IN RE: PETITION FOR VARIANCE

SE side of Slade Avenue, 1020 feet SW of Reisterstown Road (131 Slade Avenue) 3rd Election District 2nd Councilmanic District

Larry A. Layton

Petitioner

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 07-525-A

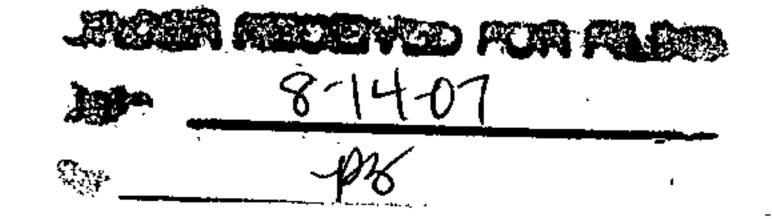
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Larry A. Layton. Petitioner is requesting variance relief pursuant to Section 205.4.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- From Section 206.4.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback from a street line (Slade Avenue) of 22 feet in lieu of 35 feet required; and
- From Section 206.4.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a
 setback from a lot line other than a street line of 11 feet in lieu of 20 feet required; and
- From Section 206.4.C.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit amenity open space equal to 13% of the net lot area in lieu of 25% required.

Appearing at the hearing in support of the variance request were Petitioner Larry A. Layton, and Robert Matz and Carla Ryon with Colbert Matz Rosenfelt, Inc., who prepared the site plan. Also appearing was Pierce Macgill, a Revitalization Specialist with the Baltimore County Department of Economic Development.

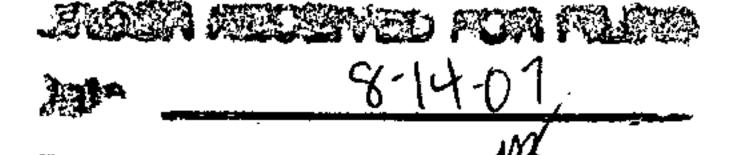
Testimony and evidence offered revealed that the subject property is a rectangular-shaped lot fronting the south side of Slade Avenue, and abutting Milford Mill Road to the rear of the property. The property is located off Reisterstown Road in the Pikesville area of Baltimore County, consisting of approximately 9,020 square feet, or .2071 acre, more or less, and zoned



O.R.1. The property and Petitioner's requests for relief are more particularly described on the site plan, which was marked and accepted into evidence as Petitioner's Exhibit 1. There is an existing one-story frame building on the property presently being used as a medical office for Petitioner's dental practice. Although the site plan indicates that the existing use is as a medical office (Class A), Mr. Matz indicated the site plan was not accurate in that regard, and that the existing use was as a medical office (Class B). The proposed use was to continue as a medical office (Class B).

Petitioner purchased the property in approximately 1986-87 from a doctor that used the building as a medical office. The building was constructed in 1948. Previous to its use as a medical office, Petitioner understood the building to be used as a beauty parlor. Petitioner has used the office for his dental practice since 1991. The front area of the building has existing shrubs and plantings. There is also a concrete walk from the Slade Avenue sidewalk to steps leading to a small concrete entrance landing attached to the building. Petitioner proposes to replace this front area of the building with an addition that would extend approximately 10 feet deep by the current width of the building, which is approximately 24 feet. Petitioner recently purchased a dental practice, which will add one more dentist and four additional staff members. Rather than perhaps finding another office location, Petitioner desires the addition to generate extra space for his growing practice in its present location, which is an area experiencing business and economic growth.

Petitioner indicated that the Pikesville Community Organization supports the requested variance relief, as does the County Department of Business and Economic Development, as part of the County's overall neighborhood and business revitalization plan. Petitioner emphasized that the requested variance relief was minor in order to expand the front area of the building slightly, and that the expansion does not involve movement toward any side lot line. Petitioner

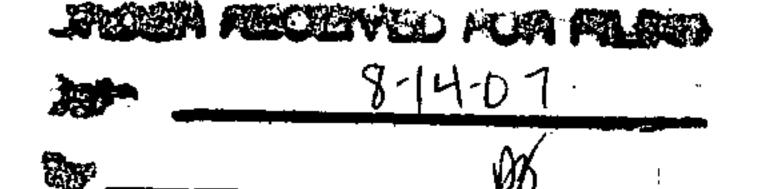


also indicated that the property was unique in that it was bordered on both the front and back by public roads, with Milford Mill Road being a main thoroughfare approximately 70 feet wide, and Slade Avenue approximately 40 feet wide.

In addition, the Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. ZAC comments from the Office of Planning dated June 25, 2007 indicate that it does not oppose Petitioner's request. The property falls within the Pikesville Design Review area, which would normally be subject to review by the Design Review Panel (DRP). However, the Planning Office feels that due to the proposed addition being rather small, it is not necessary for Petitioner to go before the DRP. The proposed addition does meet the material requirements of the guidelines, as illustrated by the drawings that accompanied the subject petition, and which was marked and accepted into evidence as Petitioner's Exhibit 2.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Petitioner's present use of the property is consistent with its prior use as a medical office, and is consistent with the desired economic revitalization of the area. The property is unique in a zoning sense due to its bordering on opposite ends by public streets. Petitioner's requested relief is also very minor when balanced against the benefits to be realized not only by Petitioner, but to his patients and the surrounding community as well. These are the kind of peculiar circumstances that make the regulations impact this property disproportionately compared to others in the district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Finally, I find that Petitioner's variance requests 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.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED, this ______ day of August, 2007 by this Deputy Zoning Commissioner, that Petitioner's variances requested pursuant to Section 205.4.B. of the Baltimore County Zoning Regulations:

- From Section 206.4.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback from a street line (Slade Avenue) of 22 feet in lieu of 35 feet required; and
- From Section 206.4.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback from a lot line other than a street line of 11 feet in lieu of 20 feet required; and
- From Section 206.4.C.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit amenity open space equal to 13% of the net lot area in lieu of 25% required

are hereby GRANTED subject to the following:

1. Petitioner may apply for his building permit and be granted same upon receipt of 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz 9-14-01



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 14, 2007

LARRY A. LAYTON
131 SLADE AVENUE
BALTIMORE MD 21208

Re: Petition for Variance
Case No. 07-525-A
Property: 131 Slade Avenue

Dear Mr. Layton:

Enclosed please find the decision rendered in the above-captioned case.

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,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Richard Matz and Carla Ryon, Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Baltimore, MD 21209 Pierce Macgill, Revitalization Specialist, Baltimore County Dept. of Economic Development



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 131 Slade Avenue

which is presently zoned_OR-1

I/We do solemnly declare and affirm, under the penalties of

Date__

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 of thereof, hereby petition for a Variance from Section(s)

See Attached.

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

To be presented at Hearing.

Property 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.

perjury, that I/we are the legal owner(s) of the property which Is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Larry A. Layton Name - Type or Print Name - Type or Print Signature Name - Type or Print Address. Telephone No. City Zip Code Signature State 410-486-5678 131 Slade Avenue **Attorney For Petitioner:** Telephone No. Address. MD 21208 **Baltimore** Zip Code State Name - Type or Print City Representative to be Contacted: Signature Richard E. Matz, P.E. COLBERT MATZ ROSENFELT, INC. Company 2835 Smith Avenue, Suite G 410-653-3838 Telephone No. Telephone No. Address Address MD 21209 Baltimore State Zip Code Zip Code City City State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. UNAVAILABLE FOR HEARING_

Reviewed By _

ATTACHMENT TO PETITION - 131 SLADE AVENUE

Variances Requested: (pursuant to section 205.4.B, BCZR)

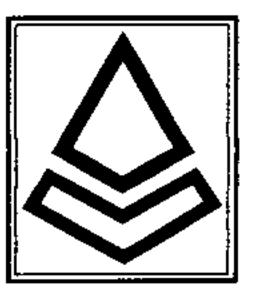
From Section 206.4 C.2, BCZR, to permit a setback from a street line (Slade Avenue) of 22 feet in lieu of 35 feet required.

From Section 206.4.C.1, BCZR, to permit a setback from a lot line other than a street line of 11 feet in lieu of 20 feet required.

From Section 206.4.C.3, to permit amenity open space equal to 13% of the net lot area in lieu of 25% required.

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 131 SLADE AVENUE

SOUTH EAST

Beginning at a point on the east side of Slade Avenue, which is 40 feet wide, at a distance of 1020 feet southwest of Reisterstown Road, which is of varying width, thence the following courses and distances:

S 36°53'21" E, 150.96 ft.;

thence by a curve to the left, with a length of 61.38 ft. and a radius of 635.00 ft.;

N 36°53'21" W, 178.16 ft.; thence

N 53°06'39" E, 55.00 ft. to the Point of Beginning

As recorded in Deed Liber 22125, Folio 390, and containing 0.2896 acre. Also known as 131 Slade Avenue and located in the 3rd Election District, 2nd Councilmanic District.



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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/14/07

Case Number: <u>07-525-A</u>

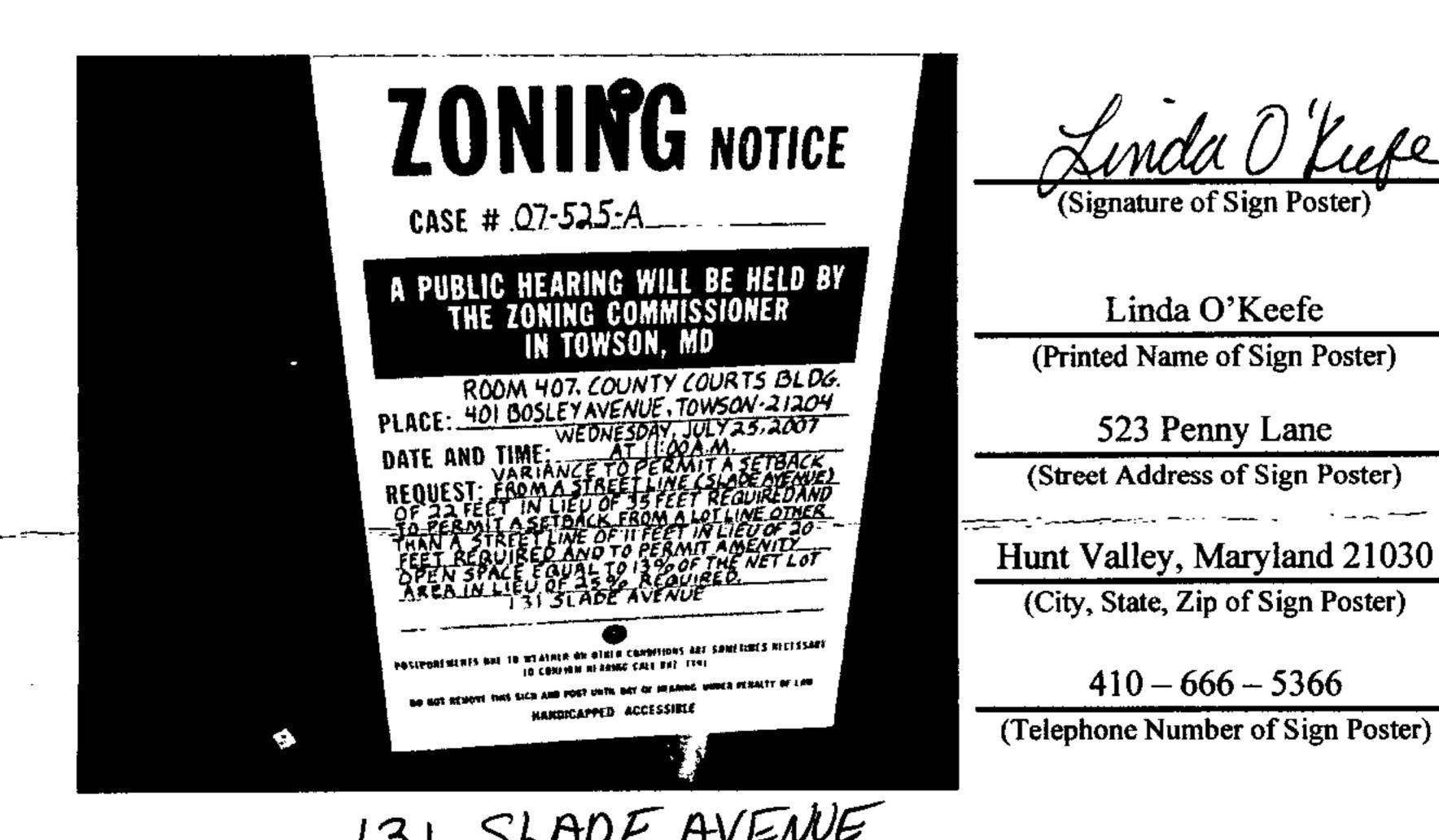
Petitioner / Developer: RICHARD MATZ OF COLBERT, MATZ &

ROSENFELT~LARRY LAYTON

Date of Hearing (Closing): JULY 25, 2007

This is to certify under the penalties of perjury that the necessary sign(s) required by-law-were posted conspicuously on the property-located at: 131 SLADE AVENUE & MILFORD MILL ROAD (ON-SITE)

The sign(s) were posted on: 07/09/07



Thority of the Zoning Act and Regulations of Baltimore the property identified herein as follows:

Case: # 07-525-A

131 Slade Avenue
S/east side of Slade

terstown Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s): Larry Layton
Variance: to permit a setback from a street line (Slade Avenue) of 22 feet in lieu of 35 feet required and to permit a setback from a lot line other than a street line of 11 feet in lieu of 20 feet required and to permit amenity open space equal to 13% of the net lot area in lieu of 25% required.

Hearing: Wednesday, July 25, 2007 at 11:00 a.m. In Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WISEMAN, III WILLIAM J.

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.

JT 7/645 July 10

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

The Jeffersonian

Arbutus Times

Catonsville Times

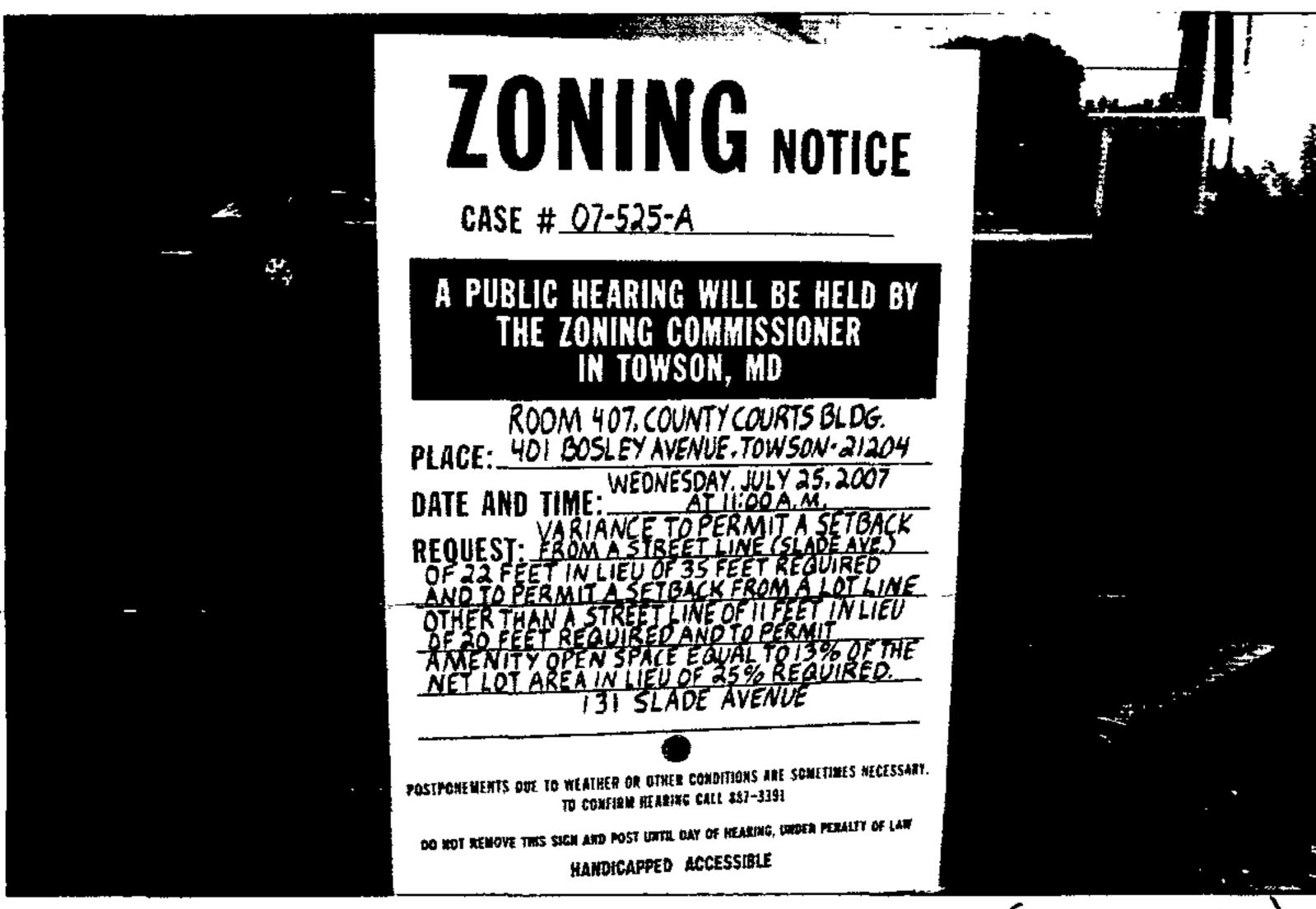
Owings Mills Times **Towson Times**

NE Booster/Reporter

North County News

Mulingr

LEGAL ADVERTISHIG



MILFORPMILL ROAD (ON-SITE)



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

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: 07-525-A

131 Slade Avenue

S/east side of Slade Avenue, 1020 feet s/west of Reisterstown Road

3rd Election District – 2nd Councilmanic District

Legal Owner: Larry Layton

Variance to permit a setback from a street line (Slade Avenue) of 22 feet in lieu of 35 feet required and to permit a setback form a lot line other than a street line of 11 feet in lieu of 20 feet required and to permit amenity open space equal to 13% of the net lot area in lieu of 25% required.

Hearing: Wednesday, July 25, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Richard Matz, Colbert Matz Rosenfelt, 2835 Smith Avenue, Ste. G., Baltimore 21209 Larry Layton, 131 Slade Avenue, Baltimore 21208

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 10, 2007.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY Tuesday, July 10, 2007 Issue - Jeffersonian

Please forward billing to:
Larry Layton
131 Slade Avenue
Baltimore, MD 21208

410-486-5678

NOTICE OF ZONING HEARING

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- CASE NUMBER: 07-525-A

131 Slade Avenue

S/east side of Slade Avenue, 1020 feet s/west of Reisterstown Road

3rd Election District – 2nd Councilmanic District

Legal Owner: Larry Layton

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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.

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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.

Item Number or Case Number: 07-325-A	
Petitioner: LARRY LAYTON	
Address or Location: 131 SLAPE AVENUE	
PLEASE FORWARD ADVERTISING BILL TO:	
PLEASE FORWARD ADVERTISING BILL TO: Name: LARY LAYTON.	
Name: LARRY LAYTON-	
Name: LARRY LAYTON-	-



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 18, 2007

Larry A. Layton 131 Siade Avenue Baltimore, MD 21208

Dear Mr. Layton:

RE: Case Number: 07-525-A, 131 Slade Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 16, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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:amf

Enclosures

c: People's Counsel Richard E. Matz, P.E. Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue, Suite G Baltimore 21209

BALTIMÓRE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 25, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request. The property does fall within the Pikesville Design Review area and any development falling within the boundary is subject to review by the Design Review Panel (DRP). However, the Office of Planning feels that due to the proposed addition being rather small (approximately 35%), it is not necessary for the property owner to go before the DRP. The proposed addition does meet the material requirements of the guidelines, as illustrated by the drawings that accompanied the subject petition.

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

Prepared By:

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 24, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 28, 2007

Item Nos. 07-500, 512, 513,514, 515, 516, 517, 519, 520, 522, 523, 524, 525

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-05242007.doc

Fire Department

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



Baltimore County

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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 May 24,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 21, 2007

-5

Item Number: 512 through 529 and 522 and 523

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





Martin O'Malley, Governor Anthony G. Brown, Lt., Governor

John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: May 22, 2007

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

RE:

Baltimore County

Item No.7-525-A

131 SLADE AVENUE LAYTON PROPERTY

VARIANCE

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. 7-525-A.

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,

Mulael Pour Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

RE: PETITION FOR VARIANCE

*

131 Slade Avenue; SE/S Slade Avenue,1,020'

SW of Reisterstown Road

3rd Election & 2nd Councilmanic Districts

Legal Owner(s): Larry Layton

* Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-525-A

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and documentation filed in the case.

PETER MAX ZIMMERMAN

Reople'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 22nd day of May, 2007, a copy of the foregoing Entry of Appearance was mailed Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209, Representative for Petitioner(s).

RECEIVED

MAY 2 3 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per...

PLEASE PRINT CLEARLY

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ETITIONER'S SIGN-IN SHEET

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ADDRESS	131 Share pre	2835 SMITH AVE SUTE G.	ن	-									
NAME	Larnydala	RICHARD F. MATE	Cirla Pyen	Peice Marill			•						

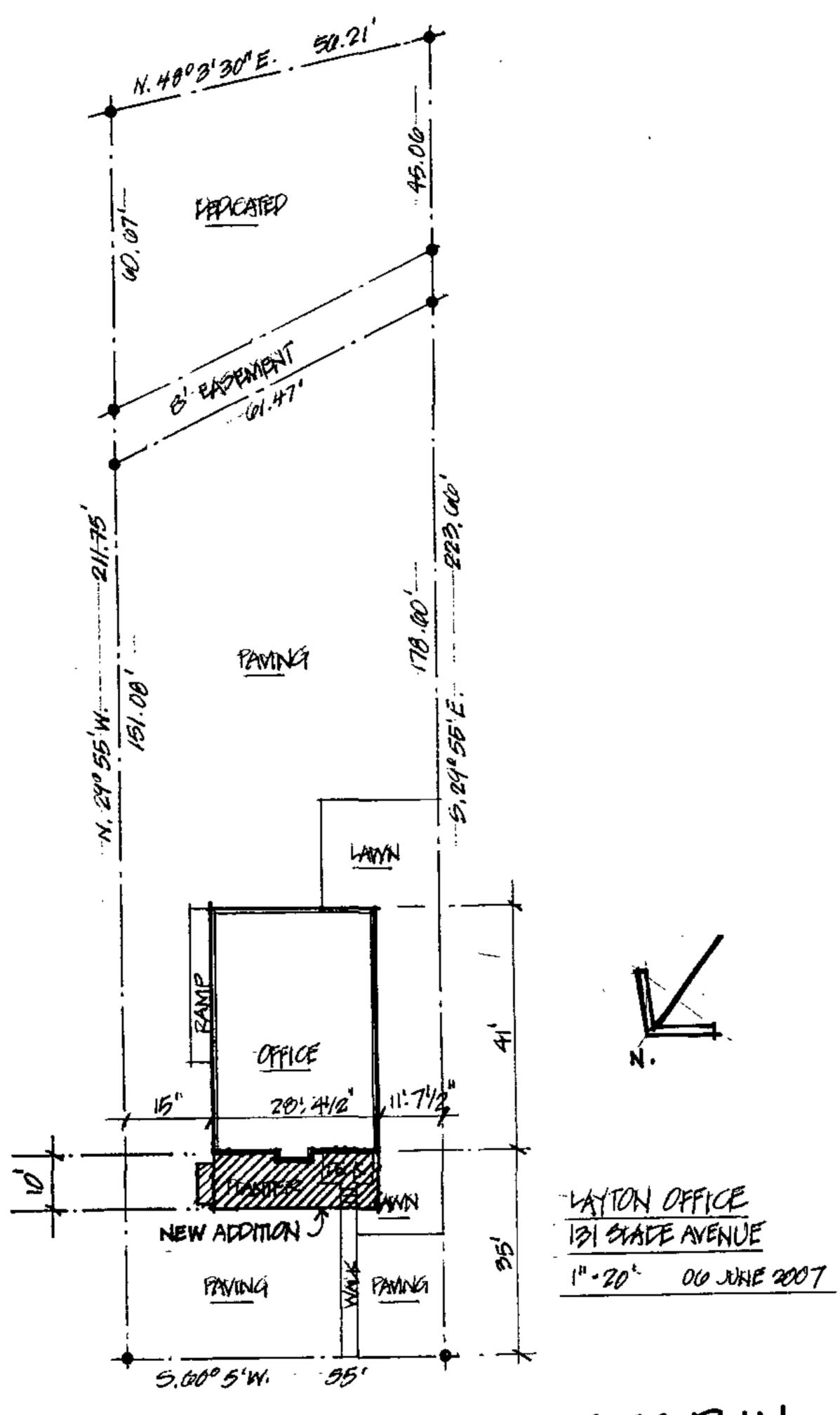
Case No.: 07-52-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Jita Dan	
No. 2	Reduced Size Site Plan Showing building drawings	
No. 3		
No. 4		
No. 5		-
No. 6		
No. 7		
No. 8	-	
No. 9		
No. 10	•	
No. 11		
No. 12		

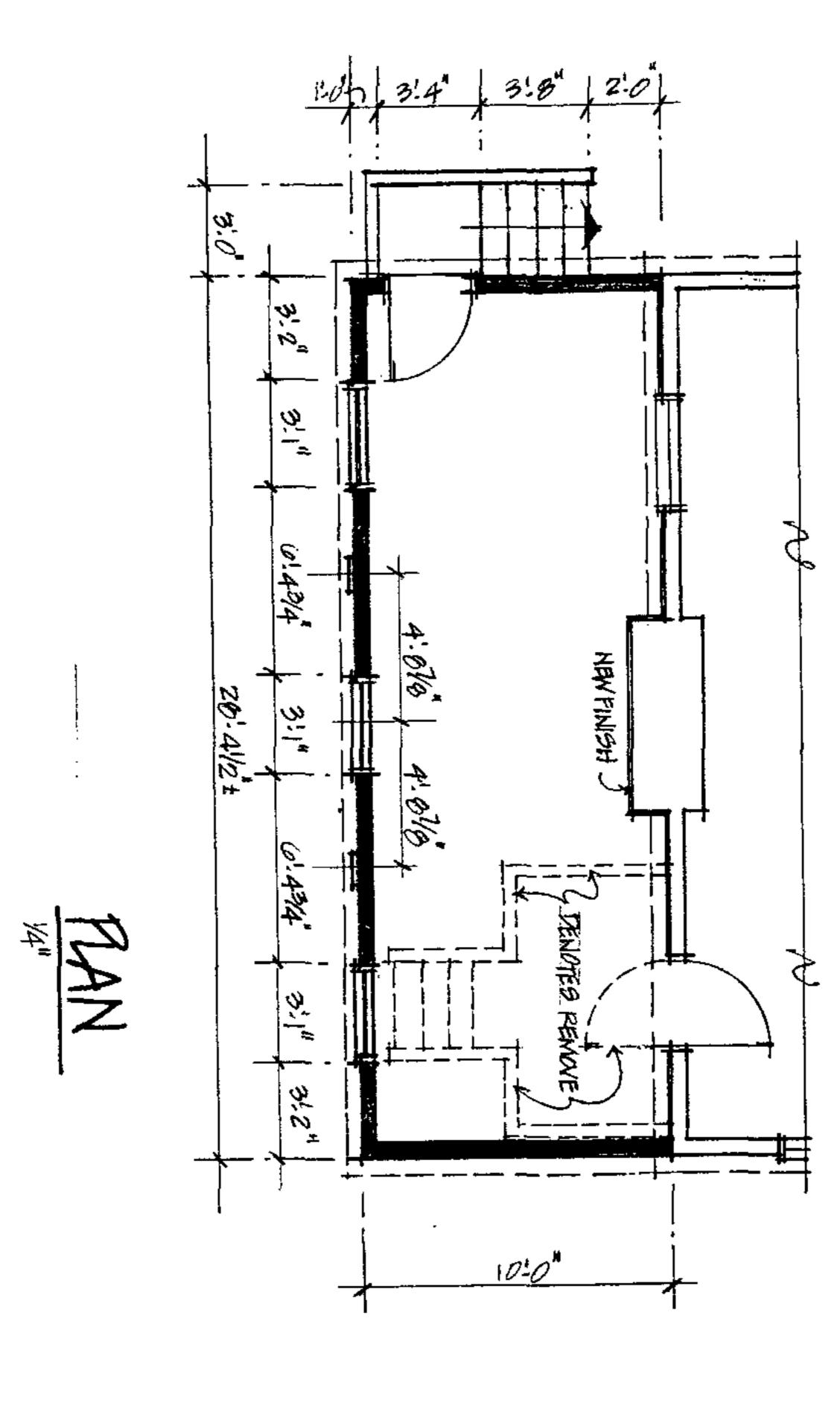


STE PLAN

PETITIONER'S

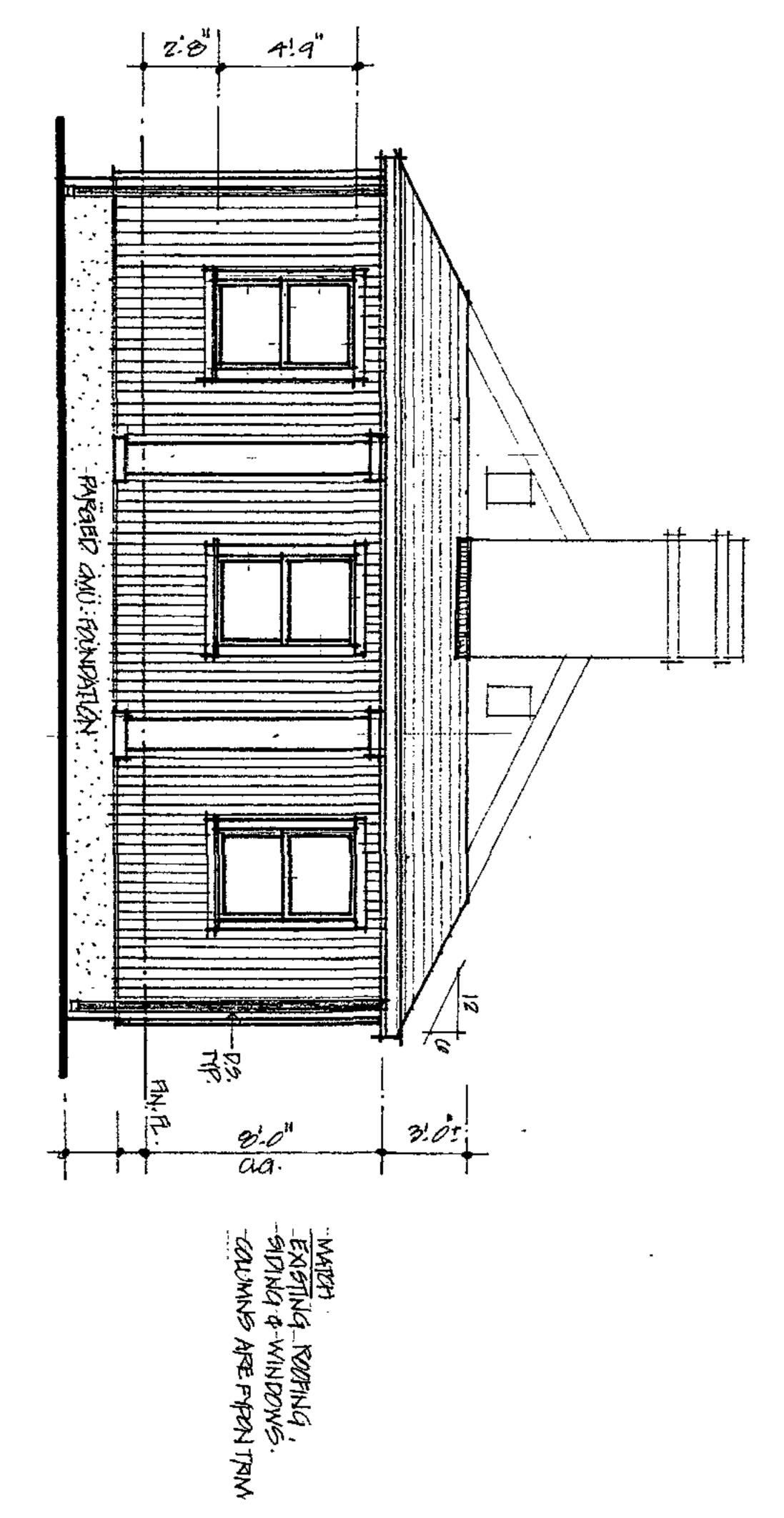
EXHIBIT NO.

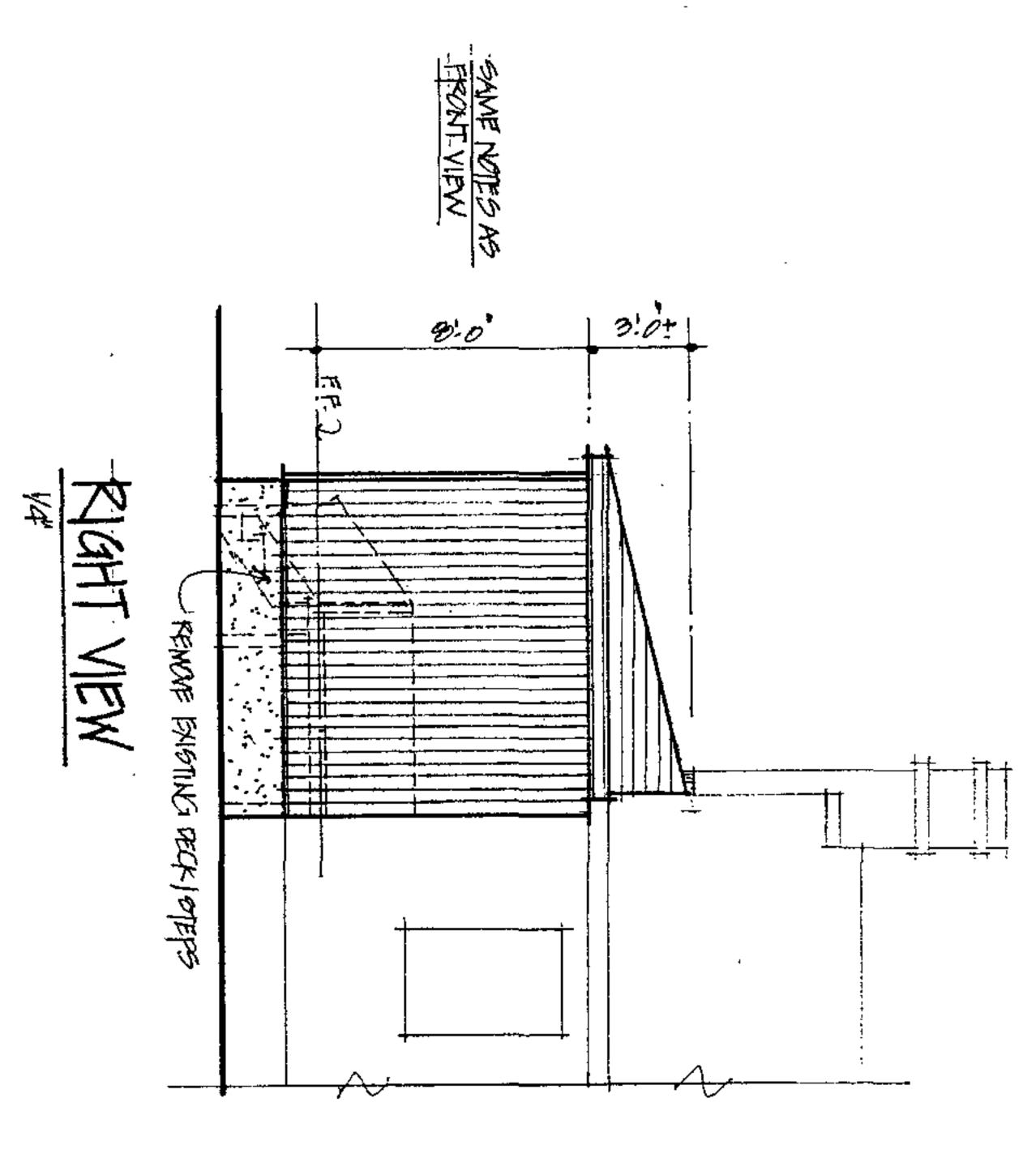
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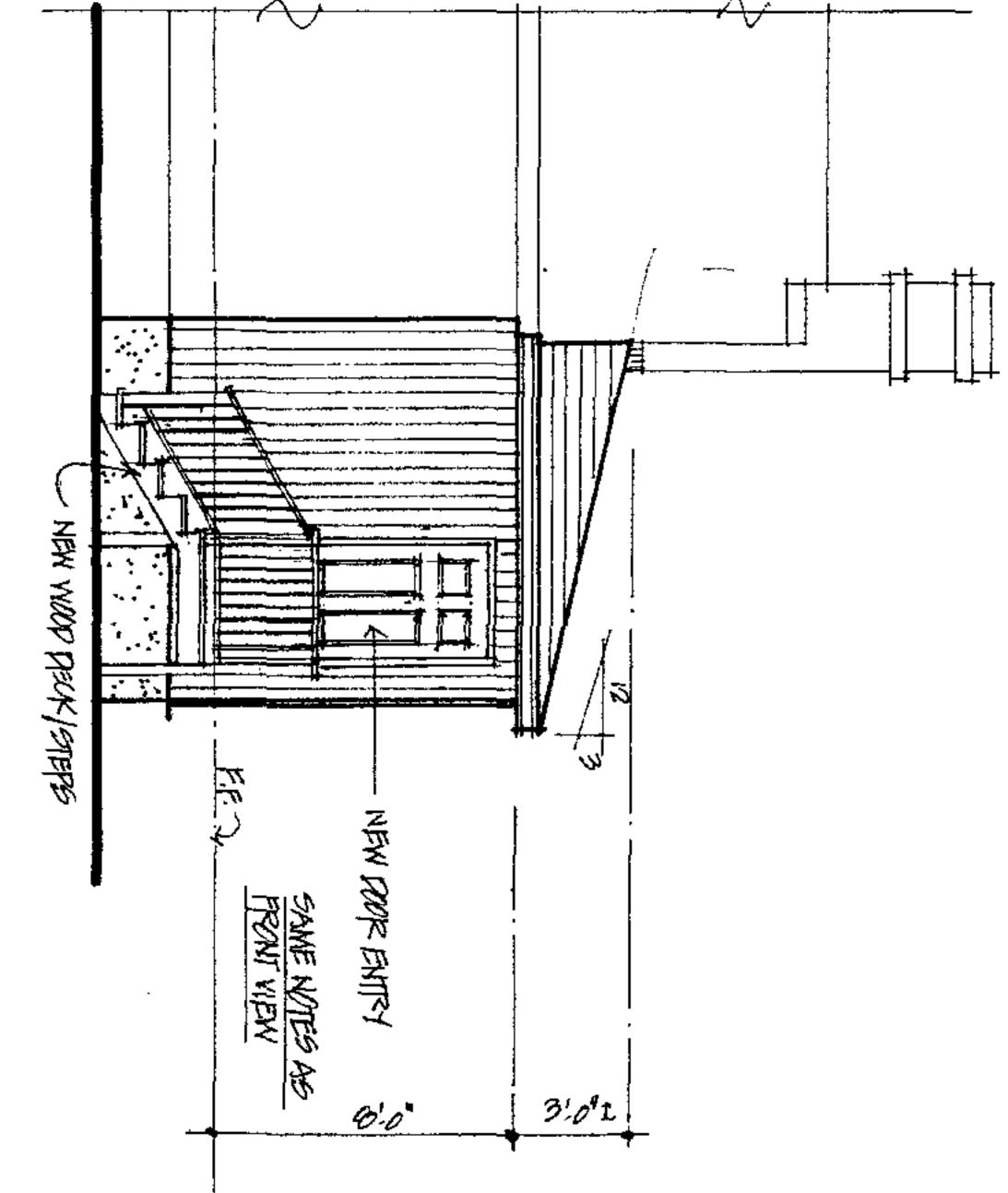
LAYTON OFFICE







WAK JAN



LAYTON OFFICE

