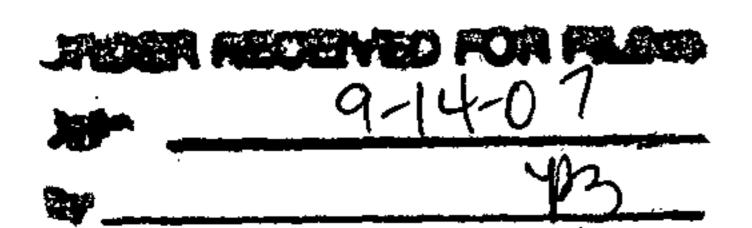
IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
N side Old Court Road, 543 feet E c/l Scotts Level Road	*	DEPUTY ZONING
(4518 Old Court Road) 2 nd Election District	*	COMMISSIONER
2 nd Councilmanic District	*	FOR BALTIMORE COUNTY
Catherine Washington Legal Owner	*	Case No. 07-567-XA
	*	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of the Petitions for Special Exception and Variance filed by the legal property owner, Catherine Washington. The Special Exception request pursuant to Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) is to allow a single-family dwelling with a home dental office under Section 1B01.1.C.12 of the B.C.Z.R. The Variance request is from Section 409.4 of the B.C.Z.R. to permit a driveway with a 16 foot width in lieu of the required 20 feet. The subject property and requested relief are more particularly described on the site plan, which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the Special Exception and Variance requests were Petitioner Catherine Washington, her attorney, J. Carroll Holzer, Esquire, and Bernadette Moskunas, the consultant who prepared the site plan. Appearing as interested citizens were George and Margaret Zentz of 4509 Old Court Road and Rathea Mims of 4508 Old Court Road.

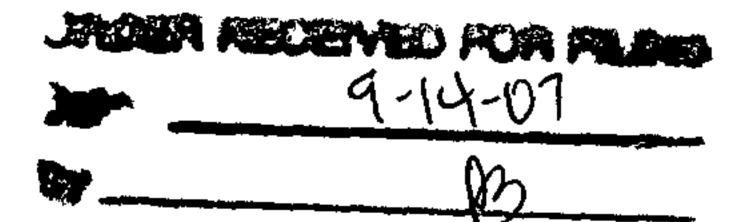
Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel approximately 110 feet wide by 296 feet deep and contains 0.742 acres, more or less. It is



improved with an existing one-story frame and stone dwelling and is used as a single-family residence. Petitioner is a practicing dentist and has lived at the subject location for the past 10 years. Petitioner's office is located at 7818 Liberty Road, about a 20 minute walk from her residence. At this point, Petitioner desires to scale back her dental practice, cutting down on the number of patients and office space. In order to do so, Petitioner wishes to utilize a spare room on the first floor of her home for the placement of a single dental chair, with no employees and no other indication of a dental office at the location, including no signs and no exterior changes to the home.

Since approximately 2001, Petitioner has had no employees at her dental office on Liberty Road and has engaged in a predominantly family practice with grandparents, parents, and their children. She has seen typically between three and five patients per day. Petitioner wishes to receive patients at the subject property only from Tuesday through Thursday of a given week during normal business hours between 10:00 AM and 6:00 PM, as well as one Saturday per month between the hours of 10:00 AM and 3:00 PM. She wishes to limit scheduling to no more than five patients during those hours. The proposed area for the dental office is situated at the back of the dwelling, approximately 332 square feet, and consisting of a room, a bathroom, and two closets, in what was originally an in-law quarters. Petitioner does not want to advertise or have people who are not presently patients know of her home dental practice because she does not want strangers coming and going from her residence, similar to the potential concerns of neighbors.

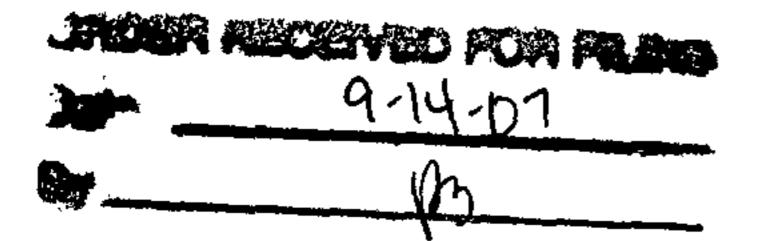
As for parking, Petitioner once again indicated that she would have very few patients coming to the residence, and that there would not be more than one patient at any one time. Petitioner has an existing macadam driveway with an entrance off Old Court Road. There is an



existing concrete parking pad, approximately 10 feet wide by 19 feet deep, at the end of the driveway. The driveway is wide enough for two cars, in the event a patient is entering the driveway for an appointment, while at the same time a patient is leaving. In order to facilitate entrance and egress, Petitioner also proposes to widen the concrete parking pad by three feet on each side so there is enough parking at the end of the parking pad. Petitioner will also expand the paving slightly on the side of the driveway closest to the dwelling to serve as a turnaround for vehicles.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. ZAC comments received from the Office of Planning dated July 16, 2007 indicate that the Office has concerns about having a 'home office' operation in a residential area even though it is permitted in the subject zone. Moreover, Planning indicates that the parking shown on the site plan does not appear to be adequate nor safe (ingress and egress) to serve the proposed use, even though Petitioner indicated that no more than five patients would be seen per day. Should this request be approved, Planning recommends as a condition of approval that no support staff be permitted, as there is inadequate parking to support employees and patients. It also recommends that Petitioner's parking plan be revised and resubmitted to the Planning Office for review and concurrence prior to the hearing.

Ms. Moskunas is the Vice President of Site Rite Surveying, Inc. in Towson, MD, and was offered and accepted as an expert in site planning and in applying the special exception principles and conditions contained in Section 502.1 of the B.C.Z.R. Ms. Moskunas opined that the granting of the special exception to allow a dental office in Petitioner's single-family dwelling would not violate any of the applicable criteria, including: that it would not be detrimental to the health, safety or general welfare of the locale; that it would not tend to create



congestion in roads or streets; that it would not create a potential hazard from fire, panic, or other danger; or that it would not interfere with government services in the area. She also indicated that the granting of the special exception would be consistent with the purposes of the property's zoning classification, and was within the spirit and intent of the zoning regulations. As to the request for variance, Ms. Moskunas indicated that although the regulations require a driveway width of 20 feet, it was her opinion that 16 feet was adequate for two cars to pass one another on the driveway side-by-side, and that there was sufficient area on the driveway, with the addition of macadam on the shaded area next to the driveway as shown on Petitioner's Exhibit 1, for vehicles to turnaround in order to exit the driveway onto Old Court Road. This would also alleviate potential sight line concerns by enabling vehicles to turnaround in the driveway instead of backing out of Petitioner's driveway onto Old Court Road. The 16 foot width would also be consistent with Petitioner's intent that the dental office be contained within the home, and that there be no visual evidence from outside that a professional office of any kind exists in the home.

Following Petitioner's case, Mr. and Ms. Zentz testified and expressed concerns over any further commercialization of the area. They did not express objection to Petitioner's request per se, and their concerns appeared to be alleviated after hearing the details of Petitioner's intentions with regard to the proposed dental office. Ms. Mims also testified and expressed concerns about a business being located in this residential area. She also expressed concern over patients parking in Petitioner's driveway and creating a glut of vehicles, as well as concern over potential accidents on busy Old Court Road. In addition, subsequent to the hearing, the Office of Planning forwarded to the Zoning Commissioner's Office an email from Helen B. Aiken, Dr. Harold Hart, Ed Taylor, and William Rubin dated August 23, 2007. The email indicated that the Valleybrook Improvement Association (Mr. Taylor – President), the Old Court Estates Improvement

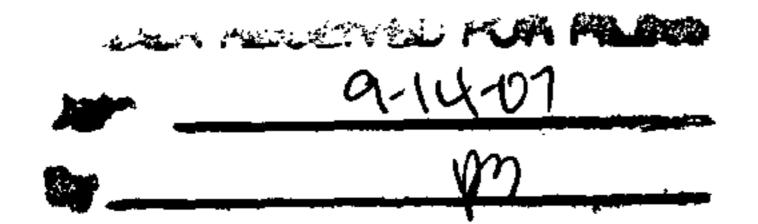
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Association (Ms. Aiken – President), the Scotts Hill Community Association (Mr. Rubin – President), and the Gwynnvale Civic Association (Dr. Hart – President) opposed the special exception request in this case.

Section 1B01.1.C.12 of the B.C.Z.R. permits, by special exception "[o]ffices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, providing that any such office or studio is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25% of the total floor area of such residence; and does not involve the employment of more than one (1) non-resident professional associate, nor two (2) other non-resident employees."

After due consideration of all the testimony and evidence presented in this case, I find that Petitioner's proposal complies with the standards set forth in Section 1B01.1.C.12 of the B.C.Z.R. for special exception relief to be granted. The subject dwelling serves as Petitioner's primary residence, the proposed office will not occupy more than 25% of the total floor area of the dwelling, and Petitioner does not propose any additional employees. I further find that the principles and conditions of Section 502.1 of the B.C.Z.R. have been met and that there will be no detrimental impacts to the health, safety, or general welfare of the locale. Indeed, given the limited use of the dental office as proposed by Petitioner, there should be very little, if any, impact.

In regards to the request for variance, I find the property unique in a zoning sense because on the one hand, Petitioner, given the use as a professional office, is required to have a certain size width of the driveway in order to accommodate patients. Yet on the other hand, Petitioner desires to have a very limited dental practice at the location for only a few days a week and does not wish to have any signage or other exterior indication of the existence of the dental



practice, such as a large driveway that would be more than is required for the residential dwelling itself. Petitioner has shown on the site plan that she will make certain modifications to the driveway to widen the parking pad and to enable vehicles to turnaround in the driveway, but she desires to keep the general width of the driveway at 16 feet in order to keep within the aesthetics of the area.

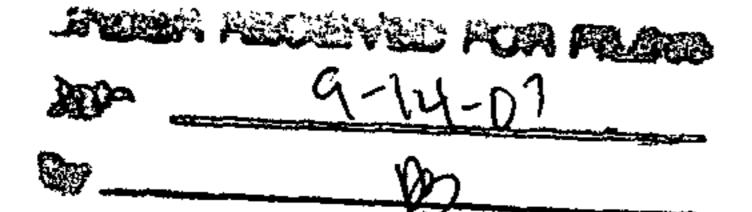
I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. If the requested relief was not granted, Petitioner would effectively be prevented from utilizing the property in such a manner as is specifically permitted by the zoning regulations.

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.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered, I find that Petitioner's requests for Special Exception and Variance relief should be granted with restrictions.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this _______ day of September, 2007 that Petitioner's request for Special Exception pursuant to Section 1B01.1.C.12 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a single-family dwelling with a home dental office be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petitioner's request for Variance from Section 409.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 16 foot existing driveway in lieu of the required 20 feet be and is hereby GRANTED;



The requests for relief are subject, however, to the following conditions:

- 1. Petitioner may apply for any permits required and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.
- 2. No more than five (5) patients shall be permitted to be scheduled during the hours of operation stated in General Note 5 of Petitioner's site plan.
- 3. No support staff shall be employed by Petitioner at the subject location.
- 4. Petitioner shall widen the parking pad and provide a "turnabout" area for traffic circulation on the site, consistent with the site plan.
- 5. Petitioner acknowledges and agrees that the granting of the requested relief is for the benefit of, and limited to, Petitioner only and does not run with the land, and cannot be transferred or conveyed to any other heirs, successor or assigns.
- 6. Petitioner also acknowledges and agrees that if for whatever reason, she discontinues the use of the property as a dental office for a period of one year, or if she otherwise vacates or sells the property, then the Special Exception use granted herein will be deemed terminated and it will be necessary for Petitioner or her heirs, successors, or assigns to re-apply for Special Exception relief and be granted same in order to resume such use.

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

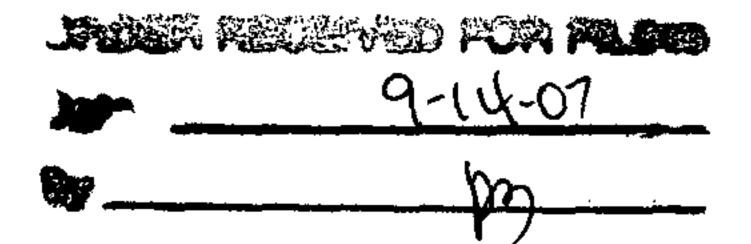
Order.

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz



G.HEARING DE DE ZONIN

The Zoning controls ioner of Balemore 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: # 0-567-XA

4518 Old Court Road, 543 feet east of centerline of Nrside of Old Court Road, 543 feet east of centerline of Scotts Level Road

Nrside of Old Court Road, 543 feet east of centerline of Scotts Level Road

Nrside of Old Court Road, 543 feet east of centerline of Scotts Level Road

Nrside of Old Court Road, 543 feet east of centerline of Scotts Level Road

Nrside of Old Court Road, 543 feet east of centerling with Home Dental Office pursuant to BCZR, Section Home Dental Office consisting of 332 square feet with Home Dental Office consisting of 332 square feet which does not occupy more than 25% of the total floor area. Variance: to permit a 16-foot existing driveway in lieu of the required 20 feet.

Hearing: Wednesday, August 15, 2007 at 10:00 a.m. Hearing: Wednesday, August 15, 2007 at 10:00 a.m. Room 407, County Courts Building, 401 Bosley In Room 407, County Courts Building, 401 Bosley

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Utfice at (410) 667-3858.

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

JT 7/780 July 31

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

The Jeffersonian

Catonsville Times Arbutus Times

Towson Times

Owings Mills Times

NE Booster/Reporter

North County News

Mulinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-567-XA

Petitioner/Developer: C. WASHING TONG

Date of Hearing/Closing: AUG. 15, 2007

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Christen 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 propery located at _

#4518 OUD COURT ROAD

The sign(s) were posted on ULY

(Month, Day, Year)

ZONING NOTICE

CASE # 07-567-XA

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

ROOM 407, COUNTY COURTS BUILDING 401 BOSLEY AVENUE

PLACE:

TOWSON, MD. 21204

DATE AND TIME: AT 10:0

AUGUST 15, 2007 M. A 00101 TA

REQUEST: SPECIAL EXCEPTION TO

ALLOWA SINGLE FAMILY DEWELLING WITH HOME DENTAL OFFICE PURSUANT TO BCZR, SECTION 1801. I. C. 12 AND PROPOSED USE FOR SINGLE FAMILY DWELLING WITH HOME DENTAL OFFICE CONSISTING OF 332 SQUARE FEET WHICH DOES NOT OCCUPY MORE THAN 25% OF THE TOTAL FLOOR AGEA. VARIANCE TO PERMIT A 16 FOOT EXISTING DRIVEWAY IN LIEU OF THE REQUIRED 20 FEET

POSTPONEMENTS DUE TO WEATHER OR DIHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

Sincerely,

Signature of Sign Poster and Date)

CJARLANDE, MOORE
(Printed Name)

3225 RYEIZSON CIRCLE
(Address)

BALTIMORE, MD, 21227 (City, State, Zip Code)

(Telephone Number)



RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE

4518 Old Court Road; N/S Old Court Rd,

543' E'c/line Scotts Level Road

2nd Election & 2nd Councilmanic Districts Legal Owner(s): Catherine Washington

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 07-567-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.

HETER 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 July, 2007, a copy of the foregoing Entry of Appearance was mailed to J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286, Attorney for Petitioner(s).

RECEIVED

JUL - 3 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....



JAMES T. SMITH, JR. County Executive

July 9, 2007
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: 0-567-XA

4518 Old Court Road

N/side of Old Court Road, 543 feet east of centerline of Scotts Level Road

2nd Election District – 2nd Councilmanic District

Legal Owners: Catherine Washington

Special Exception to allow a single family dwelling with Home Dental Office pursuant to BCZR, Section 1B01.1.C.12 and proposed use for single family dwelling with Home Dental Office consisting of 332 square feet which does not occupy more than 25% of the total floor area. Variance to permit a 16-foot existing driveway in lieu of the required 20 feet.

Hearing: Wednesday, August 15, 2007 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286 Catherine Washington, 4518 Old Court Road, Baltimore 21208

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 31, 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 31, 2007 Issue - Jeffersonian

Please forward billing to:

Catherine Washington 4518 Old Court Road Baltimore, MD 21208 443-655-5301

NOTICE OF ZONING HEARING

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Hearing: Wednesday, August 15, 2007 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 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.

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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: 07-567-74
Petitioner CATHERIHE WASHINGON
Address or Location 4518 OLD COURT ROAD
PLEASE FORWARD ADVERTISING BILL TO
Name. CATUERINE WASHINGTON
Address 4518 OLD COURT RD
BACT. MO 21208
Telephone Number



Law Offices

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE OF COUNSEL THE 508 BUILDING

508 Fairmount Ave. Towson, MD 21286 (410) 825-6961

Fax: (410) 825-4923

May 25, 2007 #7690

HAND DELIVERED

Mr. Carl Richards
Department of Permits
& Development Management
County Office Building
Towson, Maryland 21204

RE:

In the Matter of Petitions for Special Exception and Variance

4518 Old Court Road; Catherine Washington, Petitioner

Dear Mr. Richards:

On behalf of my client, Catherine Washington, regarding her property located at 4518 Old Court Road, attached you will find three original Petitions for Special Exception and Variance filed by my client, 12 plats, three copies of a sealed description of the property and one copy of a 200' scale official zoning map as well as the filing fee. Petitioner is not aware of any zoning violation involving the subject property.

For advertising purposes, the following language is to be used for posting and advertising purposes only:

"Proposed use of single family dwelling as home Dental Office and to permit an existing 16' driveway in lieu of required 20'"

I appreciate your assistance in this matter and if you need to call, I can be reached at 410-825-6961.

J. Carroll Holzer

Very truly yours,

JCH:mlg

cc: Ms. Catherine Washington

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PER STONLIHLA

USE PETITIONER ADD



Site Rite Surveying, Inc.

DIRECT CORRESPONDENCE TO:

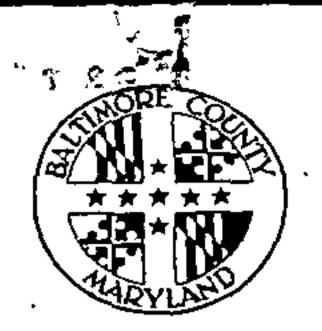
Site Rite Surveying, Inc.
SENT BY: MUMMELL MOSKUULAS

Shell Building, Room 101 200 East Joppa Road Towson, Maryland 21286 410-828-9060

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RECEIVED BY:_____

__ DATE: _____



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

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

(See Supplemental Sheet)

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 perjury, that I/we are the least the subject of this Petitic	egal owner(s) of the	ne penalties of property which
Contract Purchas	ser/Lessee:		Legal Owner(s):		
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Attorney For Peti	<u>tioner:</u>		Address Baktimone	ut Road 4	73-655-53 Telephone No.
Name - Type or Print			City	State	Zip Code
Signature			Representative to be	<u> Contacted:</u>	•
		<u> </u>	J. Cansou	Holzer P. F	}
J. Carroll-Hol 508 Fairmou Towson, MD	nt Ave.	825-6961 Telephone No.	Address	<u>410-</u>	825-6561 Telephone No.
City	State	Zìp Code	City	State	Zip Code
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Case NoO?	-567-XA	•	ESTIMATED LENGTH UNAVAILABLE FOR H		
meta, activities		ð. 14	Reviewed By Can	Date_	6/19/0

Pursuant to the Baltimore County Zoning Regulations, Petitioner, individual Catherine Washington, hereby Petitions the Zoning Commissioner of Baltimore County to use the herein described property for:

- Single family dwelling with Home Dental Office pursuant to BCZR, Section 1B01.1.C.12 and
- 2. Proposed use for single family dwelling with Home Dental Office consisting of 332 square feet which does not occupy more than 25% of the total floor area

Respectfully submitted,

J. Carroll Holzer

508 Fairmount Ave.

Towson, MD 21286

410-825-6961

Attorney for Petitioner



REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4518 old lout foud which is presently zoned DR 3.5

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

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)

B.C.Z.R. Sec. 409.4 to permit a 16 existing driveway in hew of the required 20

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 the Zoning Heaving

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.

	perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
None	Cootherine Washington
Name - Type or Print	Name - Type or Print
Signature :	Signature Signature
Address	No. Name - Type or Print
City State Zip C	ode Signature
Attorney For Petitioner:	4518 011 Wut 14. 443-655-5301
	Address Baltimore MD 31208
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
	1. Sacroly Holzer
J. Carroll Holzer, P.A. 508 Fairmount Ave. Towson, MD 21286 Telephone	
City State Zip C	ode Zip Code
r	OFFICE USE ONLY
Case No. 07 567.XA	ESTIMATED LENGTH OF HEARING
Case No. 07 567 XA	UNAVAILABLE FOR HEARING

Reviewed By CTM

ZONING DESCRIPTION #4518 OLD COURT ROAD

BEGINNING at a point in the bed of Old Court Road which is intended to be a 60 foot right of way at the distance of 543 feet northeast of the centerline of Scotts Level Road which is 60 feet wide. As recorded in Deed Liber 10499, folio 81 and running thence N 34 degrees 10 minutes W, 297.90 feet; thence N 55 degrees 15 minutes 20 seconds E, 110.00 feet; thence S 34 degrees 10 minutes E, 295.44 feet and S 53 degrees 58 minutes W, 110.00 feet to the place of beginning, containing 0.742 acres. Also known as #4518 Old Court Road and located in the 2nd Election District, 2nd Councilmanic District.

Michael V. Moskunds Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road Shell Building, Room 101 Towson, MD 21286 (410)828-9060

	FOR: OUSTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW CUSTOMER	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT ACCOUNT AMOUNT S RECEIVED
		45 006 6 150 HOUSEN
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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 9, 2007

J. Carroll Holzer, P.A. 508 Fairmount Avenue Towson, MD 21286

Dear Mr. Holzer:

RE: Case Number: 07-567-XA, 4518 Old Court Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 19, 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

U. Callibal)

WCR:amf

Enclosures

c: People's Counsel
Catherine Washington 4518 Old Court Road Baltimore 21208

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 16, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4518 Old Court Road

INFORMATION:

Item Number:

7-567

Petitioner:

Ms. Catherine Washington

Zoning:

DR 3.5

Requested Action:

Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. After review and a communication with the petitioner's representative the Office of Planning offers the following recommendations:

The Office of Planning has concerns about having a "home office" operation in a residential area even though it is permitted in the subject zone. It appears that parking is being shown on the site plan. However, it does not appear to be adequate nor safe (ingress and egress) to serve the proposed use. The petitioner's representative indicated that no more than five patients would be seen per day. Should this request be approved the same should be listed as a condition of approval, as well as no support staff will be permitted as there is inadequate parking to support employees and patients.

The petitioner has agreed to provide a "turnabout" area within the site for traffic circulation on site. The plan shall be revised and resubmitted to this office for review and concurrence prior to the hearing.

For further information concerning the matters stated here in, please contact Nkechi Hislop at 410-887-3480.

Reviewed by:

Division Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 6, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-567- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Prepared By:

Division Chief:

CM/LL

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 July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 25, 2007

361

Item Number: 555 through 572

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



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 27, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 2, 2007

Item Nos. 07-521, 555, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569,

570, 571, and 572

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-06272007.doc



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

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

Maryland Department of Transportation

Date: June 26,2007

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

RE: Baltimore County

Item No. 7-967-XA

4518 OLD COURT ROAD

WASHINGTON PRODUCTY SPECIAL EXCEPTION

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. 7-567-XA.

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,

A Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 07-567-XA
DATE

CITIZEN'S SIGN-IN SHEET

GZENTZ 4559 @ HOLE									
P, KESV, LLE, MD 2008	20616 MD 31308								
4509 OLD GURT RZ	4508 Day Cont los								
GEORGE CU. ZENT	MARGARET R. ZENTS Pather Hims								

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER 07-567-XA DATE

PETITIONER'S SIGN-IN SHEET

E- MAIL ∞ A. 2. 2 12 28212 STATE, ZIP garre 2 2 2 2 \S DWSOLL 次は Sit Rik Shirming Inc 200 E. doppare ADDRESS 4518 BUNNACHEL. MOSKUMUS S NAME

Case No.:	07-	567-	XA	, 	

Exhibit Sheet

Petitioner/Developer

Protestant

NT- 1		
No. 1	Site Plan	
No. 2	5DAT Search	
No. 3	· · · · · · · · · · · · · · · · · · ·	
No. 4		
No. 5		
No. 6	* * * * * * * * * * * * * * * * * * *	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Subject Prop.

Click here for a plain text ADA compliant screen.



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

Go Back View Map **New Search Ground Rent**

Account Identifier:

District - 02 Account Number - 0212201410

Owner Information

Owner Name:

WASHINGTON CATHERINE L

Use:

RESIDENTIAL

Mailing Address:

4518 OLD COURT RD

BALTIMORE MD 21208

Sub District

Principal Residence:

YES

Deed Reference:

1) /10499/81

	_		
Location	8	Structure	Information

Section

Premises Address 4518 OLD COURT RD

.69 AC

.591 AC

500 NE SCOTTS LEVEL **Block Lot Assessment Area**

Legal Description

Plat No: Plat Ref:

Special Tax Areas

Grid

12

Map

Town **Ad Valorem**

Subdivision

Tax Class

Enclosed Area 1,646 SF

Property Land Area 30,250.00 SF

County Use 04

Stories

Basement

Type

Exterior

Parcel

782

Primary Structure Built

1954

Land:

Total:

Improvements:

Preferential Land:

YES

STANDARD UNIT

SIDING

Value Information

8ase	Value	Phase-in Ass	essments
Value	As Of	As Of	As Of
	01/01/2007	07/01/2006	07/01/2007
43,560	87,810		
107,490	199,860		
151,050	287,670	151,050	196,590
0	0	0	0

Transfer Information

Seller:	LEIZURE ROBERT Z	Date: 04/30/1994	Price: \$0	
Type:	NOT ARMS-LENGTH	Deed1: /10499/ 81	Deed 2:	
Seller:	;	Date:	Price:	
Type:		Deed1:	Deed2:	
Seller: Type:		Date: Deed1:	Price: Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007	
County	000	0	0	
State	000	0	0	
Municipal	000	0	0	

Tax Exempt: **Exempt Class:** NO

Special Tax Recapture:

PETITIONER'S

* NONE *

EXHIBIT NO.



- C. Uses permitted by special exception. The following uses, only, are permitted by special exception in all D.R. Zones, subject to the restrictions hereinafter prescribed: [Bill Nos. 105-1982; 36-1988] $\stackrel{\text{EN}}{=}$
 - 1. Camps, public or quasi-public, including day camps.
 - 2. Conservatories for music or other arts.
 - 3. Convalescent homes.
 - 4. Community buildings, swimming pools, commercial beaches, golf courses, country clubs or other similar civic, social, recreational or educational uses, including tennis facilities, provided that no tennis facility in a D.R.1 or D.R.2 Zone shall comprise more than 4 courts and no tennis facility in a D.R.3.5, D.R.5.5, D.R.10.5 or D.R.16 Zone shall comprise more than six courts (Section 406A). [Bill No. 62-1978]
 - 5. Community care centers. [Bill No. 142-1979]
 - 6. Class B group child care centers for more than 40 children subject to the standards set forth in Section 424 (family child care homes, group child care centers and nursery schools) and principal use Class A and Class B group child care centers providing for up to 40 children, if located in a residential transition area. [Bill Nos. 200-1990; 59-1991]
 - 7. Excavations, controlled (see Section 403).
 - 8. Fishing and shellfishing facilities, shoreline Class I or Class II, except that a facility existing on July 1, 1977, may continue without a special exception if a use permit has been granted for it, provided that:
 - (a) The owner (or his legally authorized representative) applies for the use permit within six months hereafter (Section 500.4);
 - (b) With the application for the use permit is filed a site plan in accordance with the Zoning Commissioner's rules of practice and procedure; EN
 - (c) Any fencing, screening or other change in the site or limitations on the manner of selling the catch necessary to make the facility more compatible with its surroundings that is required by the Zoning Commissioner is completed within the time limits for partial and full compliance with a program of compliance submitted to him; and
 - (d) No increase in the amount of floor or site area or in the number of boats devoted to the use nor any other change in the site plan is made. [Bill No. 30-1978]

- 9. Funeral establishments.
 - 10. Helistops.
 - 11. Home occupations of disabled persons, where the use is established in a structure originally constructed as a dwelling or as accessory to a dwelling or where the use is established in a structure that is situated on the same lot as a dwelling and which the Zoning Commissioner finds to be compatible with its surrounding neighborhood, provided that:
 - a. Only three persons including the disabled person and the members of his immediate family who are residents of the dwelling are employed in the use on the premises; and
 - b. In any case the use is conducted by a disabled person whose domicile is the dwelling to which the use is accessory and whom the hearing authority finds is so severely disabled as to be unable to engage in this occupation away from the premises of his home.

Any provision of Subsection 502.2 to the contrary notwithstanding, any special exception granted pursuant to this item shall expire upon the first to occur of the following:

- (1) Five years after the issuance of the permit;
- (2) The death of the disabled person;
- (3) The termination of the disability; or
- (4) The failure of the disabled person to permanently reside at the premises.

A new special exception for the use may be granted when the previous special exception expires but only upon the completion of the entire application and hearing process in the same manner as if it were the initial application for this special exception. It is the purpose of this provision to prevent the use of residential property for business purposes by an occupant other than a disabled person and to ensure that any occupation permitted pursuant to this item will be conducted in a manner appropriate to its surroundings. [Bill No. 27-1981]

- other professional persons, 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; bloes not occupy more than 25% of the total floor area of such residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees. [Bill Nos. 105-1982; 65-1999]
 - 13. Poultry killing, commercial, as an accessory use on farms, only.
 - 14. Private colleges (not including business or trade schools), dancing schools, dormitories or fraternity or sorority houses. [Bill No. 47-1985]
 - 15. Public utility uses other than those permitted as of right, but excluding steam power plants, service centers and storage yards.

- 16. Public utility service centers.
 - 17. Public utility storage yards.
 - 18. Radio studios.
 - 19. Rail passenger stations, subject to Section 434. [Bill No. 91-1990]
 - 20. Television studios.
 - 21. Tourist homes.
 - 22. Veterinarians' offices.
 - 23. Volunteer fire company stations.
 - 24. Wireless telecommunications towers, subject to Section 426. [Bill No. 30-1998] EN

- Access to parking spaces. Vehicular travelways in off-street parking facilities where the parking spaces are located in parking bays or parking lanes shall be divided into driveways, with no direct access to parking spaces, and aisles, providing direct access to adjoining parking spaces.
- A. Driveways shall be at least 12 feet in width for one-way movements and at least 20 feet in width for two-way movements.
- B. All parking spaces shall adjoin and have direct access to an aisle, except in the following cases:
 - 1. In cases where vehicles will be parked by an attendant, the Zoning Commissioner may approve a parking facility in which up to 50% of all parking spaces do not adjoin and have direct access to an aisle.
 - 2. In office buildings less than 5,000 square feet, the Zoning Commissioner may approve a plan in which spaces designated for employee use only do not have direct access to an aisle.
- C. The permitted parking angles and the minimum required widths of aisles shall be as specified below. Parking angles and aisle widths which vary from those specified below may be approved by the Zoning Commissioner for any parking facility based upon the written findings of the Director of Public Works that the design of the particular parking facility involved will provide for the safe and efficient circulation and maneuvering of vehicles.

One-Way Two-Way				
Parking		Aisies	Aisles	
Angle	e (f	eet)	(feet)	
	•			
90°	22 ;	22		
75°	18	20		
60°	16	20		
45°	14	20		
30°	14	20		
0°	14.	20		

D. Historic structures. For an existing structure within the Oella National Register District or the Ellicott Mills National Register District, the width of driveways and aisles with two-way movement in an interior private parking facility may be modified up to 25% of the minimum required width specified in Section 409.4.A and 409.4.C. Residential dwelling unit parking spaces that do not have access to aisles are permitted, and these spaces may count towards the number of spaces required under Section 409.6. Any parking spaces without direct access to a drive aisle and the space blocking access to that drive aisle shall be reserved for an individual unit. [Bill No. 8-2004]

Tom-Fy

Page 1 of 1

TB 8 15

Bill Wiseman - Fwd: Case #7-567

From:

Pat Keller

To:

Wiseman, Bill

Date:

08/23/07 3:16 PM

Subject:

Fwd: Case #7-567

Bill - FYI, if this is not your case would you forward Tom Bostwick. Thank you. Pat

Pat Keller

Director of Planning

pkeller@co.ba.md.us

PH: 410.887.3211

Fax: 410.887.5862

County Courts Bldg.

401 Bosley Ave.

Towson, MD 21204

>>> "kaaalpha@juno.com" <kaaalpha@juno.com> 8/23/2007 2:44 PM >>>

Attention: Pat Keller

The community associations listed below are in opposition of case #7-567, 4518 Old Court Road (Baltimore, MD. 21208), special exception to allow a dental office in a residential area.

Valleybrook Improvement Association

President: Ed Taylor

Old Court Estates Improvement Association

President: Helen B. Aiken Scotts Hill Community Association

President: William Rubin Gwynnvale Civic Association President: Dr. Harold Hart

From: Helen B. Aiken, Dr. Harold Hart, Ed Taylor and William Rubin

August 22, 2007

TB 8/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** July 16, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4518 Old Court Road

INFORMATION:

Item Number:

7-567

Petitioner:

Ms. Catherine Washington

Zoning:

DR 3.5

Requested Action:

Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. After review and a communication with the petitioner's representative the Office of Planning offers the following recommendations:

The Office of Planning has concerns about having a "home office" operation in a residential area even though it is permitted in the subject zone. It appears that parking is being shown on the site plan. However, it does not appear to be adequate nor safe (ingress and egress) to serve the proposed use. The petitioner's representative indicated that no more than five patients would be seen per day. Should this request be approved the same should be listed as a condition of approval, as well as no support staff will be permitted as there is inadequate parking to support employees and patients.

The petitioner has agreed to provide a "turnabout" area within the site for traffic circulation on site. The plan shall be revised and resubmitted to this office for review and concurrence prior to the hearing.

For further information concerning the matters stated here in, please contact Nkechi Hislop at 410-887-3480.

Reviewed by:

Division Chief: AFK/LL: CM



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

September 14, 2007

J. CARROLL HOLZER, ESQUIRE J. CARROLL HOLZER, P.A. 508 FAIRMOUNT AVENUE TOWSON, MARYLAND 21286

Re: Petitions for Special Exception and Variance Catherine Washington

Case No. 07-567-XA

Dear Mr. Holzer:

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: Catherine Washington, 4518 Old Court Road, Baltimore, Md. 21208 Bernadette L. Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Rd., Ste. 101, Towson, Md. 21286 George and Margaret Zentz, 4509 Old Court Road, Pikesville, Md. 21208 Rathea Mims, 4508 Old Court Road, Pikesville, Md. 21208

