Section 204.4.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.); 2) allow 0% amenity open space in lieu of the required 79% per Section 204.4.C.6 of the B.C.Z.R.; 3) allow landscape buffers as small as 0 feet in lieu of the required 20 feet per Section 204.4.C.9c(1) of the

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B.C.Z.R.; 4) allow a front setback of 50 feet in lieu of front average setback of 18.64 feet per Section 204.4.C.3 of the B.C.Z.R.; be and are hereby GRANTED; and

IT IS FURTHER ORDERED that the Petitioner's request to allow a parking/dumpster area abutting a residential zone to be without screening in lieu of the required opaque screening per Section 204.C.9.a of the B.C.Z.R. is denied as moot having been withdrawn; and

IT IS FURTHER ORDERED, that the special hearing for a special exception requested for a Class B office building an R.O. zone, be and is hereby GRANTED, subject, however, to the following conditions:

1. The Petitioner may apply for his building permit and be granted same upon receipt this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall submit architectural elevations to the Office of Planning prior to

the issuance of any building permits.

3. The existing mature evergreen trees along York Road shall remain. If the said trees cannot be retained, the Petitioner may meet with the Office of Planning to discuss an alternative.

4. The Petitioner shall remove landscape buffering along Harding Street which lies within the County right of way.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 24/2, 24/4 + 24/6 Your Rose

CLASS B OFFICE BULDING IN A R. O. ZONE

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.

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| | | | 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. BRENT KAREVER | | | | | | | | |
| Contract Purchase | er/Lessee: | | Legal Owner(s): | West Rit | 2 seurs | | | | | | |
| | | | WALTER L. BREW | ER,JR. | | | | | | | |
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JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

WALTER L. BREWER, JR. BARRY S. BREWER, SR. 3 ROOSEVELT STREET LUTHERVILLE MD 21033

Re: Petitions for Special Exception & Variance

Case No. 06-536-XA

Property: 3 Roosevelt Street

Dear Mr. Brewer:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special exception and variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz Enclosure

c: Bruce Doak, P.E., Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., Suite 100, Towson, MD 21286

Eric Rockel, Greater Timonium Community Council, 1610 Riderwood Drive, Timonium, MD 21093



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2412, 2414 i 2416 York Rose

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)

SSE ATTACHED

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

DETERMINED AT HEARING

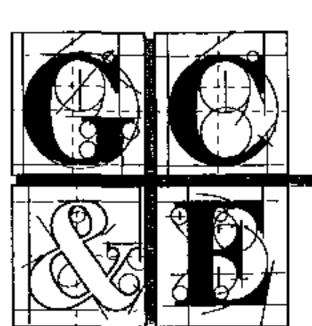
Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for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

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| Attorney For Petitioner | ## # # # # # # # # # # # # # # # # # # | | 2 Roosever Address | LT ST. | 410. | 252-1414 |
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| Signature | | | Representative Bruce E. Do | AK | | • |
| Company | | | Gerhold, C | ross & Et | zel, Ltd | 410 |
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REQUEST VARIANCES TO:

- I. ALLOW A SIDE YARD SETBACK OF 10' IN LIEU OF 20' FROM A RESIDENTIALLY ZONED PROPERTY, PER SECTION 204.4.C.4 (B.C.Z.R.)
- 2. ALLOW 0% AMENITY OPEN SPACE IN LIEU OF REQUIRED 7%, PER SECTION 204.4.C.6 (B.C.Z.R.)
- 3. ALLOW LANDSCAPE BUFFERS AS SMALL AS O' IN LIEU OF THE REQUIRED 20', PER SECTION 204.409c.(1) (B.C.Z.R.)
- 4. ALLOW A FRONT SETBACK OF 50' IN LIEU OF FRONT AVERAGE SETBACK OF 18.64' PER SECTION 204.4.C.3 (B.C.Z.R.)
- 5. ALLOW A PARKING/DUMPSTER AREA ABUTTING A RESIDENTIAL ZONE TO BE WITHOUT SCREENING IN LIEU OF THE REQUIRED OPAQUE SCREENING PER SECTION 204.C.9.a (B.C.Z.R.)

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Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

January 5, 2006

ZONING DESCRIPTION Brewer Property York Road Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Eighth Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

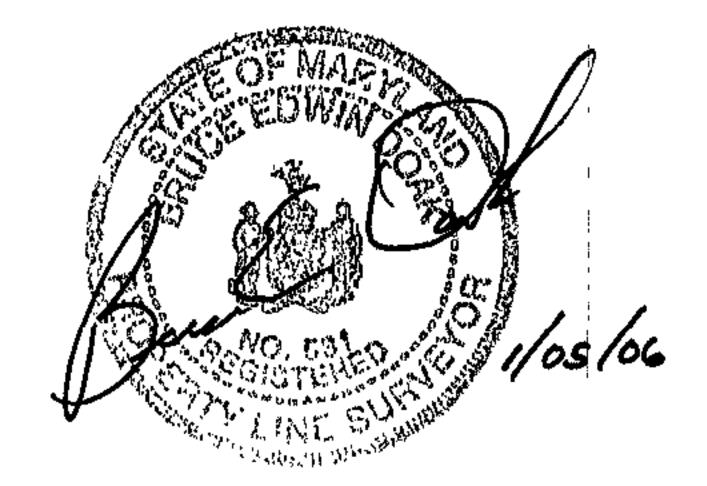
Beginning for the same on the west side of York Road (variable width r/w) at a point in the north side of a proposed highway widening for Harding Street (variable width r/w) thence leaving the north side of said highway widening for Harding Street and running and binding on the west side of York Road,

- 1) North 18 degrees 06 minutes 42 seconds West 169.97 feet, thence leaving said west side of York Road and running
- 2) South 17 degrees 53 minutes 18 seconds West 116.26 feet to the center of a 12 foot wide alley, thence running and binding in the center of said alley,
- 3) South 18 degrees 06 minutes 42 seconds East 190.00 feet, thence leaving said alley and running and binding on a proposed highway widening for Harding Street, the two following courses and distances, viz
- 4) North 71 degrees 46 minutes 17 seconds East 97.62 feet and
- 5) North 26 degrees 46 minutes 24 seconds East 28.29 feet to the place of beginning,

Containing 0.528 of an acre of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

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NOTICE OF ZONING HEARING

thority 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: # 06-536-XA

2412, 2414 & 2416 York Road
Northwest corner of York Road and Harding Street
8th Election District — 3rd Councilmanic District
Legal Owner(s): Walter L. Brewer, Jr., Barry S. Brewer,
Sr., and Brent K. Brewer

Special Exception: for Class B office building in an R.O.

Special Exception: for Class B office building in an R.O. zone. Variance: to allow a side yard setback of 10 feet in lieu of 20 feet from a residentially zoned property and to allow 0% amenity in open space in lieu of required 7% and to allow landscape buffers as small as 0 feet in lieu of the required 20 feet and to allow a front setback of 50 feet in lieu of front average setback of 18.64 feet and to allow a parking/dumpster area abutting a residential zone to be without screening in lieu of the required opaque screening.

Hearing: Tuesday, June 13, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesa-peake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

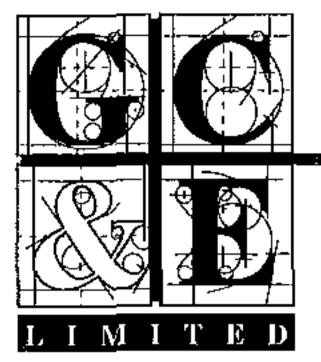
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CERTIFICATE OF PUBLICATION

| 61,2006 |
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| 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 $5/30$ _,2006. |
| on 5 30 ,2006. |
| ☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News |
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LEGAL ADVERTISING



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CERTIFICATE OF POSTING

RE: CASE# 06-536-XA
PETITIONER/DEVELOPER:
Walter L. Brewer, Jr., Et.Al.
DATE OF HEARING: June 13, 2006

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

LOCATION:

2412, 2414 & 2416 York Road

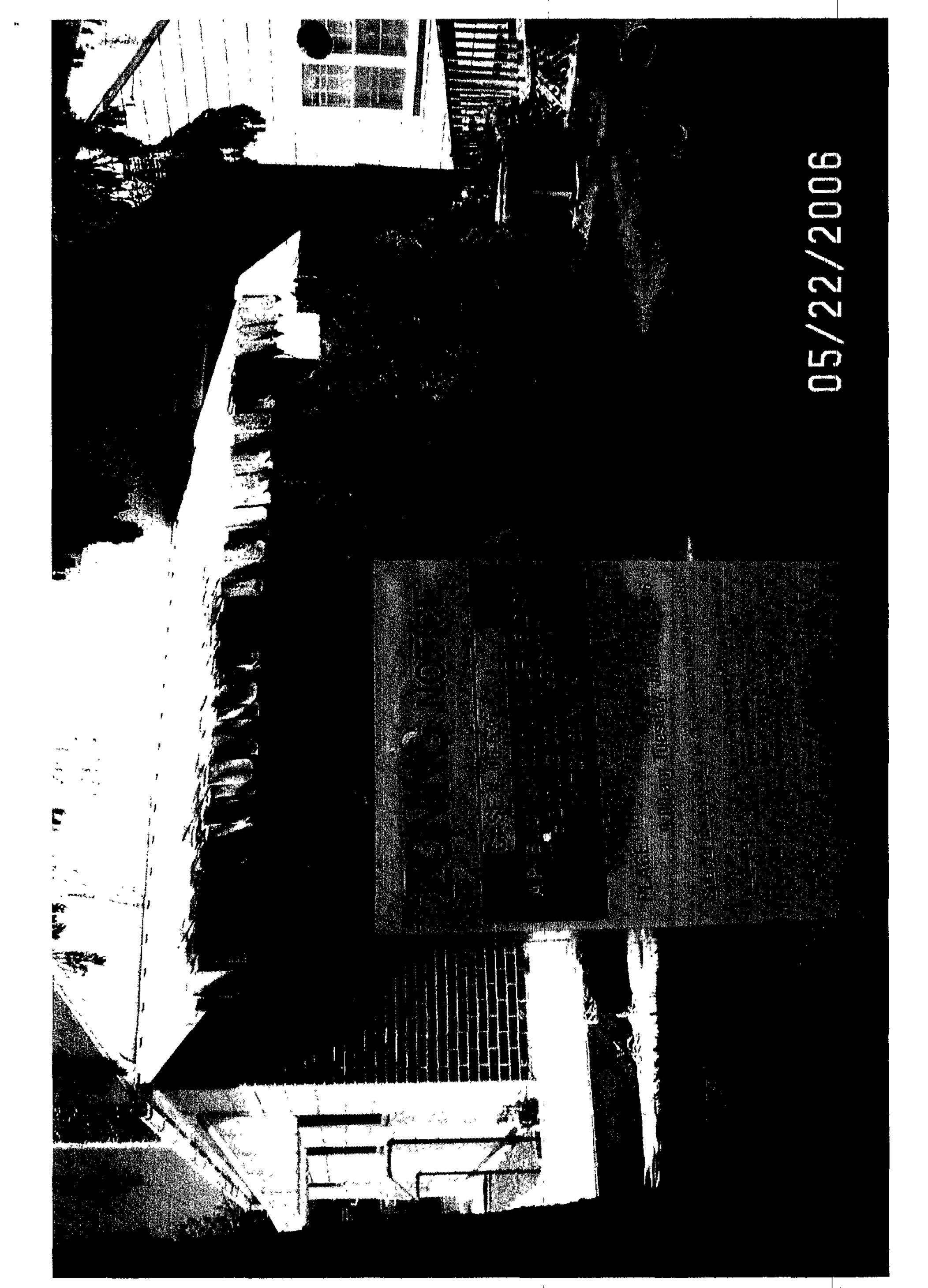
(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

John J. Dill

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

TED ON: May 22, 2006



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

May 3, 2006

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: 06-536-XA

2412, 2414 & 2416 York Road

Northwest corner of York Road and Harding Street

8th Election District – 3rd Councilmanic District

Legal Owners: Walter L. Brewer, Jr., Barry S. Brewer, Sr., and Brent K. Brewer

Special Exception for Class B office building in an R.O. zone. <u>Variance</u> to allow a side yard setback of 10 feet in lieu of 20 feet from a residentially zoned property and to allow 0% amenity in open space in lieu of required 7% and to allow landscape buffers as small as 0 feet in lieu of the required 20 feet and to allow a front setback of 50 feet in lieu of front average setback of 18,64 feet and to allow a parking/dumpster area abutting a residential zone to be without screening in lieu of the required opaque screening.

Hearing: Tuesday, June 13, 2006 at 9:00 a.m. in Room 106, County Office Building,

111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

buth Kotroco

Director

TK:klm

C: Brewer Residence, 3 Roosevelt Street, Lutherville 21093 Bruce Doak, 320 E. Towsontown Blvd., Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 29, 2006.

- (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, May 30, 2006 Issue - Jeffersonian

Please forward billing to:

Barry S. Brewer, Sr. 3 Roosevelt Street Lutherville, MD 21093

410-252-1414

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: 06-536-XA 2412, 2414 & 2416 York Road Northwest corner of York Road and Harding Street

8th Election District – 3rd Councilmanic District

Legal Owners: Walter L. Brewer, Jr., Barry S. Brewer, Sr., and Brent K. Brewer

Special Exception for Class B office building in an R.O. zone. <u>Variance</u> to allow a side yard setback of 10 feet in lieu of 20 feet from a residentially zoned property and to allow 0% amenity in open space in lieu of required 7% and to allow landscape buffers as small as 0 feet in lieu of the required 20 feet and to allow a front setback of 50 feet in lieu of front average setback of 18.64 feet and to allow a parking/dumpster area abutting a residential zone to be without screening in lieu of the required opaque screening.

Hearing: Tuesday, June 13, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III

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: 06 536 XA | |
| Petitioner: BREWER, WALTER L. BROWN JR. & BARRY J. BROWN | e 5a |
| Address or Location: 2412, 2414 = 2416 York Ross | 7 |
| | |
| PLEASE FORWARD ADVERTISING BILL TO: | |
| Name: BAY BARRY J. BROWER, SA. | |
| Address: 3 Roosever 57 | |
| LUTHERVILLE, MO 21093 | |
| | |
| Telephone Number: <u>410 - 252 - 1414</u> | |
| | |

Revised 2/20/98 - SCJ

Department of Permits Development Management

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





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

June 9, 2006

Walter Brewer Jr.
Barry Brewer Sr,
3 Roosevelt St.
Lutherville, MD, 21093

Dear: Mr. Brewer,

RE: Case Number: 06-536-XA; 2412, 2414 & 2416 York Rd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 25, 2006.

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,

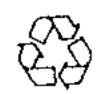
W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel Bruce E. Doak, Gerhold, Cross & Etzel Ltd., 320 E. Towsontown Blvd., Towson, MD. 21286



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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

April 28, 2006

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

RE:

Baltimore County Item No. 536 (JLL) 2412, 2414 & 2416 York RD

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval of the Special Exception. However, the owner/developer will be required to obtain an access permit for the required entrance improvements along MD 45.

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,

Steven D. Foster, Chief

1. J. Sredh

Engineering Access Permits Division

Fire Department



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





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

County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

May 2,2006

ATTENTION: Zoning Review planners

Distribution Meeting of: May 1,2006

Item No.: 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, (53).

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office Phone(0)410-887-4881 Mail Stop - 1102F

cc: File

RE: PETITION FOR SPECIAL EXCEPTION

AND VARIANCE

2412, 2414 & 2416 York Road; NW corner *

York Road & Harding Street

8th Election & 3rd Councilmanic Districts

Legal Owner(s): Walter & Barry Brewer

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-536-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 3rd day of May, 2005, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

100

برواه فجمتر

032006

fer:

PETER MAX ZIMMERMAN

LIMMUNION

SEPIN SOUND FILE # 536

FREQUENT FLYER ATTORNEYS DROP OFF ZONING PETITIONS POLICY PROCEDURES

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

- 1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with all technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.
- Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.
- 3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

3/22/05 JLL/rjc

- B. Class A office buildings themselves, which by definition may not be enlarged, are not subject to bulk regulations, nor are unenlarged structures accessory to the original building.
- C. The reconstruction of an existing Class A office building which is destroyed by fire or other casualty may not increase the size or gross floor area of the structure or alter the location of the structure, subject to the limitations contained in Section 104.2.
- Submitting plan for conversion. A new building or part of a building to be used as a dwelling must be occupied as a residential use for five years before submitting a plan for conversion to a Class A office building, subject to documentation of compliance with the residential use requirement in this section. The use or development of any property in an R-O-A Zone may not be changed from that existing on the effective date of the classification's application to that property, except in accordance with a plan approved by the County Review Group as provided in Article 32, Title 4 of the Baltimore County Code, unless the change in use is confined to a change in the number of dwelling units in accordance with the provisions of Section 402. [Bill No. 137-2004]
- Review for compatibility. Any conversion to a Class A office building involving change to the exterior of the dwelling, any new building to be used as a dwelling, or the reconstruction of any Class A office building which has been destroyed by fire or other casualty, is subject to § 32-4-402 of the Baltimore County Code. In addition to the standards of § 32-4-402 of the Baltimore County Code, the Director of the Office of Planning shall consider the compatibility of proposed window and door treatments in relation to existing adjacent or surrounding buildings. [Bill No. 137-2004]

Section 203 General Provisions: All Office Classifications [Bill No. 186-1994]

203.1 Findings. It is found that:

- A. There is a need for a range of office zoning classifications to allow for differing needs and intensity of use;
- B. It is to the interests of the county to have available a variety of office zones so that the zone best suited to the needs of the market can be applied at a scale and with a range of uses and protections appropriate to the surrounding locale;
- C. A variety of office zoning tools is needed to meet the goals for managed growth and redevelopment as stated in the adopted master plan; and
- D. The regulations in the O-1 (Office Building) Zone and the O-2 (Office Park) Zone enacted in 1980 are, for the most part, duplicative, and there is no need to apply the O-1 Zone to additional land.
- 203.2 Purposes. Pursuant to the above findings, it is the purpose of the office zones to establish a continuum of office classifications to provide:

- A. A low-intensity alternative use for dwellings which are no longer desirable for residential use (R-O-A);
- B. A transition or buffer between residential and the more intense office, retail or industrial use of property by permitting office development highly compatible with residential uses (R-Q and S-E);
- C. For the development of office buildings and moderate density residential development, with commercial development limited to serving the needs of tenants (OR-2);
- D. For office development as the only permitted principal use in areas where public services are not planned to support additional dwellings (O-3) and;
- E. For intensive development of employment uses which may be combined with high density residential uses in the county's growth areas (O.T.).

Section 204 R-O (Residential – Office) Zone [Bill No. 13-1980⁶]

204.1 Declaration of findings. It is found that: [Bill No./186-1994]

- A. Residential use of certain sites may not be economically feasible in some predominantly moderate-density residential areas that are within or near town cepters, are near C.C.C. Districts, or lie along commercial motorways;
- B. Meither business zoning nor high-density residential zoning of those sites is appropriate; and
- C. With appropriate restrictions, houses converted to offices and, in some cases, small Class B office buildings and similar buildings are suitable, economically feasible uses of such sites.
- Statement of legislative policy. The R-O zoning classification is established pursuant to the findings stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic or other similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones. It is intended that buildings and uses in R-O/Zones shall not intrude upon or disturb present or prospective uses of nearby residential property. It is not the R-O classification's purpose to accommodate a substantial part of the demand for office space, it being the intent of these zoning regulations that office space demand should be met primarily in C.T. Districts, C.C.C. Districts and, to a lesser extent, in other commercial areas. [Bill Nos. 151-1988; 186-1994]

2-12

⁶ Editor's Note: This bill originally added the R-O Zone as Section 203. It was subsequently changed to Section 204 by Bill No. 186-1994.

- A. A low-intensity alternative use for dwellings which are no longer desirable for residential use (R-O-A);
- B. A transition or buffer between residential and the more intense office, retail or industrial use of property by permitting office development highly compatible with residential uses (R-O and S-E);
- C. For the development of office buildings and moderate density residential development, with commercial development limited to serving the needs of tenants (OR-2);
- D. For office development as the only permitted principal use in areas where public services are not planned to support additional dwellings (O-3) and;
- E. For intensive development of employment uses which may be combined with high density residential uses in the county's growth areas (O.T.).

Section 204 R-O (Residential - Office) Zone [Bill No. 13-1980⁶]

- 204.1 Declaration of findings. It is found that: [Bill No. 186-1994]
 - A. Residential use of certain sites may not be economically feasible in some predominantly moderate-density residential areas that are within or near town centers, are near C.C.C. Districts, or lie along commercial motorways;
 - B. Neither business zoning nor high-density residential zoning of those sites is appropriate; and
 - C. With appropriate restrictions, houses converted to offices and, in some cases, small Class B office buildings and similar buildings are suitable, economically feasible uses of such sites.
- Statement of legislative policy. The R-O zoning classification is established, pursuant to the findings stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic or other similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones. It is intended that buildings and uses in R-O Zones shall not intrude upon or disturb present or prospective uses of nearby residential property. It is not the R-O classification's purpose to accommodate a substantial part of the demand for office space, it being the intent of these zoning regulations that office space demand should be met primarily in C.T. Districts, C.C.C. Districts and, to a lesser extent, in other commercial areas. [Bill Nos. 151-1988; 186-1994]

2-12

Editor's Note: This bill originally added the R-O Zone as Section 203. It was subsequently changed to Section 204 by Bill No. 186-1994.

204.3 Use regulations. [Bill Nos. 167-1980; 37-1988; 151-1988; 186-1994]

- A. Uses permitted as of right. The following uses, only, are permitted as of right in any R-O Zone:
 - 1. Uses permitted as of right and as limited in D.R.5.5 Zones.
 - 2. Class A office buildings containing offices or medical offices and their accessory uses, including parking, except that no more than 25% of the total adjusted gross floor area of the office building may be occupied by medical offices.
- B. Uses permitted by special exception. The following uses, only, may be permitted by special exception in an R-O Zone, if such use has an approved County Review Group (CRG) plan prior to the granting of a special exception:⁷
 - 1. Uses permitted by special exception and as limited in D.R.5.5 Zones.
 - 2. Class B office building.
 - a. Class B office buildings containing offices or medical offices, except that no more than 25% of the total adjusted gross floor area of the office building may be occupied by medical offices. A Class B office building in existence prior to the effective date of this legislation with medical offices in excess of 25% of the total adjusted gross floor area is a conforming use if it is in compliance with the terms of its special exception. Such an office building may be expanded if the expansion meets the current parking requirements for medical offices.
 - b. Up to 100% of the total adjusted gross floor area of a Class B office building may be occupied by medical offices if:
 - (1) The floor area ratio of the proposed Class B office building is not greater than 0.20;
 - (2) A documented site plan and a special exception for a Class B office building have been approved by the Zoning Commissioner or the Board of Appeals, either on appeal or as a result of its original jurisdiction, prior to the effective date of Bill No. 151-1988;
 - (3) Construction of the Class B building is started prior to the expiration date of the special exception as required by Section 502.3; and
 - (4) Parking requirements shall be calculated by requiring the maximum number of parking spaces as determined by Section 409 of these regulations, the requirements of the documented site plan, or the requirements of the order granting the special exception, whichever shall yield the greatest number of spaces.

⁷ Editor's Note: Veterinarians' offices was originally included in this subsection by Bill No. 13-1980 as a permitted use but was deleted by Bill No. 167-1980.

- C. Signs and off-street parking requirements.
 - 1. Signs are permitted, subject to Section 450. [Bill No. 89-1997]
 - 2. Off-street parking spaces shall be provided in accordance with Section 409. To the extent possible, parking shall be located in the side or rear yards of the lot. All required parking spaces shall be provided on the same lot as the structure or use to which they are accessory.
- 204.4 Bulk regulations of R-O Zones. Uses permitted as of right or by special exception are governed by the following bulk regulations: [Bill No. 186-1994]
 - A. Uses permitted under Sections 204.3.A.1 and 204.3.B.1 and new structures accessory to Class A office buildings are governed by the bulk regulations of D.R.5.5 Zones.
 - B. Class A office buildings themselves, which by definition may not be enlarged, are not subject to bulk regulations, nor are unenlarged structures accessory to the original building.
 - C. Class B office buildings.
 - 1. Maximum floor area ratio: 0.33.
 - 2. Maximum height of structure: 35 feet.
 - 3. Minimum front yard setback: 25 feet or the average of the setbacks of the adjacent structures, whichever is less.
 - 4. Minimum side yard setbacks: 10 feet, except if the adjacent property is predominantly residentially zoned, residentially used, or is adjacent to a residential street, in which case the setback shall be 20 feet.
 - 5. Minimum rear yard/setback: 30 feet.
 - 6. Amenity open space: 7% of the interior of the parking lot, not including setback and buffer area requirements, shall be pervious land area in association with plantings.
 - 7. Maximum lot size: one acre, except that if located on a principal arterial and if there is adjacent nonresidentially used or nonresidentially zoned frontage, the maximum lot size may be two acres.
 - 8. The office building shall be the only principal building on the lot on which it is situated and shall not be attached to another building.
 - 9. Landscape requirements. In addition to the requirements set forth in the Baltimore County Landscape Manual:
 - a. All parking and dumpster areas which abut a residential zone shall be screened by an opaque fence, wall or berm in association with plantings.
 - b. The minimum screening height shall be five feet.

2-14

- C. Signs and off-street parking requirements.
 - 1. Signs are permitted, subject to Section 450. [Bill No. 89-1997]
 - 2. Off-street parking spaces shall be provided in accordance with Section 409. To the extent possible, parking shall be located in the side or rear yards of the lot. All required parking spaces shall be provided on the same lot as the structure or use to which they are accessory.
- 204.4 Bulk regulations of R-O Zones. Uses permitted as of right or by special exception are governed by the following bulk regulations: [Bill No. 186-1994]
 - A. Uses permitted under Sections 204.3.A.1 and 204.3.B.1 and new structures accessory to Class A office buildings are governed by the bulk regulations of D.R.5.5 Zones.
 - B. Class A office buildings themselves, which by definition may not be enlarged, are not subject to bulk regulations, nor are unenlarged structures accessory to the original building.
 - C. Class B office buildings.
 - 1. Maximum floor area ratio: 0.33.
 - 2. Maximum height of structure: 35 feet.
 - 3. Minimum front yard setback: 25 feet or the average of the setbacks of the adjacent structures, whichever is less.
 - 4. Minimum side yard setbacks: 10 feet, except if the adjacent property is predominantly residentially zoned, residentially used, or is adjacent to a residential street, in which case the setback shall be 20 feet.
 - 5. Minimum rear yard setback: 30 feet.
 - 6. Amenity open space: 7% of the interior of the parking lot, not including setback and buffer area requirements, shall be pervious land area in association with plantings.
 - 7. Maximum lot size: one acre, except that if located on a principal arterial and if there is adjacent nonresidentially used or nonresidentially zoned frontage, the maximum lot size may be two acres.
 - 8. The office building shall be the only principal building on the lot on which it is situated and shall not be attached to another building.
 - 9. Landscape requirements. In addition to the requirements set forth in the Baltimore County Landscape Manual:
 - a. All parking and dumpster areas which abut a residential zone shall be screened by an opaque fence, wall or berm in association with plantings.
 - b. The minimum screening height shall be five feet.

- c. The following buffers, which shall not be encroached upon by aboveground stormwater management, parking or dumpster areas but which may be broken by the entrance way, shall be provided:
 - (1) Property lines which abut any property which is predominantly residentially zoned, residentially used or which abut any residential street must have a twenty-foot landscape buffer; and
 - (2) Property lines which abut any nonresidentially zoned property must have a ten-foot landscape buffer.
- Plan. The use or development of any property in an R-O Zone may not be changed from that existing on the effective date of the classification's application to that property, except in accordance with a plan approved by the County Review Group as provided in Article 32, Title 4 of the Baltimore County Code, unless the change in use is confined to a change in the number of dwelling units in accordance with the provisions of Section 402. [Bill Nos. 56-1982;8 186-1994; 137-2004]
- Conversion of dwellings to office buildings. Any one- or two-family dwelling or apartment building which is under application for either a change in zoning classification to R-O or for a conversion from a residential use to an office use shall require a special exception if the dwelling has been enlarged in floor area by 10% or more within a period of five years prior to the date of application for change or conversion. [Bill Nos. 161-1985; 151-1988; 186-1994]

Section 205 OR-1 (Office Building -- Residential) Zone [Bill No. 167-1980⁹]

205.1 Declaration of findings. [Bill No. 186-1994]

- A. It is found that the name of the O-1 (Office Building) zoning classification is misleading the public because the name implies that only office buildings are permitted when, in fact, the zone does permit residential and other uses permitted in the D.R.5.5 Zone.
- B. It is further found that the O-1 zoning classification is sufficiently similar to the O-2 classification that there is no longer a need for two separate zones.

Editor's Note: This bill also repealed former Sections 203.5.A.B and 203.5.A.C in their entirety. Similar provisions detailing the content of development plans are now contained in Title 16 of the Baltimore County Code, 1988 Edition, as revised.

Editor's Note: This bill originally added the O-1 Zone as Section 204. It was subsequently changed to OR-1 and Section 205 by Bill No. 186-1994.

205.2 Statement of legislative policy. [Bill No. 186-1994]

- A. It is the intent of the county that the name of the O-1 zoning classification be changed to the OR-1 (Office Building Residential) Zone.
- B. Properties classified as O-1 before the effective date of Bill No. 186-1994 shall be classified as OR-1 and shall be subject to the use and performance standards of the OR-1 Zone.
- C. The OR-1 Zone shall no longer be applied to properties through the comprehensive Zoning Map process under § 32-3-202 of the Baltimore County Code, or through the cycle zoning process under Article 32, Title 3, Subtitle 5 of the Baltimore County Code, after the effective date of Bill No. 186-1994. [Bill No. 137-2004]

205.3 Use regulations of OR-1 Zones.

- A./ The following uses, only, are permitted by right:
 - 1. Uses permitted by right and as limited in D.R.5.5 Zones. [Bill Nos. 108-1994; 186-1994]
 - 2. Class A or Class B office buildings containing offices, medical offices or medical clinics. [Bill Nos. 37-1988; 186-1994]
 - 3. The following accessory commercial uses within Class B office buildings (see also Subsection C below): [Bill No. 186-1994]
 - a. Photocopying establishments.
 - b. Secretarial-service establishments.
 - Standard restaurants, carry-out restaurants and taverns without dancing or live entertainment; [Bill No. 186-1994]
 - d. Travel bureaus.
 - e. Banks, including one exterior walkup automatic teller machine for each bank located within an office building. [Bill No./186-1994]
 - f. / Opticians' or optometrists' establishments. [Bill No./186-1994]
 - 4. Accessory uses not included under Item 1 above, but not any accessory commercial uses other than those listed in Item 3 (see Subsection B below).
- B. The following uses, only, are allowable by special exception: [Bill No. 186-1994]
 - 1. Uses allowable by special exception and as limited in D.R.5.5 Zones. [Bill Nos. 108-1994; 186-1994]

205.2 Statement of legislative policy. [Bill No. 186-1994]

- A. It is the intent of the county that the name of the O-1 zoning classification be changed to the OR-1 (Office Building Residential) Zone.
- B. Properties classified as O-1 before the effective date of Bill No. 186-1994 shall be classified as OR-1 and shall be subject to the use and performance standards of the OR-1 Zone.
- C. The OR-1 Zone shall no longer be applied to properties through the comprehensive Zoning Map process under § 32-3-202 of the Baltimore County Code, or through the cycle zoning process under Article 32, Title 3, Subtitle 5 of the Baltimore County Code, after the effective date of Bill No. 186-1994. [Bill No. 137-2004]

205.3 Use regulations of OR-1 Zones.

- A. The following uses, only, are permitted by right:
 - 1. Uses permitted by right and as limited in D.R.5.5 Zones. [Bill Nos. 108-1994; 186-1994]
 - 2. Class A or Class B office buildings containing offices, medical offices or medical clinics. [Bill Nos. 37-1988; 186-1994]
 - 3. The following accessory commercial uses within Class B office buildings (see also Subsection C below): [Bill No. 186-1994]
 - a. Photocopying establishments.
 - b. Secretarial-service establishments.
 - c. Standard restaurants, carry-out restaurants and taverns without dancing or live entertainment; [Bill No. 186-1994]
 - d. Travel bureaus.
 - e. Banks, including one exterior walkup automatic teller machine for each bank located within an office building. [Bill No. 186-1994]
 - f. Opticians' or optometrists' establishments. [Bill No. 186-1994]
 - 4. Accessory uses not included under Item 1 above, but not any accessory commercial uses other than those listed in Item 3 (see Subsection B below).
- B. The following uses, only, are allowable by special exception: [Bill No. 186-1994]
 - 1. Uses allowable by special exception and as limited in D.R.5.5 Zones. [Bill Nos. 108-1994; 186-1994]

CASE NAME BER OG-536-XA DATE 6-13-06

CITIZEN'S SIGN-IN SHEET

| E- MAIL | | | | | | | | | | | |
|------------------|----------------------|------|--|--|--|--|--|--|--|--|--|
| CITY, STATE, ZIP | 1044 Twon, 110 21093 | 4 | | | | | | | | | |
| ADDRESS | 1610 Rideewood I | 3 | | | | | | | | | |
| NAME | | りんかん | | | | | | | | | |

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

E- MAIL ZIP 21286 CITY, STATE, 1110 10mson Sum Towson Town ADDRESS E. 320 Eren ** NAME Beuce E. General

