

IN RE: **PETITION FOR VARIANCE**

SW Corner of Reisterstown &
Cedarmere Roads
(11240 Reisterstown Road)
4th Election District
4th Council District

Jim Woodruff
Petitioner

*

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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-391-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Jim Woodruff. The Petitioner seeks relief from Section 409.6A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow 16 parking spaces in lieu of the required 19 spaces; and from Section 409.8A.4 to permit a parking area to be 2 feet from the public right-of-way line in lieu of the required 10 feet. The subject property and requested relief are more particularly described on the amended site plan¹ submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Jim Woodruff, property owner, Joseph L. Larson, of Spellman, Larson & Associates, Inc., the consultant who prepared the site plan for this property, and Kevin Atkinson, the project manager with Design Build Group. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is located on the southwest corner of Reisterstown Road (MD 140) and Cedarmere Road (access is from

¹ At the hearing before this Commission on April 24, 2008, the Petitioner's property line surveyor, in response to comments received from the Office of Planning, amended the site plan by adding sidewalk along both frontages of this corner lot, deleting the dumpster and replacing it with a landscape buffer along the rear of the property. Likewise, the architect, Burton Associates, revised the structure's elevations which received Office of Planning approval on May 6, 2008.

ORDER RECEIVED FOR FILING
Date 5-20-08
By [signature]

Cedarmere) in Owings Mills. The property contains a gross area of 0.23 acres, more or less (10,020 square feet), zoned B.L., and for many years the improvements thereon were used as an office building. The Petitioner acquired the property in December 2007 and plans on razing the existing office building and erecting a new 2-story retail/office complex towards the rear of the lot with 16 parking spaces. These spaces are essentially grouped on either side of a 22-foot wide drive aisle centrally located on the lot. The six parking spaces on the northern side of the property adjacent to Cedarmere Road will come as close as two feet from the street right-of-way line (a 50 foot right-of-way with 30 feet of paving). Mr. Woodruff resides in the Owings Mills area and believes the site, which is surrounded by commercial uses, to be well suited as it has in the past for a new office retail use. As shown on the site plan, the first floor encompasses 2,024 square feet and will be used for retail sales and the second floor, slightly larger, will provide for 2,155 square feet of office space. Building elevations and the floor plan drawings reviewed at the hearing were submitted to the Office of Planning which show that the building will be an attractive structure and the accompanying landscape plan shows mitigation for the variance setback request off of Cedarmere Road. The amount of parking required is somewhat skewed by the availability of public transportation in the area which prospective customers will utilize. It is also to be pointed out that the proposal has been reviewed by the Bureau of Development Plans Review and State Highway Administration who do not oppose the request.

As noted above, a variance is needed as it relates to the number of parking spaces; specifically, that there are 16 spaces provided in lieu of the 19 required. Section 409 of the B.C.Z.R. calculates the number of parking spaces required, based on the square footage of the building (i.e., 5 spaces/1,000 square feet for retail and 3.3 spaces/1,000 square feet for office). As shown on the site plan, the first floor designated for retail use require 11 spaces and the

ORDER RECEIVED FOR FILING
Date 5-20-08
By 193

second floor for office space requires 18 spaces.

Variances may be granted only in accordance with the provisions of B.C.Z.R Section 307, as have been interpreted by the Court of Appeals in *Cromwell v. Ward*, 102 Md. 691 (1995). In order for a variance to be granted, it must be determined that the property at issue is unique. At first blush, it may seem that this rectangularly shaped property (170' x 60') is not unique, but upon closer inspection and consideration, it nevertheless is. I explain.

As noted above, the property is zoned B.L., a classification which permits fast food restaurants, drug stores, department stores and similar uses including office buildings (See B.C.Z.R. Section 230). The uniqueness of this property originates from the small area of the site when compared to other typical B.L. zoned properties. Simply stated, the Cedarmere subdivision plat when originally filed provided for large residential homes on rectangular shaped lots. When the zoning was changed to B.L. for commercial uses on these relatively narrow lots, as compared to other typical B.L. zoned property, the area requirements at issue result in a minimal area and site constraints such if strict adherence to the regulations were required, the property owner would have no reasonable use of the property for the permitted purposes listed. These factors contributed to the "practical difficulty" finding that is required for variance relief to be granted.

Based on the testimony and evidence offered, I am persuaded to grant the requested relief. I find that there will be no adverse impact caused by the proposed improvements upon adjacent property owners and that the granting of the requested relief will be consistent with the spirit and intent of the B.C.Z.R. Moreover, I find that the proposed use is appropriate for this site and is compatible with the character of the surrounding neighborhood. Thus, I find that the relief can be granted without detrimental impact to adjacent properties or the surrounding locale.

ORDER RECEIVED FOR FILING
Date 5-28-88
By [signature]

The Petitioner also indicated a willingness to condition approval on not leasing any office space for medical or clinic office use.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of May 2008 that the Petition for Variance seeking relief from Section 409.6A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow 16 parking spaces in lieu of the required 19 spaces and from Section 409.8A.4 to allow a parking area to be 2 feet from a street right-of-way line in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED, subject to the following restrictions:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, the Petitioner is 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. There shall be no leasing of space on the premises for medical office or clinical use by the Petitioner or its successors and assigns without first receiving approval through the filing of a Petition for Special Hearing with this Commission.
3. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

Order.

WJW:dlw



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5-20-08
By [signature]



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 20, 2008

Jim Woodruff
9921 Reisterstown Road
Owings Mills, Maryland 21117

RE: PETITION FOR VARIANCE

SW Corner of Reisterstown & Cedarmere Roads
(11240 Reisterstown Road)
4th Election District - 4th Council District
Jim Woodruff - Petitioner
Case No. 08-391-A

Dear Mr. Woodruff:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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
Enclosure

c: Joseph L. Larson, Spellman, Larson & Associates, 222 Bosley Avenue, Suite B-3,
Towson, MD 21204
Kevin Atkinson, Design Build Group, 1500 Aspen Street, Baltimore, MD 21226
People's Counsel; File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11240 Reisterstown Road
which is presently zoned BL

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)

REFER TO ATTACHED SHEET

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

The complete argument in support of this Variance request will be presented at the Hearing.

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

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

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 NA
Signature NA
Address NA Telephone No. NA
City NA State NA Zip Code NA

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print Jim Woodruff
Signature [Signature]
Name - Type or Print _____
Signature _____

9921 Reisterstown Rd. 410-902-0700
Address Telephone No.
Owings Mills MD 21117
City State Zip Code

Representative to be Contacted:

Joseph L. Larson
Name
222 Bosley Ave Ste. B-3 410-823-3535
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

Case No. 08-391-A

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

REV 9/15/98

ORDER RECEIVED FOR FILING

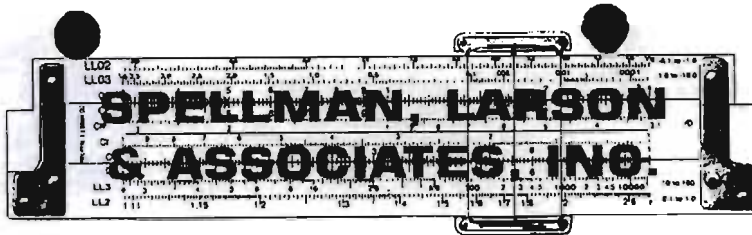
Reviewed By [Signature]
Date 5-20-08
By [Signature]

Date 2/25/08

VARIANCE FROM.....

Section 409.6A.2 to allow 15 parking spaces in lieu of the required 19.

Section 409.8A.4 to allow a parking area to be 2' from a street right of way line in lieu of the required 10'.



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS
222 BOSLEY AVENUE, SUITE B-3
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215

**LEGAL DESCRIPTION TO ACCOMPANY ZONING PETITION
11240 REISTERSTOWN ROAD**

BEGINNING for the same at a point on the southwest corner of Cedarmere Road and Reisterstown Road and running along the west side of Reisterstown Road south 38 degrees 30 minutes 00 seconds east 35.00 feet to a point on the west side of Reisterstown Road and thence for a line of division south 51 degrees 30 minutes 00 seconds west 170.00 feet thence north 38 degrees 30 minutes 00 seconds west 60.38 feet to a point on the south side of Cedarmere Road thence running along the south side of Cedarmere Road with a curve to the left with a radius of 550.00 and an arc length of 20.00 feet thence continuing along the south side of Cedarmere Road north 51 degrees 30 minutes 00 seconds east 125.00 feet thence continuing along and around the southwest corner fillet of Reisterstown Road and Cedarmere Road with a radius of 25 feet and an arc length of 39.27 feet to the place of beginning.

SAID property being known as Lot No. 1 on the Plat of Cedarmere recorded in Plat Book 19, Folio 100.

CONTAINING 0.23 acres of land more or less.

File#D02080802



#391

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: #08-391-A

11240 Reisterstown Road

S/west corner of Reisterstown Road and Cedarmere Road

4th Election District — 4th Councilmanic District

Legal Owner(s): Jim Woodruff

Variance: to allow 15 parking spaces in lieu of the required 19 and to allow a parking area to be 2 feet from a street right-of-way line in lieu of the required 10 feet.

Hearing: Tuesday, April 24, 2008 at 9:00 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) 887-4386.

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

JT 4/691 April 8

169550

CERTIFICATE OF PUBLICATION

4/10/2008

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 4/8/2008.

- ☒ 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 AND FINANCE
MISCELLANEOUS RECEIPT

No. **1128**

Date: **2/25/08**

PAID RECEIPT

BUSINESS: AL. FIN. TIME: 1:00 PM

REC'D NO. 2 HAD 1000 HEL
 >>RECEIPT N 364887 2/25/2008 01:13

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount	Dept
001	006			61.0				8 225.00	051128

Total: **225.00**

Rec
 From: _____
 For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

Item # 391

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 04/14/08

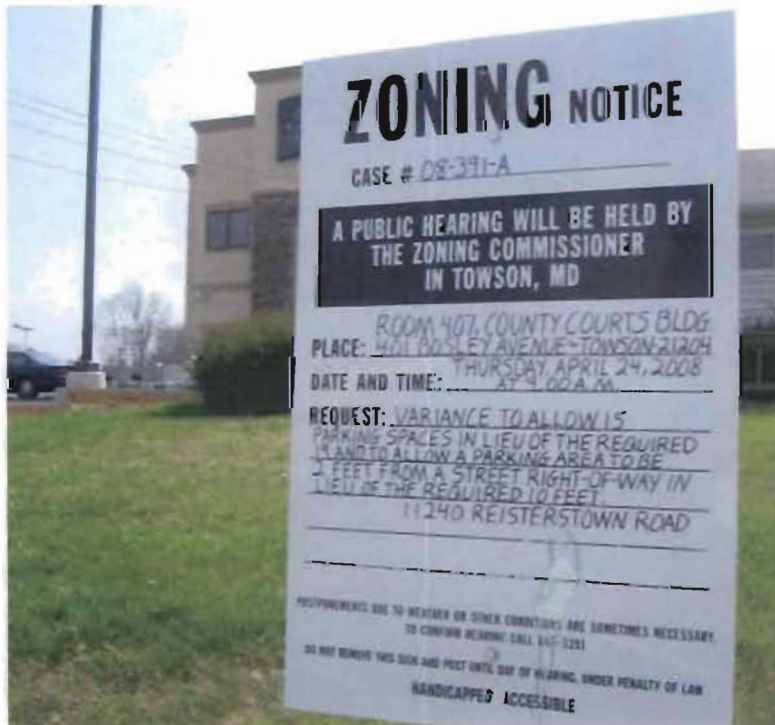
Case Number: 08-391-A

Petitioner / Developer: JIM WOODRUFF ~ JOSPEH LARSON

Date of Hearing (Closing): APRIL 24, 2008

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:
11240 REISTERSTOWN ROAD

The sign(s) were posted on: 04/09/08



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

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: 08-391-A

Petitioner: Jim Woodruff

Address or Location: 11240 Reisterstown Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jim Woodruff

Address: 9921 Reisterstown Rd.

Owings Mills, MD 21117

Telephone Number: 410-902-0700

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 8, 2008 Issue - Jeffersonian

Please forward billing to:
Jim Woodruff
9921 Reisterstown Road
Owings Mills, MD 21117

410-902-0700

NOTICE OF ZONING HEARING

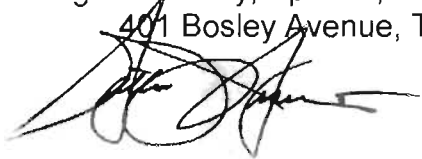
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-391-A

11240 Reisterstown Road
S/west corner of Reisterstown Road and Cedarmere Road
4th Election District – 4th Councilmanic District
Legal Owners: Jim Woodruff

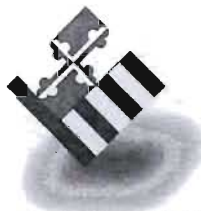
Variance to allow 15 parking spaces in lieu of the required 19 and to allow a parking area to be 2 feet from a street right-of-way line in lieu of the required 10 feet.

Hearing: Thursday, April 24, 2008 at 9:00 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY KOTROCO, Director
March 11, 2008
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: 08-391-A

11240 Reisterstown Road

S/west corner of Reisterstown Road and Cedarmere Road

4th Election District – 4th Councilmanic District

Legal Owners: Jim Woodruff

Variance to allow 15 parking spaces in lieu of the required 19 and to allow a parking area to be 2 feet from a street right-of-way line in lieu of the required 10 feet.

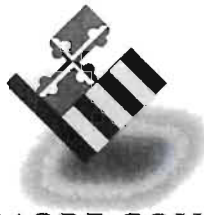
Hearing: Thursday, April 24, 2008 at 9:00 a.m. in Room 407, County Courts Building,
101 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Jim Woodruff, 9921 Reisterstown Road, Owings Mills 21117
Joseph Larson, 222 Bosley Avenue, Ste. B-3, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 9, 2008.**
- (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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

April 16, 2008

Jim Woodruff
9921 Reisterstown Road
Owings Mills, MD 21117

Dear Mr. Woodruff:

RE: Case Number: 08-391-A, 11240 Reisterstown Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 25, 2008. 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
Joseph L. Larson 222 Bosley Avenue, Suite B-3 Towson 21204

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 5, 2008

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

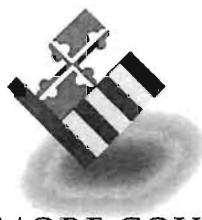
SUBJECT: Zoning Advisory Committee Meeting
For March 10, 2008
Item Nos. 08-377, 384, 387, 388,
389, 390, 391, 392, 393, 394, 395, 396,
397, and 398

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-03052008.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

March 10, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 3, 2008

Item Number: 377,384,385,386,387,388,389,390,391,392,393,395,396,397,398,399

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (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

March 5, 2008

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

RE: Baltimore County
Item No. 08-391-A
MD 140 (Reisterstown Road)
Cedarmere Road intersection
Cedarmere
Variance for numerous items
In lieu of County code requirements

Dear Ms. Matthews:

Thank you for the opportunity to review the plat to accompany zoning petition for ZAC agenda items no. 08-391-A, which was received on March 3. 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 for Cedarmere property Item No. 08-391-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,


Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

BW 4/24
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 18, 2008

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

SUBJECT: 11240 Reisterstown Road

INFORMATION:

Item Number: 8-391

Petitioner: Jim Woodruff

Zoning: BL

Requested Action: Variance

RECEIVED
APR 01 2008

BY:.....

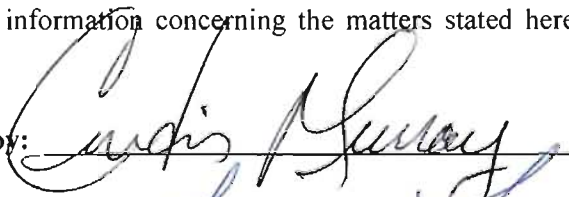
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This office requests that the petitioner:

1. Submit architectural elevations of all sides and floor plans including building materials.
2. Show the existing sidewalk along Cedarmere and Reisterstown Road.
3. Move the dumpster and paving from the residential side of the building and provide a landscape buffer between the proposed building and the existing residence. The dumpster shall have a masonry screen wall.
4. Submit a landscape plan to this office for review and approval prior to the conclusion of the variance hearing that shows mitigation of the requested setback off of Cedarmere road.
 - a. Landscaping should not only mitigate the parking but also upgrade the visual appearance of the property.
5. Additionally the petitioner should show means of pedestrian circulation from Reisterstown Road to the entrance of the subject building.
6. Reduce the size of building so that no variance to parking quantity is needed.

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

Reviewed by:



Division Chief:

AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 9, 2008

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

SUBJECT: 11240 Reisterstown Road

INFORMATION:

Item Number: 8-391

Petitioner: Jim Woodruff

Zoning: BL

Requested Action: **Variance**

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The following previous recommendations (in italics) have been satisfied:

1. *Submit architectural elevations of all sides and floor plans including building materials.*
2. *Show the existing sidewalk along Cedarmere and Reisterstown Road.*
3. *Move the dumpster and paving from the residential side of the building and provide a landscape buffer between the proposed building and the existing residence. The dumpster shall have a masonry screen wall.*
4. *Submit a landscape plan to this office for review and approval prior to the conclusion of the variance hearing that shows mitigation of the requested setback off of Cedarmere road.*
 - a. *Landscaping should not only mitigate the parking but also upgrade the visual appearance of the property.*
5. *Additionally the petitioner should show means of pedestrian circulation from Reisterstown Road to the entrance of the subject building.*
6. *Reduce the size of building so that no variance to parking quantity is needed.*

The Office of Planning met with the petitioner, site engineer and site architect on 4/29/2008. The applicant and the Office of Planning reviewed revised architectural elevations and a revised site plan. The Office of Planning recommended some changes to the proposed architecture, to date these changes have been made and this office is satisfied with the petitioner's plan. Therefore the Office of Planning does not oppose the petitioner's requests for variances provided the site is

improved consistent with the latest site plan prepared by Spellman, Larsson and Associates, Inc. dated 5/1/2008 and architectural elevations prepared by Burton Associates Architects, Inc. received by the Office of Planning on May 6, 2008.

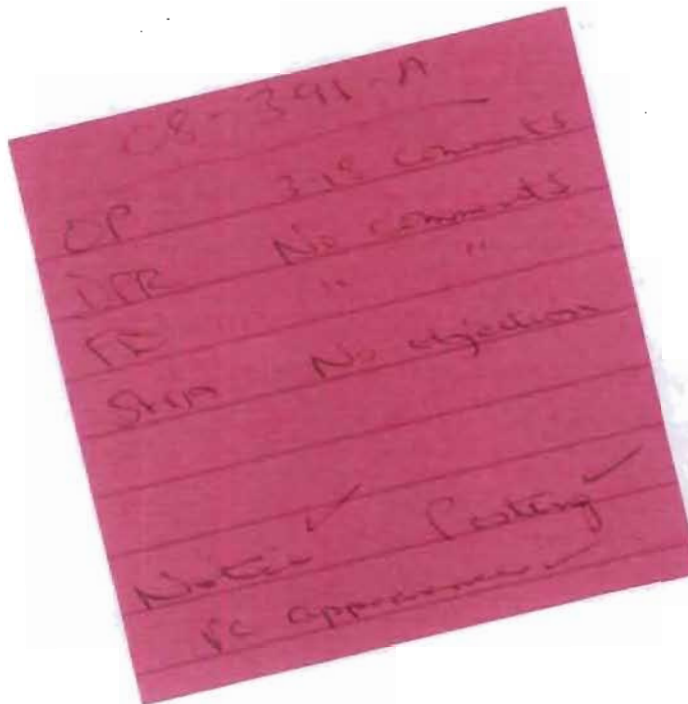
For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Reviewed by:

Curtis Hunsay

Division Chief:
AFK/LL: CM

John F. Furrer



406 West Pennsylvania Ave.
Towson, MD 21204
410-494-4914 410-296-5326 (fax)

Richard Truelove P.E., Inc.

Fax

To: William J. Wiseman III,
Zoning Commissioner

From: Richard Truelove

Fax: 410-887-3468

Pages: 2

Phone:

Date: 12/22/2008

Re: 11240 Reisterstown Road
Case # 08-391A

CC: Jim Woodruff
410-902-1824

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

Dear Mr. Wiseman,

This is the letter we discussed today. You mentioned that you could sign the bottom and fax it back to me to submit with the revised Development plan submittal.

Mr. Woodruff and I appreciate your assistance in this matter.

Richard Truelove

RICHARD J. TRUELOVE, P.E., INC.
CIVIL ENGINEER

406 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204-4228

(410) 494-4914
FAX (410) 296-5326

December 22, 2008

Mr. William J. Wiseman III
Zoning Commissioner
Baltimore County
Zoning Commissioner's Office
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

re: 11240 Reisterstown Road
PDM # IV-705, DRC 031008F
Case # 08-391A

Dear Mr. Wiseman:

This letter confirms the meeting today at which Mr. Jim Woodruff, the owner of the referenced property, and I spoke to you about a minor revision to the plan approved in your order dated May 20, 2008 granting variances to allow Mr. Woodruff to improve the property.

The approved plan incorrectly showed the rear portion of the site as BL zone when it is actually DR 3.5 zone. A parking space in that area had to be moved to the front of the property and included in with the rest of the parking for the use. This caused the edge of the parking to be closer to Reisterstown Road than shown on the plan. The parking is still in conformance BCZR regulations, but a small back-up area in the parking aisle would be closer than 10' to the property line. Because the parking area has been slightly re-configured the back-up area can be eliminated.

This letter confirms your verbal opinion today that the small revision to the plan as proposed, meets the spirit and intent of the approved zoning plan and variances granted in zoning case # 08-391A. Subject to approval of the Developer Plans Review office the back-up area can be eliminated to keep the location of parking area within the requirements of BCZR.

If you have any questions please do not hesitate to call us.

Very Truly Yours,

Richard Truelove PE, President

cc: Jim Woodruff

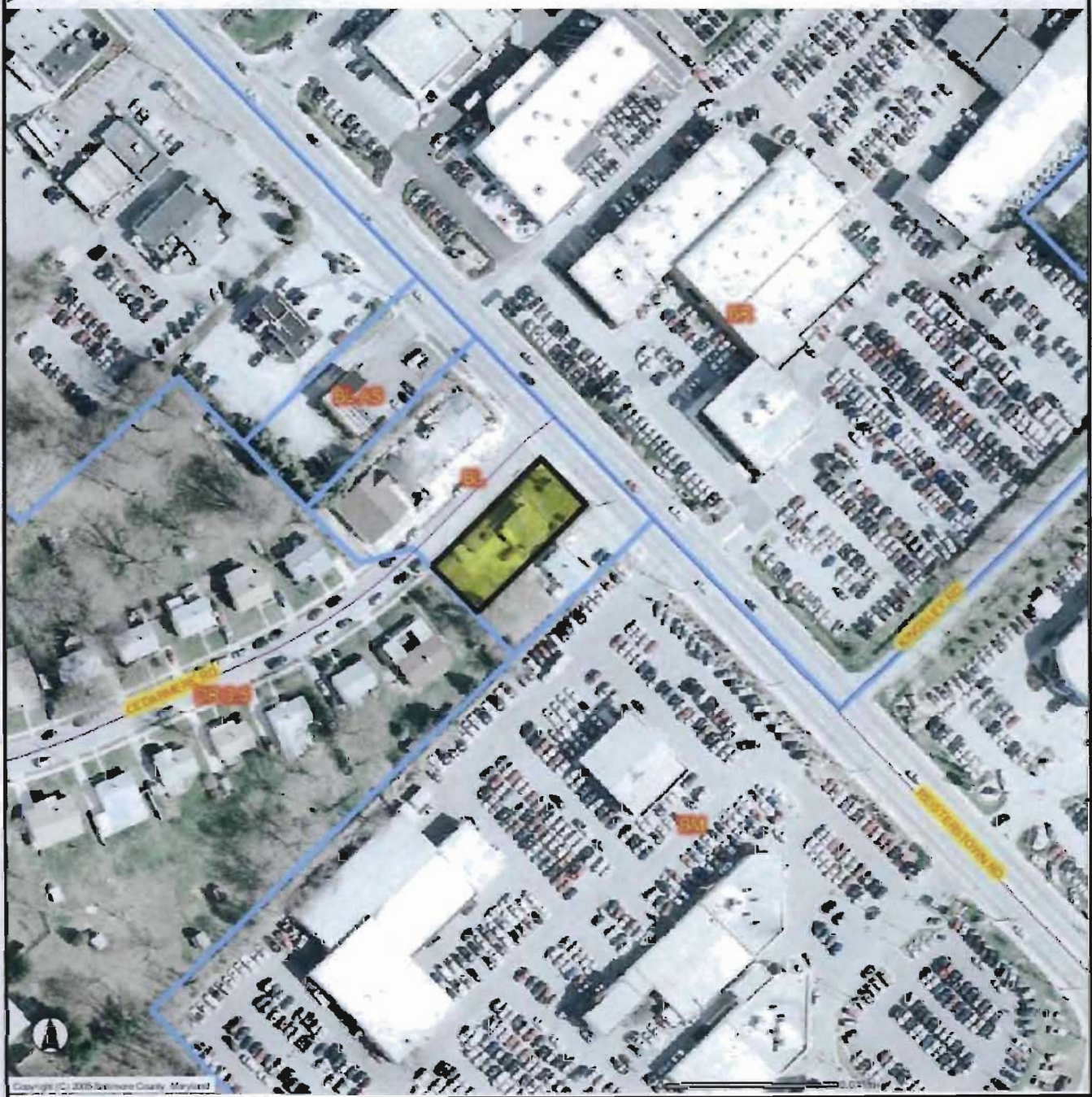
Reviewed and agreed to
[Signature] 12/22/08
CC PDM for inclusion
in the Park file.

CASE NAME _____
CASE NUMBER 08-391-A
DATE 4-24-08

[illegible]

Project Manager

Baltimore County - My Neighborhood



391



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

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

Account Identifier: District - 04 Account Number - 0419008793

Owner Information

Owner Name:	WOODRUFF JIM	Use:	COMMERCIAL
Mailing Address:	11240 REISTERSTOWN RD OWINGS MILLS MD 21117-1902	Principal Residence:	NO
		Deed Reference:	1) /26522/ 481 2)

Location & Structure Information

Premises Address

11240 REISTERSTOWN RD

Legal Description

11240 REISTERSTOWN RD
CEDARMERE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
58	7	86			A	B	1	2	Plat Ref: 19/ 100

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	875 SF	10,020.00 SF	06

Stories	Basement	Type	Exterior
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Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	85,000	105,000		
Improvements:	48,500	60,500		
Total:	133,500	165,500	133,500	144,166
Preferential Land:	0	0	0	0

Transfer Information

Seller: ROBERT MOSER INC	Date: 12/27/2007	Price: \$335,000
Type: IMPROVED ARMS-LENGTH	Deed1: /26522/ 481	Deed2:
Seller: SCHUSTER ENTERPR ISES INC	Date: 07/29/1991	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5615/ 810	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

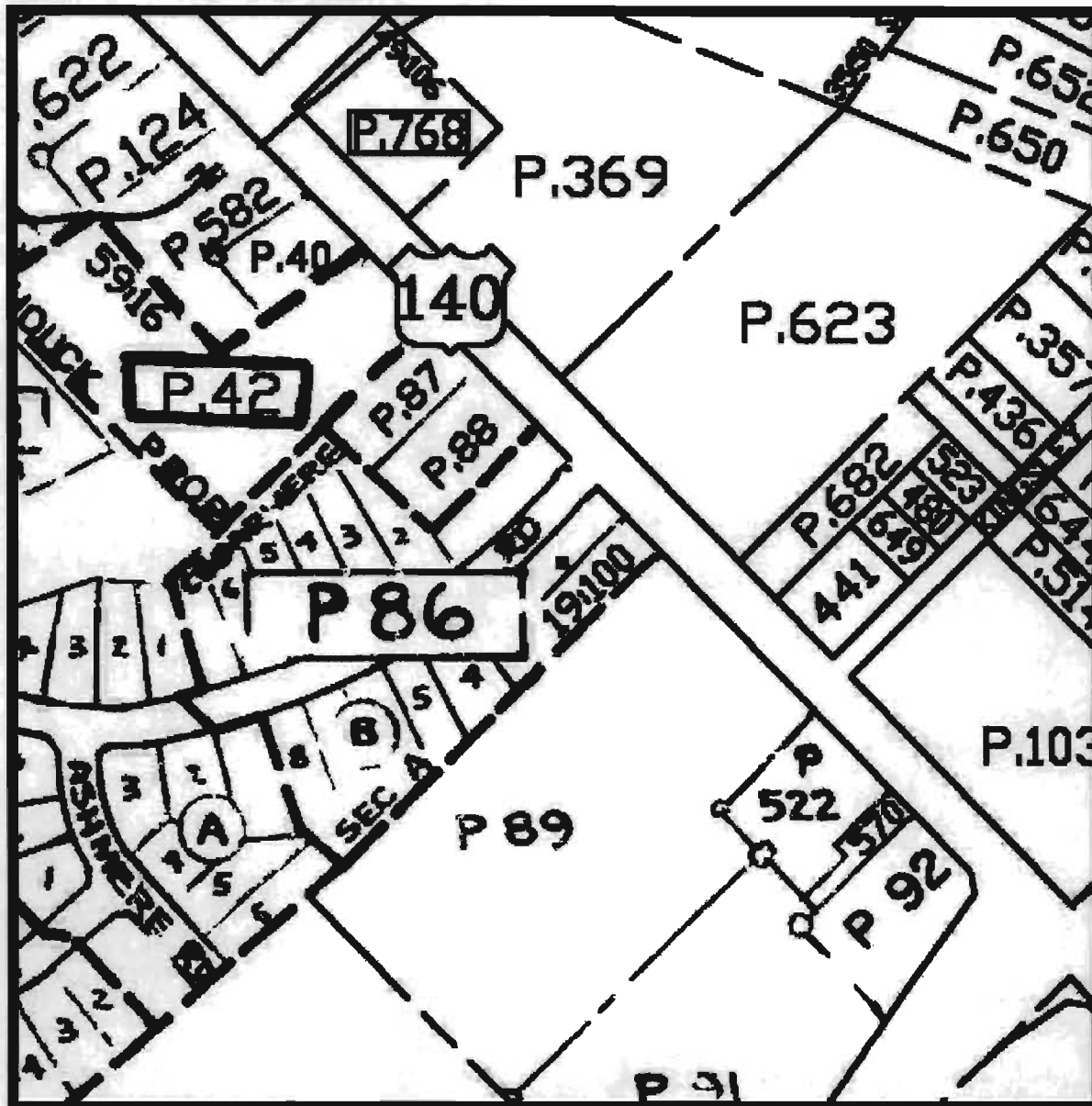
Special Tax Recapture:
 * NONE *



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

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District - 04 Account Number - 0419008793



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



Case No.: 08-391-A 11240 Reisterstown Rd

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED SITE PLAN	
No. 2	Bldg Elevations — Sent to Office of Planning	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

GENERAL NOTES

1. THERE ARE NO ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS, ENDANGERED SPECIES HABITATS, CRITICAL AREAS OR HISTORIC BUILDINGS ON THE SUBJECT SITE.
2. THERE ARE NO STREAMS, BODIES OF WATER, OR SPRINGS ON OR ADJACENT TO THE SUBJECT SITE.
3. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SUBJECT SITE.
4. THE SUBJECT SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
5. ALL PROPOSED SIGNAGE WILL COMPLY WITH SECTIONS 450 & 259.3.C.7 OF THE BCZR.
6. THE SUBJECT PROPERTY HAS NO PREVIOUS ZONING CASE HISTORY.
7. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN.

SOILS LIMITATION CHART				
SYMBOL	SERIES	W/ BASEMENT	W/O BASEMENT	PARKING/STREETS
Gc B2	GLENELG	SLIGHT	SLIGHT	MODERATE

PARKING CALCULATIONS

1ST FLOOR RETAIL = 2024 SQ. FT. @ 5/1000
5 x 2.024 = 11 SPACES
2ND FLOOR OFFICE = 2157 SQ. FT. @ 3.3/1000
3.3 x 2.157 = 8 SPACES

PARKING REQUIRED 19 SPACES
PARKING PROVIDED 16 SPACES

LANDSCAPE CALCULATIONS

REQUIRED PLANTING

ADJACENT ROAD @ 1 P.U./40 LF.
200' / 40 = 5 P.U.
INTERIOR ROAD @ 1 P.U./20 LF
30' / 20 = 2 P.U.

SCREEN PARKING FROM R/W (CLASS B)
115' / 15 = 8 P.U.

SCREEN PARKING FROM ADJACENT RES. (CLASS A)
20' / 15 = 1 P.U.

*SCREEN PARKING FROM ADJACENT COM. @ 1/20 LF
90' / 20 = 5 P.U.

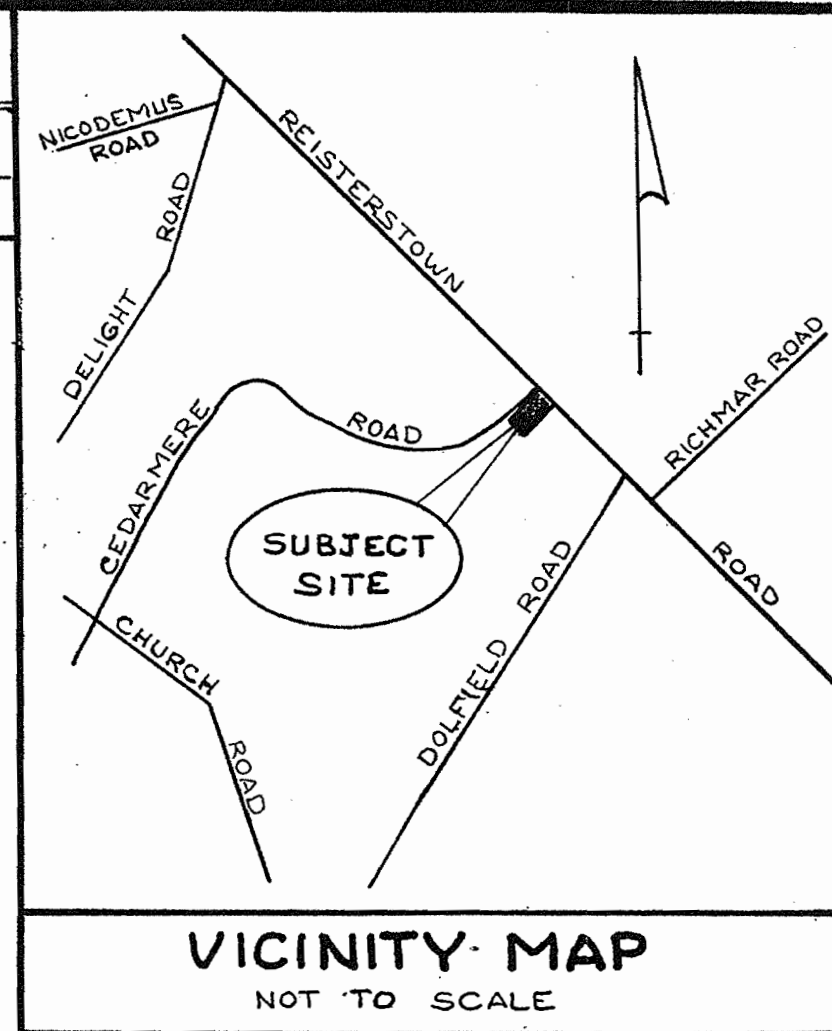
PARKING LOT - 15 OR LESS SPACES: EXEMPT.

TOTAL REQUIRED PLANTING UNITS = 21

PLANTING PROVIDED:

(7) SHADE TREES @ 1:1 = 7.0
(9) EVERGREEN TREES @ 2:1 = 4.5
(51) SHRUBS @ 5:1 = 10.2

PLANTING UNITS PROVIDED: 21.7
*6' SOLID SCREEN FENCE PROVIDED IN LIEU OF PLANTING DUE TO SPACE LIMITATIONS.

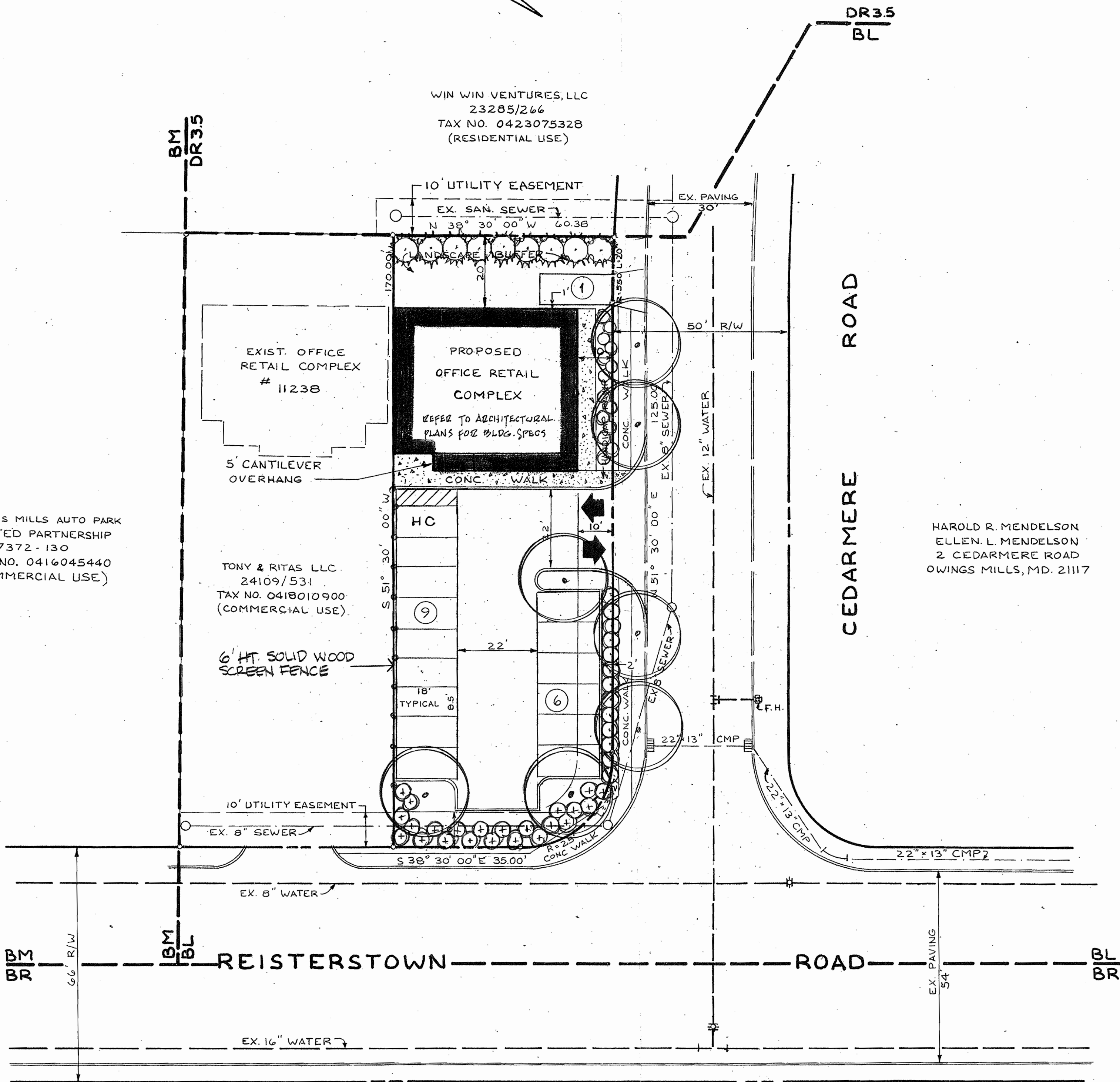


SITE DATA

SITE AREA	0.23 AC +/- 10,020 SQ. FT.
EXIST. ZONING	BL
COUNCILMANIC DISTRICT	4TH
ZONING MAP	058A2
DEED REFERENCE	26522/481
TAX MAP/GRID/PARCEL	58/7/86
TAX ACCOUNT NO.	0419008793
F.A.R. = 4.179 SQ. FT. / 10,020 SQ. FT.	= 0.42

SCHEMATIC LANDSCAPE LEGEND

- SHADE TREE (2"-2 1/2" CAL.)
- EVERGREEN TREE (5'-6' HT.)
- SHRUBS FOR SCREEN (18"-30" HT.)



ZONING NOTE

THIS PLAT ACCOMPANIES A ZONING PETITION FOR VARIANCE FROM:
SECTION 409.6A.2 TO ALLOW 16 PARKING SPACES IN LIEU OF THE REQUIRED 19
SECTION 409.8A.4 TO ALLOW A PARKING AREA TO BE 2' FROM A STREET RIGHT OF WAY LINE IN LIEU OF THE REQUIRED 10'.

OWNER INFORMATION

JIM WOODRUFF
9921 REISTERSTOWN ROAD
OWINGS MILLS, MD. 21117
PHONE: 410 902-0700

REVISIONS		
NO.	DATE	DESCRIPTION
1	2-8-08	REV. PER FILING CONF.
2	2-22-08	REV. BLDG. SIZE
3	3-18-08	REV. PER ZONING COMMENTS

SPELLMAN, LARSON & ASSOCIATES, INC.

CIVIL ENGINEERS AND LAND SURVEYORS
222 BOSLEY AVENUE SUITE B-3 TOWSON, MD 21204
PHONE: 410-823-3535

PLAT TO ACCOMPANY
ZONING PETITION
SCHEMATIC LANDSCAPE PLAN
11240 REISTERSTOWN ROAD
4-23-08
CEDARMERE

LOT 1 19/100

4TH ELECTION DISTRICT BALTIMORE COUNTY

SCALE: 1" = 20' DES. BY: TC
DATE: 2-7-08 DRN. BY: TC SHT. OF

GENERAL NOTES

1. THERE ARE NO ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS, ENDANGERED SPECIES HABITATS, CRITICAL AREAS OR HISTORIC BUILDINGS ON THE SUBJECT SITE.
2. THERE ARE NO STREAMS, BODIES OF WATER, OR SPRINGS ON OR ADJACENT TO THE SUBJECT SITE.
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5. ALL PROPOSED SIGNAGE WILL COMPLY WITH SECTIONS 450 & 259.3.C.7. OF THE BCZR.
6. THE SUBJECT PROPERTY HAS NO PREVIOUS ZONING CASE HISTORY.
7. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN.
8. REFER TO SCHEMATIC LANDSCAPE PLAN DATED 4-23-08 PREPARED BY HUMAN & RHODE, LANDSCAPE ARCHITECTS.

OWNER INFORMATION

JIM WOODRUFF
9921 REISTERSTOWN ROAD
OWINGS MILLS, MD. 21117
PHONE: 410 902-0700

SOILS LIMITATION CHART

SYMBOL	SERIES	W/BASEMENT	W/O BASEMENT	PARKING/STREETS
Gc B2	GLENELG	SLIGHT	SLIGHT	MODERATE

PARKING CALCULATIONS

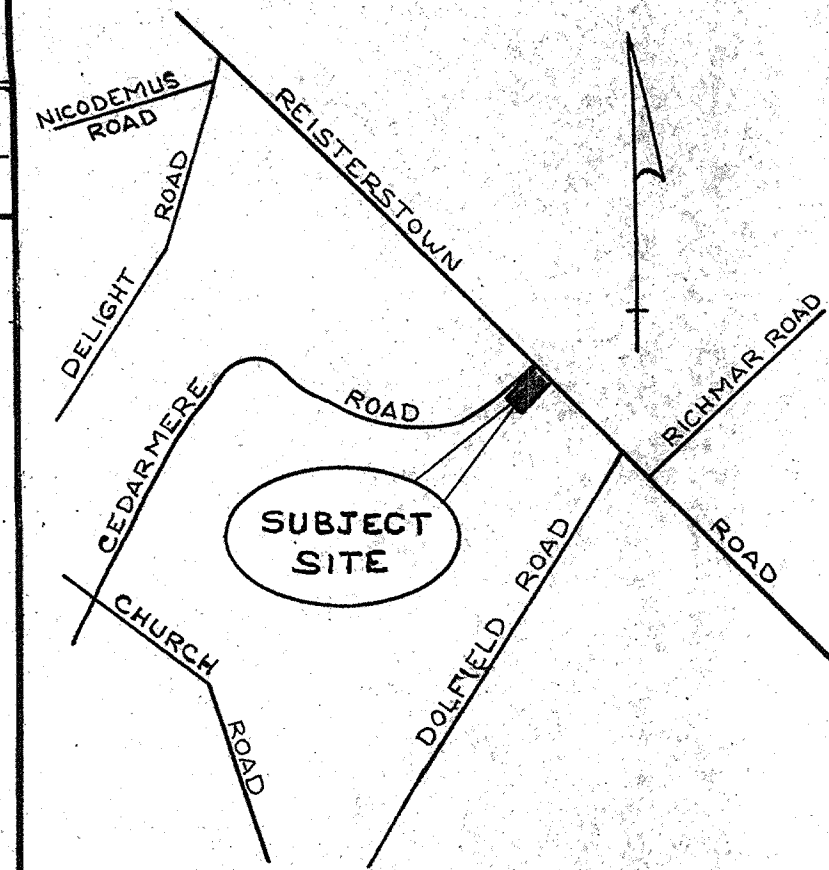
1ST FLOOR RETAIL = 2024 SQ. FT. @ 5/1000
5 x 2.024 = 11 SPACES
2ND FLOOR OFFICE = 2155 SQ. FT. @ 3.3/1000
3.3 x 2.155 = 8 SPACES

PARKING REQUIRED 19 SPACES

PARKING PROVIDED 16 SPACES

(THIS BUILDING WILL NOT HAVE A BASEMENT)

HANDICAP RAMP = 1

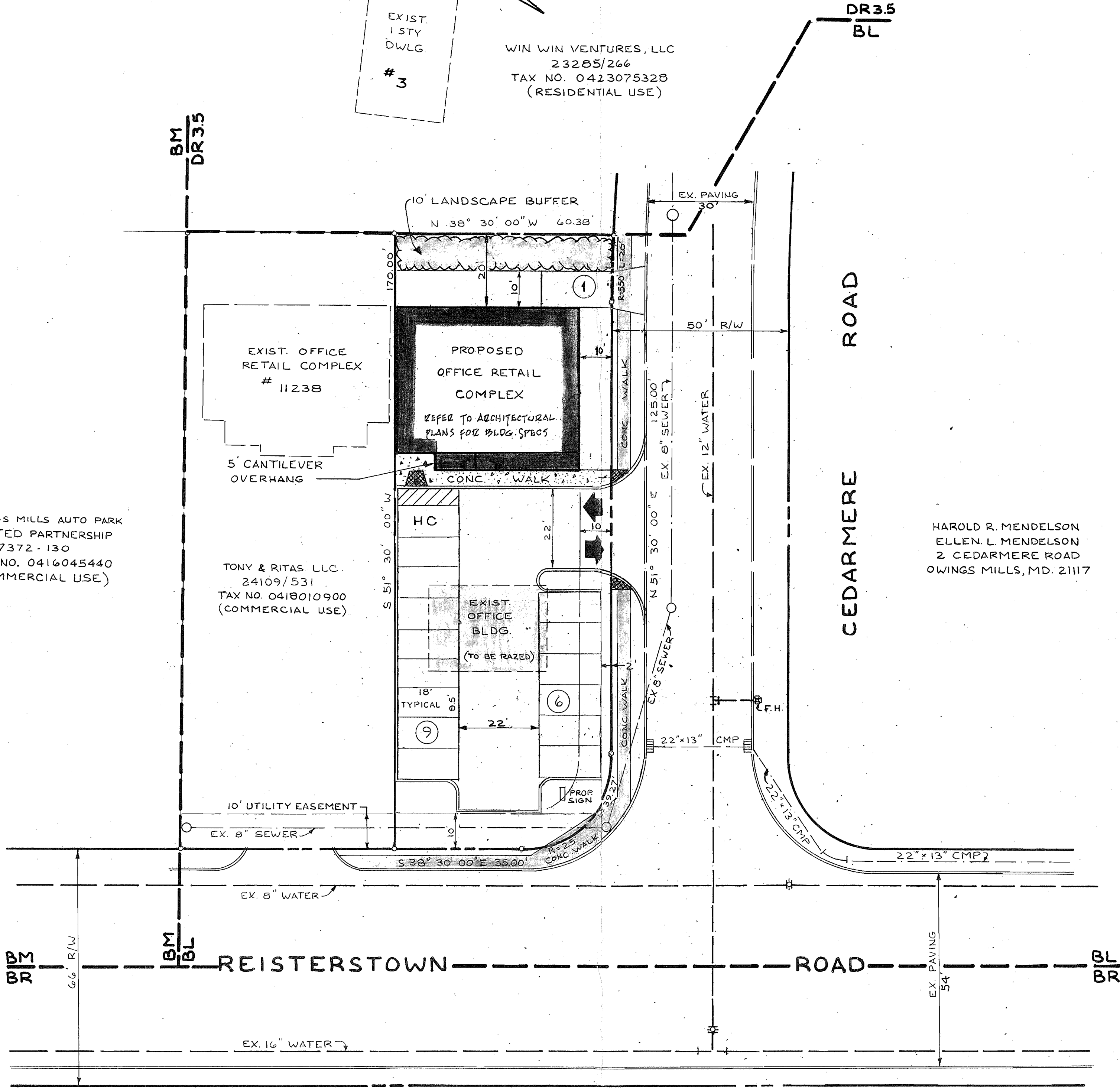


VICINITY MAP

NOT TO SCALE

SITE DATA

SITE AREA 0.23 AC +/- 10,020 SQ. FT.
EXIST. ZONING BL
COUNCILMANIC DISTRICT 4TH
ZONING MAP 058A2
DEED REFERENCE 26522/481
TAX MAP/GRID/PARCEL 58/7/86
TAX ACCOUNT NO. 0419008793
F.A.R. = 4.177 SQ. FT. / 10,020 SQ. FT. = 0.42



ZONING NOTE

THIS PLAT ACCOMPANIES A ZONING PETITION FOR VARIANCE FROM:
SECTION 409.6A.2 TO ALLOW 16 PARKING SPACES IN LIEU OF THE
REQUIRED 19
SECTION 409.8A.4 TO ALLOW A PARKING AREA TO BE 2' FROM
A STREET RIGHT OF WAY LINE IN LIEU OF THE REQUIRED 10'

PETITIONER'S

EXHIBIT NO. 1
AMENDED SITE PLAN PER O.P.

REVISIONS	
NO.	DESCRIPTION
1	2-8-08 REV. PER FILING COM.
2	2-22-08 REV. BLDG. SIZE
3	2-18-08 REV. PER ZONING COMMENTS
4	4-22-08 REV. PER PLANNING COMMENTS
5	5-1-08 REV. PER PLANNING COMMENTS

SPELLMAN, LARSON & ASSOCIATES, INC.

CIVIL ENGINEERS AND LAND SURVEYORS
222 BOSLEY AVENUE SUITE B-3 TOWSON, MD 21204
PHONE: 410-823-3535

PLAT TO ACCOMPANY ZONING PETITION

11240 REISTERSTOWN ROAD

CEDARMERE

LOT 1 19/100

4TH ELECTION DISTRICT BALTIMORE COUNTY

SCALE: 1" = 20' DATE: 2-7-08 DES. BY: T.C. SHT. OF