IN RE: **PETITION FOR SPECIAL EXCEPTION**	*	BEFORE THE
S/Side Butler Road at Third Ave., SW Corner		
(298 Butler Road)	*	ZONING COMMISSIONER
4th Election District		
3rd Council District	*	FOR
D. Gregory Howard, et ux	*	BALTIMORE COUNTY
Petitioners		
	*	**Case No. 07-123-X**

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, D. Gregory Howard, Esquire, and his wife, Kathi Lynn Mullenax-Howard. The Petitioners request a special exception for a professional office for an attorney within the professional person's primary residence, pursuant to Section 1B01.1.C.12 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were D. Gregory Howard, Esquire, property owner; Bruce E. Doak, the consultant with Gerhold Cross & Etzel, Ltd. who prepared the site plan and Mr. Jerome Hillyard, an adjacent neighbor. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel consisting of four lots in the subdivision of Goshen, located on the southwest side of the intersection of Third Avenue and Butler Road in Reisterstown, Maryland. The property contains a gross area of 15,000 sq. ft., more or less, zoned D.R. 3.5, and is improved by a single family dwelling with a detached garage. The Petitioners have owned and resided on the property since 1986.

ORDER RECEIVED FOR FILING
Date 12-18-06
By D.J.

Mr. Howard, a self-employed attorney, is a member in good standing of the Maryland Bar, and licensed to practice law in the State of Maryland. The instant Petition was filed seeking approval to allow Mr. Howard to establish a professional law office within the dwelling on the subject property. As shown on the site plan, the proposed office will occupy a wing on the western side of the dwelling measuring 24' by 24'. Mr. Howard testified that he anticipates the employment of no more than one non-residential professional associate or two other non-resident employees. He testified that he currently has one full-time secretary. It was also indicated that client traffic will be minimal due to his two other office locations involved in his law practice. Testimony showed that sufficient on-site parking and road access visibility exists to accommodate the proposed site use without endangering the use and enjoyment of other contiguous properties or impeding traffic flow along Third Avenue or Butler Road. In this regard, no adverse comments were received by any of the County reviewing agencies.

Section 1B01.1.C.12 of the B.C.Z.R. permits, by special exception:

> Office[s] or studios of physicians, dentists, **lawyers**, architects, engineers, artists, musicians, or other professional person provided that any such office or studio is established within the same building as that serving as the professional person's primary residence at the time of application; does not occupy more than 25% of the total floor area of such residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees.

The undisputed testimony and evidence presented at the hearing was persuasive that the Petitioners meet the requirements of the aforementioned Section. That is, I find that the subject property does serve as the primary residence of Mr. Howard, and that the proposed professional office will not occupy more than 25% of the total floor area of the building. Furthermore, the Petitioners do not propose the employment of more than one non-resident professional associate or two other non-resident employees.

ORDER RECEIVED FOR FILING
Date 12-12-06
By

Further, testimony and evidence presented was sufficient to satisfy the standards set forth in Section 502.1 of the B.C.Z.R. That Section sets out the criteria which must be met in order for special exception relief to be granted. In this case, I find that the proposed professional office will not be detrimental to the health, safety or general welfare of the locale and that sufficient on-site parking exists to accommodate the proposed use without impacting traffic flow on Third Avenue or Butler Road. Finally, the testimony and evidence presented supports a finding that the proposed use of the property complies with Section 1B01.1.C.12 of the B.C.Z.R. and meets the special exception requirements set forth in Section 502.1 thereof for relief to be granted.

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, Maryland, this 12th day of December, 2006, that the Petition for Special Exception to approve the use of the subject property for use of a professional (attorney's office) within 25% of the dwelling, pursuant to Section 1B01.1.C.12 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioners' Exhibit 1, be, and hereby is, GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed the relief granted herein shall be rescinded.

2) The Special Exception relief granted is for use by D. Gregory Howard, personally, and shall not run with the land as to enure to the benefit of any subsequent property lessor or owner.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12-12-06
By

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 298 Butler Road, Reisterstown, MD 21136

which is presently zoned DR 3.5

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

An attorney's office ~~as~~ within to 25% of the ~~structure~~ dwelling.
(Please see attachments)

as per section 1B01.C.12 of the BCZR

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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

D. Gregory Howard
Name - Type or Print

Signature

Kathi Lynn Mullenax-Howard
Name - Type or Print

Signature

298 Butler Road — 410-526-7574
Address — Telephone No.

Reisterstown — MD — 21136
City — State — Zip Code

Attorney For Petitioner:

D. Gregory Howard, Esq.
Name - Type or Print

Signature

D. Gregory Howard, P.A.
Company

10055 Red Run Blvd, Ste 110 — 410-902-9455
Address — Telephone No.

Owings Mills — MD — 21136
City — State — Zip Code

Representative to be Contacted:

D. Gregory Howard
Name

10055 Red Run Blvd, Ste 110 — 410-902-9455
Address — Telephone No.

Owings Mills — MD — 21136
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date _____

Case No. 07-123-X

REV 09/15/98

ORDER RECEIVED FOR FILING
Date 12-12-06
By

D. GREGORY HOWARD, P.A.
10055 RED RUN BOULEVARD
SUITE 110
OWINGS MILLS, MARYLAND 21117
TELEPHONE 410-902-9455
TELEFAX 410-902-9458
ANNAPOLIS/ELKTON AREAS 1-800-382-4488

ADMITTED IN MARYLAND, D.C.,
FEDERAL AND U.S. SUPREME COURT BARS

133 Defense Highway
Suite 104
ANNAPOLIS, MARYLAND 21401
1-800-382-4488

155 East High Street
ELKTON, MARYLAND 21921
1-800-382-4488

August 3, 2006

Zoning Review
Department of Permits and Developmental Management
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

RE: Special Exception Request,
298 Butler Road, Reisterstown, MD 21136

Dear Sir/Madame:

The attached Petition and related materials constitute my request for a Special Exception to use a 25% portion of my residence of almost twenty (20) years as my attorney office for my Baltimore area portion of my practice. In any given week, I see very few people in the Baltimore area at my Baltimore office. Most of my clients meet with me in Annapolis and Elkton.

All my neighbors have signed a consent form, consenting to the office use of part of the premises. (Please see the attached consent).

Traffic impact will be slight. I have only one full-time employee as the zoning guidelines permit. My office is a very small operation. I have six parking spaces which are more than required. There is no request for any signage.

My client base is primarily individuals and my practice area is in large part estate planning so it is a quiet existence.

I appreciate your consideration in this matter.

Sincerely,

D. Gregory Howard

239/LTBalto1

Item #123

Neighborhood Consent to Special Exception

We, the undersigned contiguous neighbors of D. Gregory Howard and Kathi Mullenax Howard (of 298 Butler Road, Reisterstown, Maryland) hereby indicate our consent and support for the requested Special Exception (to be filed with Baltimore County on or about June 29, 2006) to permit Mr. Howard to operate the Baltimore area portion of his law practice from his residence at the aforesaid address:

Name	Address
Jane Hillyard	112 3rd Ave, Reisterstown
Jerry Hillyard	" " "
Elizabeth B Rose	300 Butler Rd Reisterstown
Dorothy York	214 Butler Road Reisterstown
Beryl A Allen	301 Butler Rd, Reisterstown 21136

Item #123

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: #07-123-X
298 Butler Road
South side Butler Road at Third Avenue - Southwest corner
4th Election District
3rd Councilmanic District
Legal Owner(s): D. Gregory Howard and Kathi Lynn Mullenax-Howard
Special Exception: To allow an attorney's office within 25% of the dwelling as per Section 1B01.C.12 of the BCZR.
Hearing: Tuesday, November 28, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley 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.

11/106 Nov. 9 115455

CERTIFICATE OF PUBLICATION

11/9/, 2006

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 11/9/, 2006.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21028

DATE 9/18/06 ACCOUNT R001 006 6150

AMOUNT $ 380.00

RECEIVED FROM:

FOR: zoning hearing case #07-123-X

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
9/21/2006	9/21/2006	14:00:18	2

REG W002 MAIL JFWA JEF
>>RECEIPT # 477967 9/21/2006 OFLH
Dept 5 528 ZONING VERIFICATION
CR NO. 021028
Recpt Tot $380.00
$380.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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

CERTIFICATE OF POSTING

RE: CASE#07-123X
PETITIONER/DEVELOPER:
D. Gregory Howard
Kathi Mullenax-Howard
DATE OF HEARING:11/28/06

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:
298 Butler Road

(see page 2 for full size photo)

POSTED ON: 11/10/06

SIGNATURE OF SIGN POSTER

Bruce E. Doak

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

ZONING NOTICE

CASE # :07-123-X

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD.

PLACE: Room 407 County Courts Building
401 Bosley Avenue, Towson, MD

10:00 am Tuesday, November 28, 2006

Special Exception: To allow an attorney's office within 25% of the dwelling as per Section 1B01.C.12 of the BCZR.

DO NOT REMOVE THIS SIGN

HEARINGS ARE HANDICAPPED ACCESSIBLE

01 14 2000 21:44

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

October 5, 2006

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 07-123-X
298 Butler Road
South side Butler Road at Third Avenue – Southwest corner
4th Election District – 3rd Councilmanic District'
Legal Owner(s): D. Gregory Howard and Kathi Lynn Mullenax-Howard

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Hearing: Tuesday, November 28, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:amf

C: D. Gregory Howard and Kathi Lynn Mullenax-Howard 298 Butler Road Reisterstown 21136
D. Gregory Howard 10055 Red Run Blvd, Ste 110 Owings Mills 21136

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 13, 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.

Zoning Review | County Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov

RE: PETITION FOR SPECIAL EXCEPTION 298 Butler Road; S/S Butler Road at Third Ave 4th Election & 3rd Councilmanic Districts Legal Owner(s): D. Gregory & Kathi Howard Petitioner(s)	* * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-123-X

* * * * * * * * * * * * *

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 documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 28th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed D. Gregory Howard, Esquire, 10055 Red Run Blvd, Suite 110, Owings Mills, MD 21136, Attorney for Petitioner(s).

RECEIVED
2 6 2006
Per.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Baltimore County
Department of Permits and
Development Management
Zoning
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

**10-4-06BALTIMD212PRST1STCLS

RESORTED FIRST CLASS

TOWSON MD 10/04/06

U.S. POSTAGE 00.30 8
H METER 708169

Return Service Requested

RECEIVED 2006

D. Gregory Howard
Kathi Lynn Mullenax-Howard
298 Butler Road
Reisterstown, M

212 N1 1 706 C 08 10/07/06
RETURN TO SENDER
HOWARD
109 NOB HILL PARK DR
REISTERSTOWN MD 21136-4622

RETURN TO SENDER

HARHSM3 21136
21204%4602

Baltimore County
Department of Permits and
Development Management
Zoning
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

07-123-X

RESORTED FIRST CLASS

TOWSON MD 10/07/02

U.S. POSTAGE 00.30 8
H METER 708169

Return Service Requested

RECEIVED OCT 13 2006

Re-mailed to address on stickers 10/16/06

D. Gregory Howard
Kathi Lynn Mullenax-Howard
298 Butler Road
Reisterstown, M

212 N1 1 706 C 08 10/11/06
RETURN TO SENDER
HOWARD
109 NOB HILL PARK DR
REISTERSTOWN MD 21136-4622

RETURN TO SENDER

HARBSM3 21136
21204%4602

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

October 2, 2006

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

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SPECIAL EXCEPTION To allow an attorney's office within 25% of the dwelling as per Section 1B01.C.12 of the BCZR.

Hearing: Tuesday, November 21, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:amf

C: D. Gregory Howard and Kathi Lynn Mullenax-Howard 298 Butler Road Reisterstown 21136
D. Gregory Howard 10055 Red Run Blvd, Ste 110 Owings Mills 21136

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 6, 2006.**
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(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

October 5, 2006

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

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Timothy Kotroco

Timothy Kotroco
Director

TK:amf

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TO: PATUXENT PUBLISHING COMPANY
Thursday, November 9, 2006 Issue - Jeffersonian

Please forward billing to:
D. Gregory Howard
298 Butler Road
Reisterstown, MD 21136

410-526-7574

CORRECTED NOTICE OF ZONING HEARING

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

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WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

October 2, 2006

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Director

TK:amf

C: D. Gregory Howard and Kathi Lynn Mullenax-Howard 298 Butler Road Reisterstown 21136
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Thursday, November 2, 2006 Issue - Jeffersonian

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D. Gregory Howard
298 Butler Road
Reisterstown, MD 21136

410-526-7574

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WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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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: 07-123-X

Petitioner: D. Gregory Howard and Kathi Lynn Mullenax-Howard

Address or Location: 298 Butler Rd., Reisterstown, MD 21136

PLEASE FORWARD ADVERTISING BILL TO:

Name: D. Gregory Howard

Address: 298 Butler Road
Reisterstown, MD 21136

Telephone Number: 410.526.7574

Revised 2/20/98 - SCJ

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

November 20, 2006

D. Gregory Howard, Esq.
10055 Red Run Blvd., Ste 110
Owings Mills, MD 21136

Dear Mr. Howard:

RE: Case Number: 07-123-X, 298 Butler Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 21, 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
D. Gregory Howard Kathi Lynn Mullenax-Howard 298 Butler Road Reisterstown 21136

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

SHA
State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 25, 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. 123
#7-123-X
HOWARD PROPERTY
MD 128 (BUTLER RD)/THIRD AVE.
VARIANCE - TO ALLOW ATTORNEY'S OFFICE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 123 .

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 12, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-123- Special Exception**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: Cynthia Guray

Division Chief: Lynn Lochner

CM/LL

W:\DEVREV\ZAC\7-123.doc

Baltimore County
Fire Department

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

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

October 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 2, 2006

Item Number(s): 113-130
(123)

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 2, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 2, 2006
Item Nos. 07-113, 118, 120, 121, 122,
123, 124, 125, 126, 127, 128, 129, 130,
and 133

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS- 10022006.doc

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

October 5, 2006

D. Gregory Howard
Kathi Lynn Mullennax-Howard
298 Butler Road
Reisterstown, MD 21136

Dear Mr. and Mrs. Howard:

RE: Case Number: 07-123-X

The above matter, previously scheduled for Tuesday, November 21, 2006, has been postponed. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

Timothy Kotroco

Timothy Kotroco
Director

KT:amf

C:

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

September 13, 2006

ZONING DESCRIPTION
HOWARD PROPERTY
298 Butler Road
Baltimore County, Maryland

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

Beginning for the same at the intersection of the south side of Butler Road and the west side of Third Avenue, being all those lots of ground known and designated as lots numbers 13, 14, 15 and 16, in section C, as shown on the plat of Goshen No. 2, which Plat is filed among the plat records of Baltimore County in Plat Book No. 7, folio 156.

Containing 15,000 sq. ft. of land, more or less.

STATE OF MARYLAND
BRUCE EDWIN DORR
No. 501
REGISTERED
PROPERTY LINE SURVEYOR
9/13/06

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

Item # 123

BALTIMORE COUNTY
MARYLAND

Department of Permits and Development Management
Zoning Review
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

RECEIVED
NOV 28 2006

TOWSON
NOV 22 '06
MD

Return Service Requested

D. Gregory Howard
Kathi Lynn Mullenax-Howard
298 Butler Road
Reisterstown, MD 21136

212 N1 1 706 C 08 11/25/06
RETURN TO SENDER
HOWARD
109 NOB HILL PARK DR
REISTERSTOWN MD 21136-4622

RETURN TO SENDER

JARHSMB 21136
2126474602

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 12, 2006

D. Gregory Howard, Esquire
298 Butler Road
Reisterstown, Maryland 21136

RE: **PETITION FOR SPECIAL EXCEPTION**
S/Side Butler Road at Third Ave., SW Corner
(298 Butler Road)
4th Election District - 3rd Council District
D. Gregory Howard, et ux - Petitioners
Case No. 07-123-X

Dear Mr. Howard:

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Bruce Doak, Gerhold Cross & Etzel, Ltd., 320 E. Towsontown Blvd., Towson, Md. 21286
Jerome Hillyard, 112 Third Avenue, Reisterstown, Md. 21136
People's Counsel; Case File

Neighborhood Consent to Special Exception

We, the undersigned contiguous neighbors of D. Gregory Howard and Kathi Mullenax Howard (of 298 Butler Road, Reisterstown, Maryland) hereby indicate our consent and support for the requested Special Exception (to be filed with Baltimore County on or about June 29, 2006) to permit Mr. Howard to operate the Baltimore area portion of his law practice from his residence at the aforesaid address:

Name	Address
Jane Hilliard	112 3rd Ave, Reisterstown
Lucy Hilliard	" " "
Elizabeth B Rose	300 Butler Rd Reisterstown
Dorothy York	214 Butler Road Reisterstown
Meryl A Allen	301 Butler Rd, Reisterstown 21136

Item #123

BW 11/28
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 12, 2006

RECEIVED

OCT 13 2006

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-123- Special Exception**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: Cindy Murray

Division Chief: Lynn Lochner

CM/LL

W:\DEVREV\ZAC\7-123.doc

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

November 20, 2006

D. Gregory Howard, Esq.
10055 Red Run Blvd., Ste 110
Owings Mills, MD 21136

Dear Mr. Howard:

RE: Case Number: 07-123-X, 298 Butler Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 21, 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
D. Gregory Howard Kathi Lynn Mullenax-Howard 298 Butler Road Reisterstown 21136

PLEASE PRINT CLEARLY

CASE NAME IN RE: D. Gregory Howard
CASE NUMBER 07-123-X
DATE Nov. 28, 2006

PETITIONER'S SIGN-IN SHEET (Special Exception 25% office use)

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
D. Gregory Howard, Esq	298 Butler Rd.	Reisterstown, MD 21136	DGHESQUIRE@AOL.COM
Jerome Hilly MD	112 3rd Ave.	Reisterstown, MD 21136	
Bruce E. Doak	320 E. Towsontown Blvd	Towson MD 21286	
Gohwold Cross & Etzel			

ase No.: 07-123 X

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN	
No. 2	Collectively Photographs.	
No. 3	8/3/06 LETTER WITH ATTACHED CONSENT BY ADJACENT NEIGHBORS	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

D. GREGORY HOWARD, P.A.
10055 RED RUN BOULEVARD
SUITE 110
OWINGS MILLS, MARYLAND 21117
TELEPHONE 410-902-9455
TELEFAX 410-902-9458
ANNAPOLIS/ELKTON AREAS 1-800-382-4488

ADMITTED IN MARYLAND, D.C.,
FEDERAL AND U.S. SUPREME COURT BARS

133 Defense Highway
Suite 104
ANNAPOLIS, MARYLAND 21401
1-800-382-4488

155 East High Street
ELKTON, MARYLAND 21921
1-800-382-4488

August 3, 2006

Zoning Review
Department of Permits and Developmental Management
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

RE: Special Exception Request,
298 Butler Road, Reisterstown, MD 21136

Dear Sir/Madame:

The attached Petition and related materials constitute my request for a Special Exception to use a 25% portion of my residence of almost twenty (20) years as my attorney office for my Baltimore area portion of my practice. In any given week, I see very few people in the Baltimore area at my Baltimore office. Most of my clients meet with me in Annapolis and Elkton.

All my neighbors have signed a consent form, consenting to the office use of part of the premises. (Please see the attached consent).

Traffic impact will be slight. I have only one full-time employee as the zoning guidelines permit. My office is a very small operation. I have six parking spaces which are more than required. There is no request for any signage.

My client base is primarily individuals and my practice area is in large part estate planning so it is a quiet existence.

I appreciate your consideration in this matter.

Sincerely,

D. Gregory Howard

239/LTBalto1

Item #123

Pet. Exh. 3

Neighborhood Consent to Special Exception

We, the undersigned contiguous neighbors of D. Gregory Howard and Kathi Mullenax Howard (of 298 Butler Road, Reisterstown, Maryland) hereby indicate our consent and support for the requested Special Exception (to be filed with Baltimore County on or about June 29, 2006) to permit Mr. Howard to operate the Baltimore area portion of his law practice from his residence at the aforesaid address:

Name	Address
Jane Hillyard	112 3rd Ave, Reisterstown
Terry Hillyard	" " "
Elizabeth B Rose	300 Butler Rd Reisterstown
Dorothy York	214 Butler Road Reisterstown
Meryl A Allen	301 Butler Rd, Reisterstown 21136

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

SHA
State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 25, 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. 123
#7-123-X
HOWARD PROPERTY
MD 128 (BUTLER RD)/THIRD AVE.
VARIANCE - TO ALLOW ATTORNEY'S OFFICE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 123 .

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 12, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-123- Special Exception**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: _____

Division Chief: _____

CM/LL

W:\DEVREV\ZAC\7-123.doc

Baltimore County
Fire Department

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

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

October 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 2, 2006

Item Number(s): 113-130
(123)

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 2, 2006

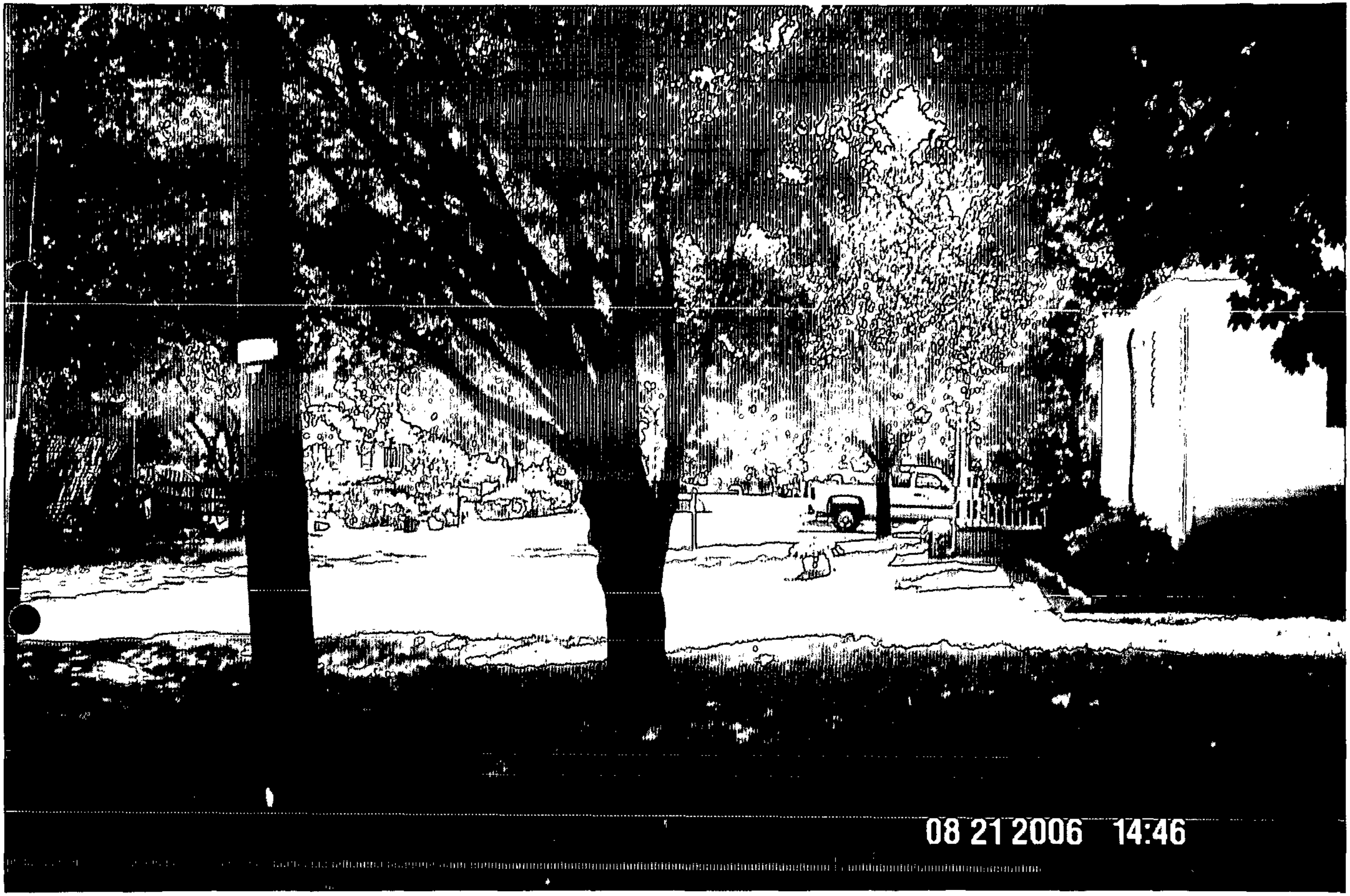
FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 2, 2006
Item Nos. 07-113, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, and 133

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS- 10022006.doc

Pet. Exh. 2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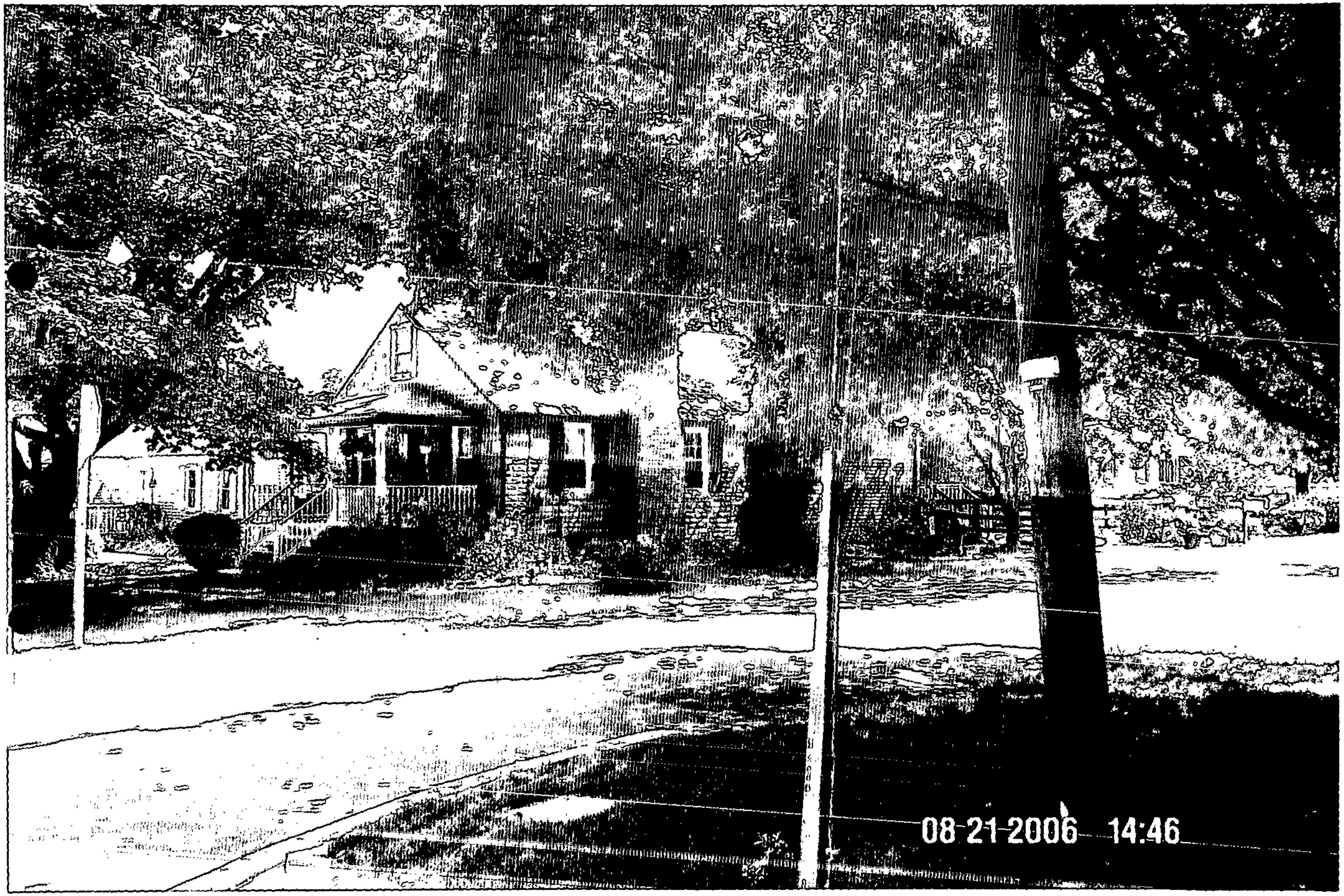
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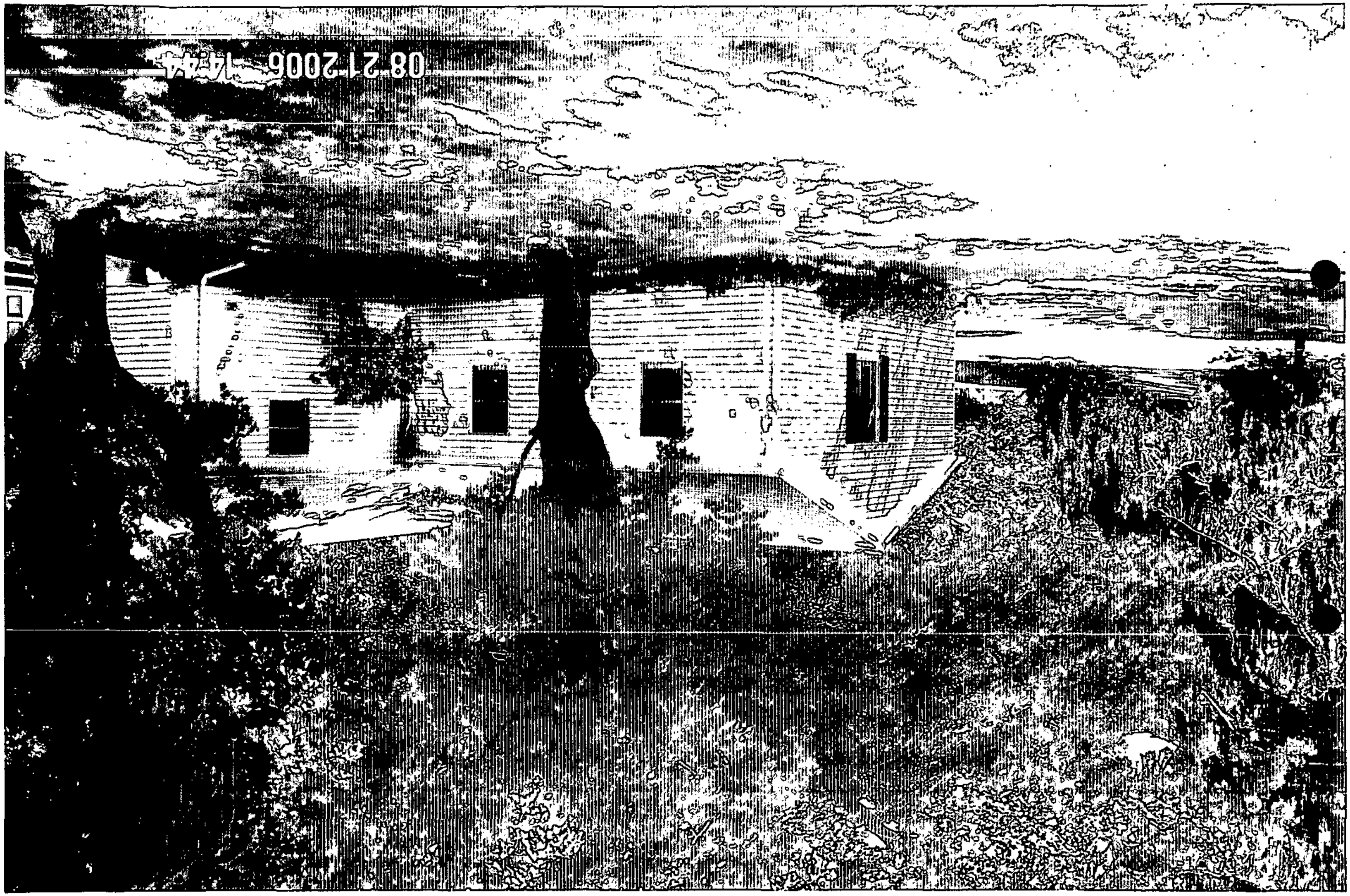
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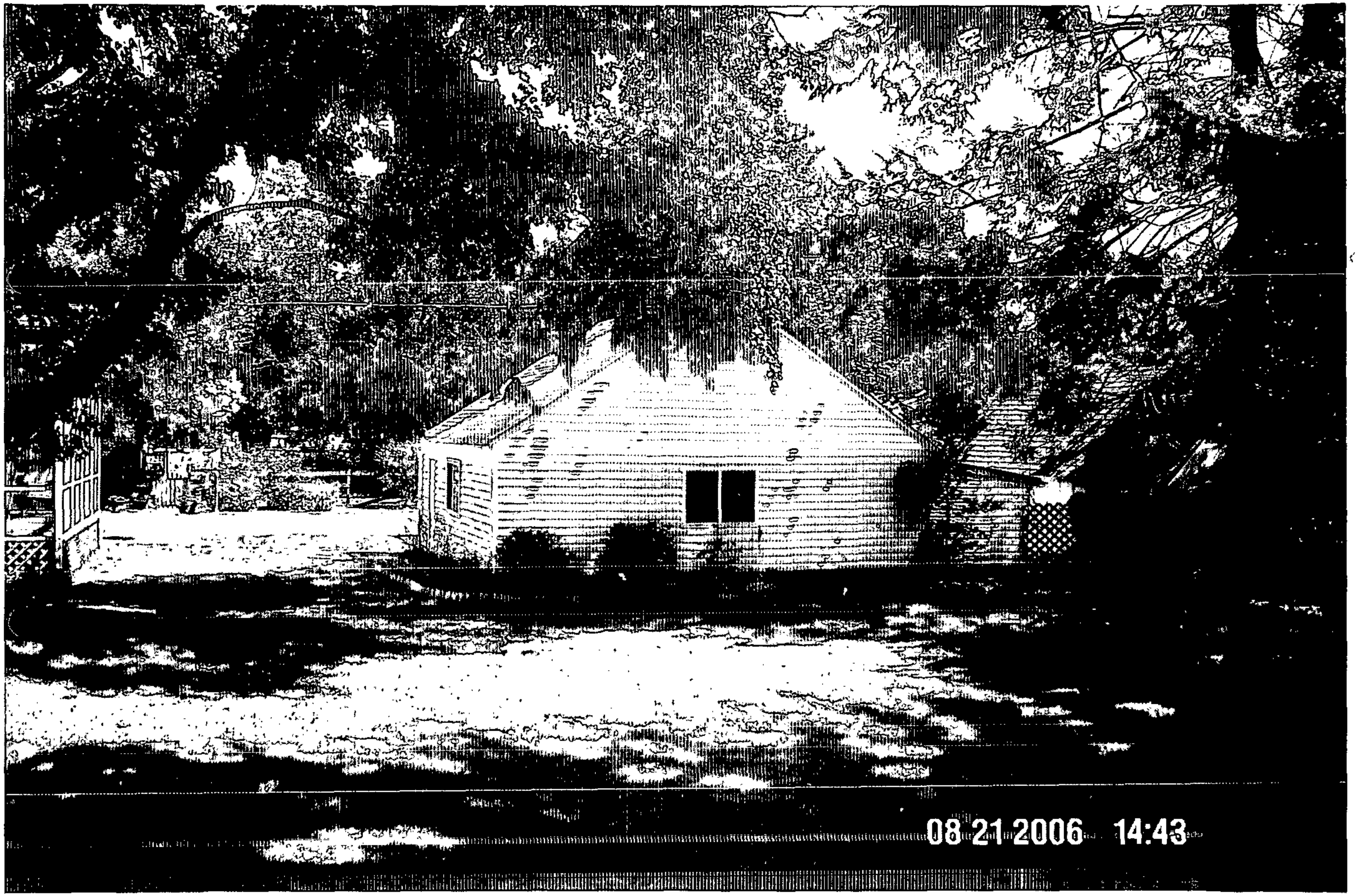
08 21 2006 #243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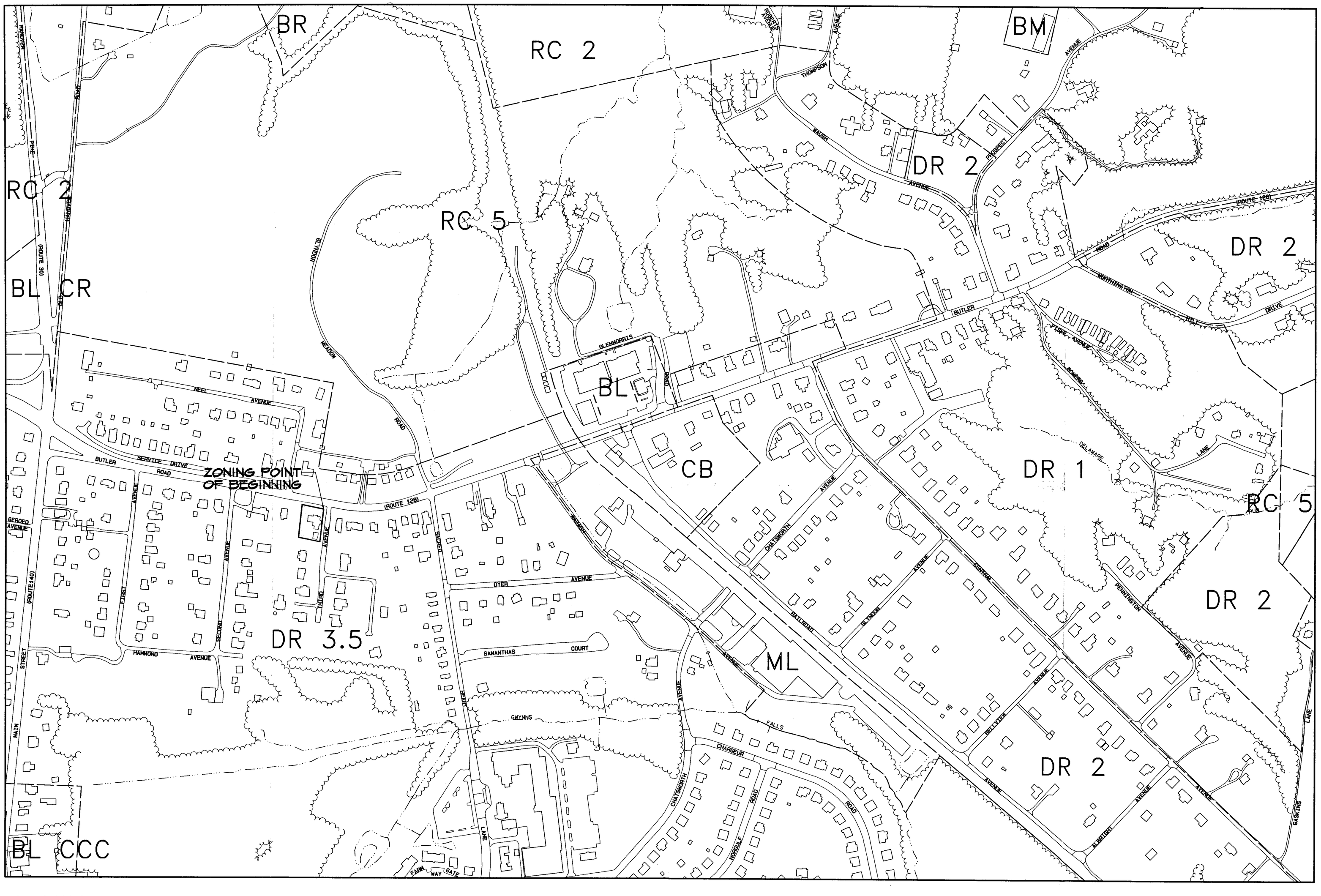
08 21 2006 14:43

08 21 2006 14:43



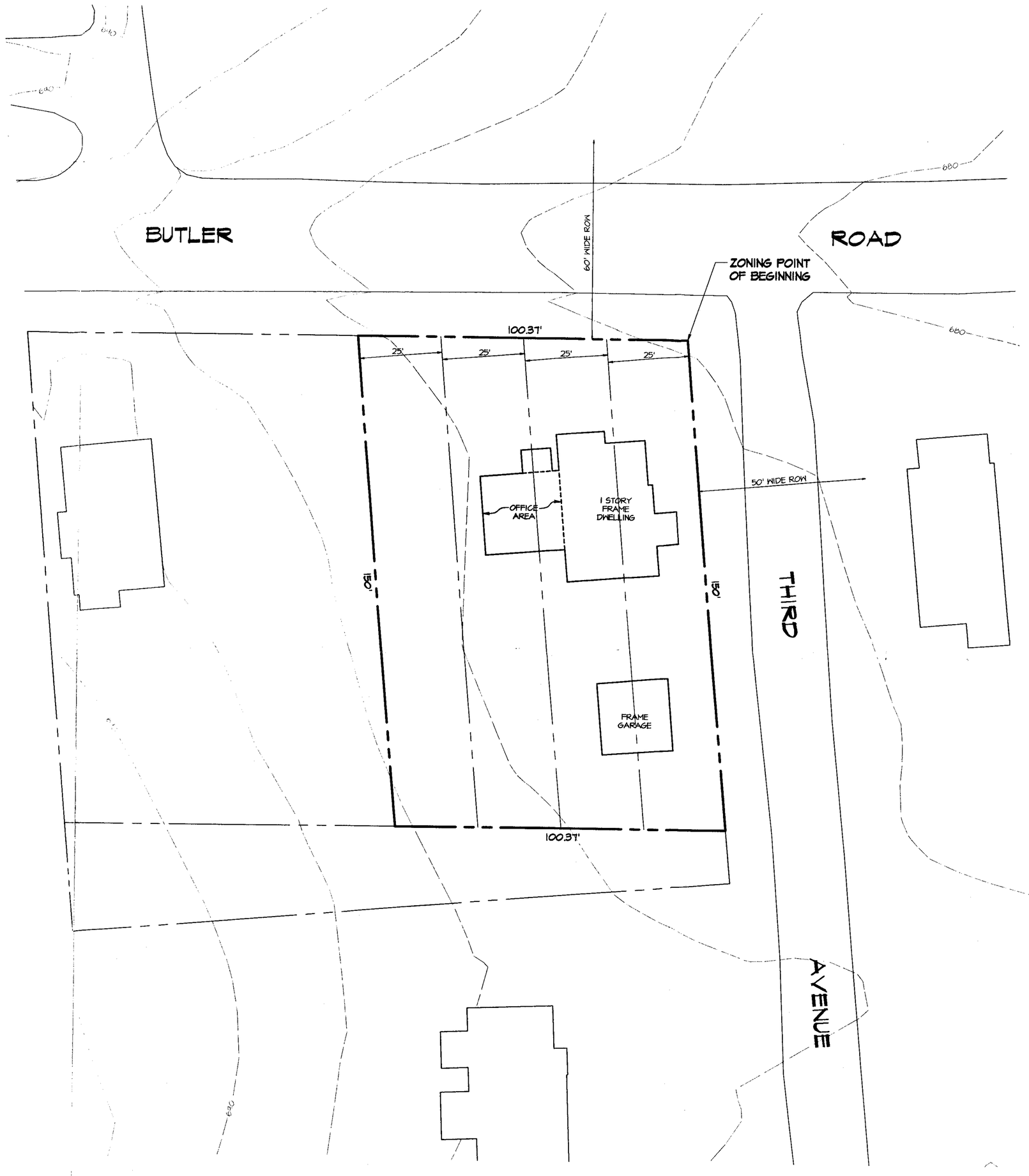
ZONING MAP

GIS TILE: 048C1

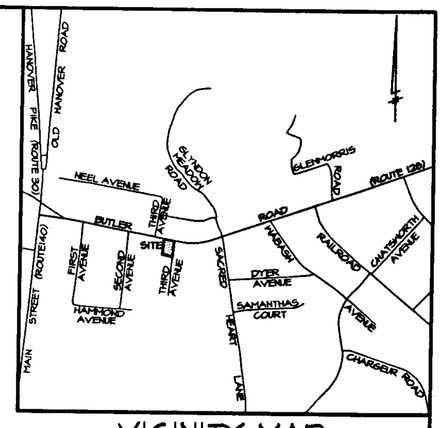
SCALE: 1" = 200'

Item #123

PETITIONER'S EXHIBIT NO. 1



DEED E.H.K. Jr. 7325/355



VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM DEED E.H.K. Jr. 7325/355.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 048C1.
3. CENSUS TRACT 404401 REGIONAL PLANNING DISTRICT 306
   WATERSHED GRYNNS FALLS SUBSEWERSHED 67
   SCHOOL DISTRICT: ELEMENTARY - FRANKLIN E.S.; MIDDLE - FRANKLIN M.S.; HIGH - FRANKLIN H.S.
4. A.D.C. MAP & GRID 16 A6
5. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
6. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
10. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS.

LEGEND

EXISTING BUILDING
WOODS LINE
EXISTING PAVING
PROPERTY LINE
CONTOURS

SPECIAL EXCEPTION REQUESTED

TO ALLOW 25% OF A RESIDENTIAL DWELLING TO BE USED AS THE HOME OFFICE OF AN ATTORNEY PER SECTION 1B01.C.12 OF THE B.C.Z.R.

OWNER
GREGORY D. HOWARD
KATHI L. M. HOWARD
298 BUTLER ROAD
REISTERSTOWN, MD 21136
410-902-9455

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL EXCEPTION

HOWARD PROPERTY

298 BUTLER ROAD
Deed Ref: E.H.K.,Jr. No. 7325 folio 355
Tax Account No.: 17-00-004901
Zoned D.R. 3.5; GIS Tile 048C1
Tax Map 48; Grid 5; Parcel 471
4th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

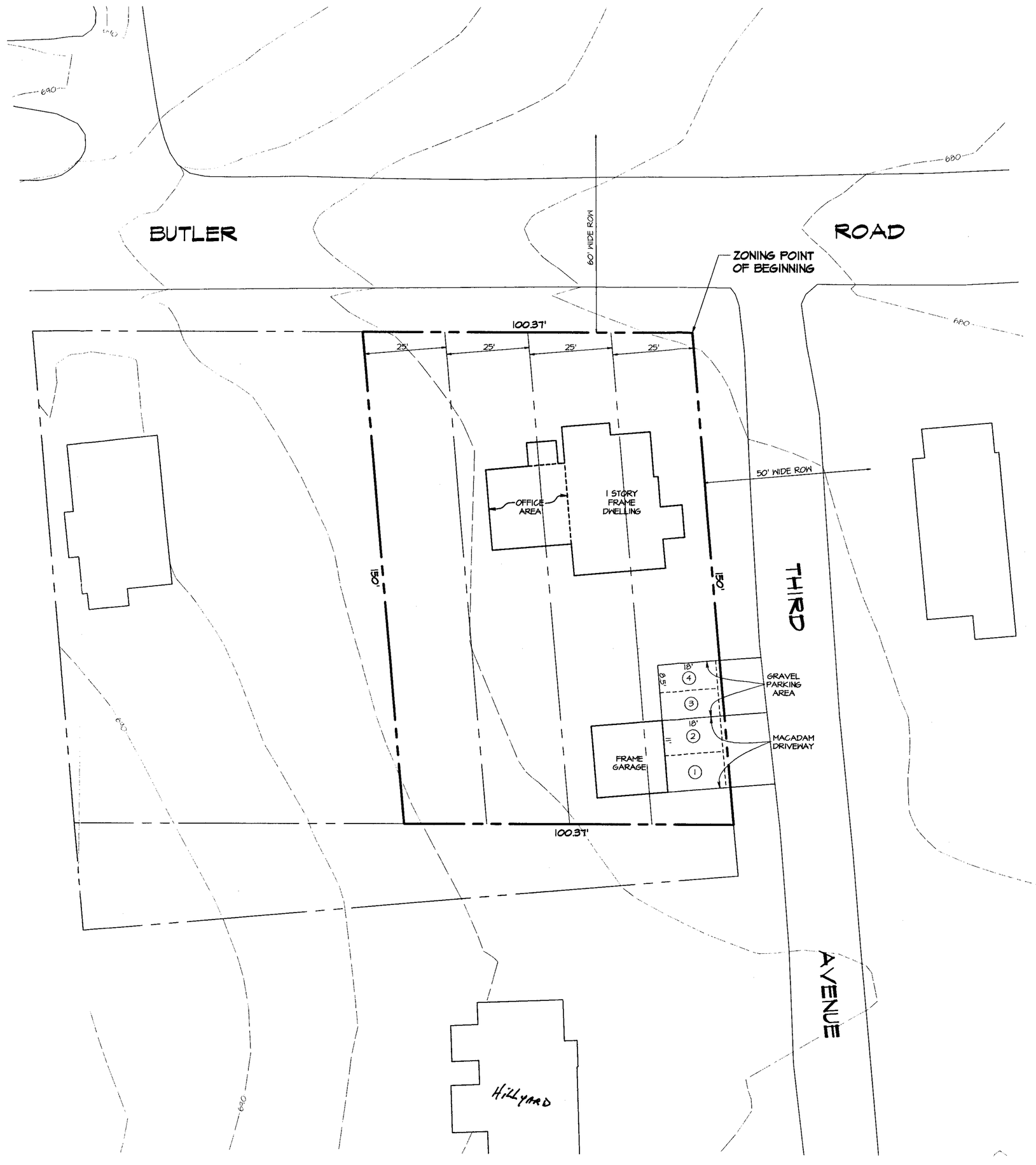
STATE OF MARYLAND BRUCE EDWIN COOK NO. 531 REGISTERED PROPERTY LINE SURVEYOR
9/13/06

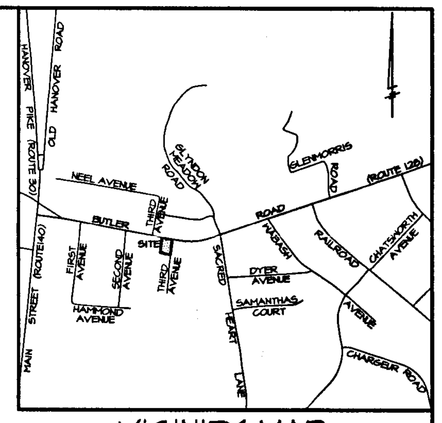
Scale: 1"=20' Date: SEPTEMBER 12, 2006

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	COMPUTED:	DRAWN: SMH	BUTLER\base plan.prp

PETITIONER'S EXHIBIT NO. 1





VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM DEED E.H.K. Jr. 7325/355.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 048C1.
3. CENSUS TRACT 404401 REGIONAL PLANNING DISTRICT 306
   WATERSHED GWYNNS FALLS SUBSENERSHED 6T
   SCHOOL DISTRICT: ELEMENTARY - FRANKLIN E.S.; MIDDLE - FRANKLIN M.S.; HIGH - FRANKLIN H.S.
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9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
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PARKING CALCULATIONS

MINIMUM NUMBER OF PARKING SPACES REQUIRED IS 3.3 PER 1,000 SQ. FT. OR 0.0033 PER SQ. FT.

TOTAL SQUARE FEET	= 576
TOTAL PARKING SPACES REQUIRED	= 1.9
PARKING SPACES PROVIDED	= 2

LEGEND

EXISTING BUILDING
WOODS LINE
EXISTING PAVING
PROPERTY LINE
CONTOURS

SPECIAL EXCEPTION REQUESTED

TO ALLOW 25% OF A RESIDENTIAL DWELLING TO BE USED AS THE HOME OFFICE OF AN ATTORNEY PER SECTION 1B01.C.12 OF THE B.C.Z.R.

STATE OF MARYLAND
ROBERT KENT LINDSAY
No. 21061
PROFESSIONAL LAND SURVEYOR
9/21/06

REVISION	DATE

OWNER
GREGORY D. HOWARD
KATHI L. M. HOWARD
298 BUTLER ROAD
REISTERSTOWN, MD 21136
410-902-9455

PLAT TO ACCOMPANY A PETITION
FOR A SPECIAL EXCEPTION

HOWARD PROPERTY

298 BUTLER ROAD
Deed Ref: E.H.K.,Jr. No. 7325 folio 355
Tax Account No.: 17-00-004901
Zoned D.R. 3.5; GIS Tile 048C1
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4th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
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Scale: 1"=20' Date: SEPTEMBER 12, 2006

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

COMPUTED:	DRAWN: SMH	CHECKED:	FILE:X:\HG

PETITIONER'S EXHIBIT NO. 1

RTD #07-123-X