

IN RE: PETITIONS FOR SPECIAL HEARING, *	BEFORE THE
SPECIAL EXCEPTION AND VARIANCE	
E/S Main Street, 900' N c/line of *	ZONING COMMISSIONER
Chartley Drive	
(457 Main Street) *	FOR
4 th Election District *	BALTIMORE COUNTY
3 rd Council District	
	Case No. 08-408-SPHA
457 Main Street, LLC	
Petitioner *	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by 457 Main Street, LLC by its managing member Ghassan Issa, through their attorney, Jason T. Vettori, Esquire. The Petitioner requests a Special Hearing, pursuant to Section 409.8 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the B.C.Z.R., and a modified parking plan, in accordance with Section 409.12 of the B.C.Z.R. In addition, special exception relief is sought, pursuant to Sections 204.3.B and 204.6 of the B.C.Z.R., to allow a Class "B" office building in an R-O/D.R.5.5 zone. Lastly, variance relief is requested from the B.C.Z.R. as follows: From Section 409.4 to permit a driveway 9 feet in width for two-way movements in lieu of the minimum required 20 feet in width; from Section 204.4.C.6 to permit 0% of the interior of the parking lot to be pervious land area in association with plantings in lieu of the minimum required 7%; Section 204.4.C.9.c to permit a 0 foot landscape buffer in lieu of the required 10 foot buffer from property lines which abut any nonresidentially zoned property; from Section 204.4.C.9.c to permit a 0 foot landscape buffer in lieu of the required 20 foot buffer from property lines which abut any property which is predominately residentially zoned, residentially used or which abut

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any residential street; and Section 204.4.C.4 to permit a 9 foot side yard setback in lieu of the minimum required 10 feet, or in the alternative, to permit a side yard setback of 9 feet in lieu of the minimum required 20 feet. The subject property and requested relief are more particularly described on the revised site plan¹, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Ghassan Issa and Sam Leopar, on behalf of 457 Main Street, LLC, owner of the property. The Petitioner was represented by Jason T. Vettori, Esquire of Gildea & Schmidt, LLC. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular-shaped parcel consisting of approximately 34,881 square feet, more or less, and split-zoned R-O/D.R. 3.5. The property is located in Reisterstown on the east side of Main Street, approximately 900 feet north of the centerline of Chartley Drive. The site is improved with an existing two-story, single-family dwelling located in the R-O zoned portion of the property. The Petitioner proposes to convert the existing single family dwelling to an office use in keeping with adjacent properties fronting on Main Street, with a modest expansion and renovation of the structure. Testimony and evidence indicated that conversion of the existing dwelling to an office use would not require special exception relief, nor would it be subject to bulk regulations (B.C.Z.R. Section 204.4.B). Mere conversion of the existing structure from residential to office use would be considered a Class "A" office building, a use permitted by right in accordance with B.C.Z.R. Section 204.3.A.2. However, the requested expansion of the existing structure and its conversion to a

¹ Due to the extensive nature of the refinements to the originally filed site plan a revised, rather than a redlined site plan, was accepted into evidence.

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Class "B" office building and resulting parking plan necessitates the aforementioned requests for relief.²

A Class "B" office building is a principal building originally constructed as a single family dwelling that is converted to an office, with *an external enlargement*. Moreover, conversion of the existing one-family dwelling to a Class "B" office building is only permitted by Special Exception in the R-O zone. Furthermore, the variance relief requested is for what is essentially existing conditions. The relief sought is for the setback of the existing structure from the side yard, the width of the existing driveway located between the existing structure and the tract boundary (9 foot side yard setback request and driveway 9 feet in width for 2-way movements) as well as the bulk regulations which are only applicable to Class "B" office buildings. Finally, as a result of the off-street parking requirements of the R-O zone and B.C.Z.R. Section 409, special hearing relief for a use permit and a modified parking plan has been requested.

Peter Max Zimmerman, People's Counsel for Baltimore County, in a letter dated April 24, 2008, advised this Commission that Stephen E. Weber, Chief of Traffic Engineering, pursuant to his (Zimmerman's) request, viewed the Petitions and site plan in this case. Mr. Zimmerman's letter further notes that Mr. Weber's e-mail dated April 22, 2008 "enumerates a number of serious concerns particularly as to the safety of the driveway entrance and the intrusion into the D.R.3.5 zone with commercial parking." Mr. Zimmerman's letter and Mr. Weber's e-mail were received and made part of the record in this case. The Zoning Advisory

² OFFICE BUILDING, CLASS A – A principal building that was originally constructed as a one-family or two-family detached dwelling and that is converted by proper permit to office use without any external enlargement for the purpose of creating the office space or otherwise accommodating the office use. For the purposes of this definition, enclosure of a porch of a house or the addition of an exterior stairway at the side or rear of the building does not constitute external enlargement.

OFFICE BUILDING, CLASS B – A principal building used for offices and which is not a Class A office building. (B.C.Z.R. Section 101)

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Committee (ZAC) comments from other County reviewing agencies received are also contained in the case file and summarized below.

The Office of Planning, in its comment of March 24, 2008, summarized its recommendation as supporting the conversion of the dwelling to a Class "B" office dwelling, provided that style, building materials, and design are compatible with the surrounding historic community. The Office of Planning further indicated that it does not support the special hearing or variance relief requested. Finally, it indicated that it has not received a compatibility report, pursuant to Baltimore County Code (B.C.C.) Section 32-4-402(c)(2).

Michael Bailey, for Stephen D. Foster, Chief, Engineering Access Permits Division, State Highway Administration (SHA), in a letter dated March 10, 2008, indicated that the 9-foot wide residential entrance onto Main Street in lieu of the required 25-foot width for a commercial entrance onto a state road was not acceptable. SHA requested that the applicant address the SHA access requirements as a condition of approval.

Based upon the concerns enumerated above, the Petitioner significantly revised its site plan. The parking lot was moved much closer to the proposed office building, and the entrance to Main Street was expanded, among other things. As a result, the Office of Planning and Mr. Weber modified their comments to reflect their support of the amended plan. Additionally, the revisions adequately addressed the issue SHA had with the width of the commercial entrance onto Main Street.

In an e-mail dated Tuesday, May 6, 2008, Mr. Weber attached a copy of Petitioner's Exhibit 1, the revised site plan, and indicated that the aforementioned attached plan appears to have essentially addressed all of the Traffic Engineering concerns he expressed to People's Counsel in his e-mail dated April 22, 2008. He noted that there are still some deficiencies

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dealing with the interior width of the driveway access, but it could probably be reasonably dealt with considering the traffic volumes going into and out of the site. The Office of Planning, in a revised comment dated May 7, 2008, similarly indicated that it supported the requested relief following its further review of the revised site plan, subject only to compatibility approval. Petitioner testified that the roof of the renovated Class "B" office building would be pitched higher than the roof of the existing residence to make it compatible with vicinal structures. Petitioner offered testimony and aerial photographs of the immediate area, Petitioner's Exhibits 3A, 3B and 3C, evidencing that the principal use and use permit for business parking in a residential zone were compatible with the surrounding uses. The Petitioner also submitted a letter from Dr. Herbert Weiss, the adjacent property owner, offering his support for the requested relief, which was entered into evidence as Petitioner's Exhibit 2.

Petitioner presented testimony that the requested variance should be granted because special circumstances and conditions exist that are peculiar to the land and structure. *Cromwell v. Ward* 102 Md. App. 691, 651 A.2d 424 (1995). The property is unique due to its shape, width, the orientation of the house to the property boundaries, topography and architecture, as well as its orientation to Main Street and its historic use. Strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship, as the property would be so constrained that no reasonable use would be viable. Petitioner offers that the property is no longer suitable for residential use and in need of significant renovation. The existing structure's roof has a lower pitch than the structures in the vicinity. The Petitioner stated that the renovations would create a building architecturally consistent with the adjoining properties, creating an overall plan which better meets the spirit and intent of the B.C.Z.R. Evidence further indicates that the proposed improvements can be erected without any adverse impact on the

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By DJJ

health, safety or general welfare of the general public. Provided the architecture of the proposed structure is compatible with the neighborhood, the existing structure's use as an office is more compatible with the adjoining uses, which are homes that have been previously converted to offices, rather than for a residential use. Due to the nature of dwellings being converted to offices, not all of the adjoining properties currently being used as offices necessarily provide pervious land area in the interior of the parking lot, a landscape buffer or a driveway with the requisite width.

Under the authority granted by Sections 500.6 and 500.7 of the B.C.Z.R., Petitioner is requesting that the Zoning Commissioner issue a use permit pursuant to Section 409.8.B of the B.C.Z.R. for the use of land within a residential zone for parking facilities to meet the requirements of Section 409.6 of the B.C.Z.R. A significant reduction of the encroachment of the parking lot into the residential zone on the revised site plan demonstrates that the original design represents a concerted effort by the Petitioner to use the property in a way which is consistent with adjoining properties. The May 6, 2008 e-mail from Mr. Weber and the revised Office of Planning ZAC comment are further evidence of this compatibility.

The Zoning Regulations provide two means by which a use permit may be obtained. First, as articulated in the regulations, [Section 409.8.B.1 (a), (b) and (c)], a procedure is set out whereby an application may be filed for a use permit, which does not necessitate a public hearing. A public hearing is required on the use permit if a formal request, presumably in response to notice being posted on the property, for a public hearing is filed pursuant to B.C.Z.R. Section 409.8.B.1(d). Second, while Section 409.8.B.1 of the B.C.Z.R. does not explicitly state that a use permit can be obtained by filing a Petition for Special Hearing, Section 500.7 of the B.C.Z.R. permits a Petitioner to voluntarily request a public hearing so that the Zoning

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Commissioner can interpret and apply any section of the B.C.Z.R. as it relates to a property of interest. The instant petition for special hearing is filed in accordance with this section.

As indicated on the site plan, the proposed parking facility extends from the R-O zone into the D.R.3.5 zone. Section 409.6.A of the B.C.Z.R. sets out the general requirements for the required minimum number of on-site parking spaces to support proposed uses. An office use is required to provide 3.3 spaces per 1,000 square feet of gross floor area pursuant to B.C.Z.R. Section 409.6.A.2. Therefore, the adjusted gross floor area of the proposed structure, 4,020 square feet requires the Petitioner to provide 14 spaces per B.C.Z.R. Section 409. The revised site plan proposes 16 spaces (2 handicapped, 14 regular).

Special Exceptions are governed by B.C.Z.R. Section 502. The Courts set forth the applicable standard for judicial review of special exceptions in *Schultz v. Pritts* 291 Md. 1 (1981), as follows:

“...The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible *absent any facts or circumstances negating the presumption*. The duties given the Board are to judge whether the *neighboring properties in the general neighborhood would be adversely affected* and whether the use in the particular case is in harmony with the general purpose and intent of the plan.” 291 Md. at 15, 432 A.2d at 1327.

The proposed Class “B” office building is therefore valid, absent a finding that it would be detrimental to the health, safety or general welfare of the public.

Testimony and evidence indicates that the proposed use will not be detrimental to the health, safety or general welfare of the local involved, nor will it tend to create congestion in the roads, streets or alleys therein, create a potential hazard from fire, panic or other danger, overcrowd land and cause undue concentration of population, interfere with adequate provisions

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for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements, interfere with adequate light and air, be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of the zoning regulations, be inconsistent with the impermeable surface and vegetative retention provisions of the zoning regulations or be detrimental to the environment or natural resources of the site and vicinity. In this regard, Petitioner's testimony was corroborated by Steve Weber's and the Office of Planning's revised comments.

After considering the relief requested, I am convinced that the petition for special hearing relief should be granted with respect to the use permit for business parking in a residential zone, special exception relief should be granted to convert a dwelling, with external expansion, to a Class "B" office building and variances should be granted to permit a driveway 9 feet in width, to permit 0% of the interior parking lot to be pervious land area and to permit a 0 foot landscape buffer from property lines which abut a non-residentially zoned property. It should be noted that the required 10-foot landscape buffer is for "parking." B.C.Z.R. Section 240.4.C.9.c. Given the unique shape and configuration of the property, the reduction of the impact upon the residential zone to the rear,³ as proposed on the amended plan, has a net impact of pushing the parking lot closer to adjacent property owners on each side. I am persuaded that special hearing relief requested for a modified parking plan can be dismissed as moot, as the relief granted is sufficient for approval of the revised site plan submitted herein. I am further convinced that the variance request to permit a 0 foot landscape buffer from property lines which abut any property which is predominantly residentially zoned, residentially used or which abut any residential street does not apply to the subject property. The principal use of the adjoining properties lie in the R-O zoned portion thereof. The R-O zone regulations can be found in the office zone section of the

³ Even though the residential zone boundary is several hundred feet from the rear property line.

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By GWS

Zoning Regulations. Therefore, the variance requested from this provision can be dismissed as moot.

Finally, the request for a variance to permit a 9 foot side yard setback in lieu of the minimum required 10 feet, or in the alternative, to permit a side yard setback of 9 feet in lieu of the minimum required 20 feet shall also be dismissed as moot, as that portion of the Class "B" office building which is 9 feet from the side yard setback is part of the existing structure.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of June 2008, that the Petition for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a permit for the use of land in a residential zone for parking facilities, in accordance with the requirements of Section 409.6 of the B.C.Z.R., be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the portion of the Petition for Special Hearing requesting approval of a modified parking plan, in accordance with Section 409.12 of the B.C.Z.R., shall be DISMISSED AS MOOT; and

IT IS FURTHER ORDERED, that the Petition for Special Exception filed pursuant to Sections 204.3.B and 204.6 of the B.C.Z.R., for the conversion of a dwelling with external expansion to a Class "B" office building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Petition for Variance, from the B.C.Z.R. as follows: Section 409.4 to permit a driveway 9 feet in width for two-way movements in lieu of

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the minimum required 20 feet in width; Section 204.4.C.6 to permit 0% of the interior of the parking lot to be pervious land area in association with plantings in lieu of the minimum required 7%; and Section 204.4.C.9.c to permit a 0 foot landscape buffer in lieu of the required 10 foot buffer from property lines which abut any nonresidentially zoned property, be and are hereby GRANTED; subject to the following conditions precedent to the relief granted herein:

1. No parking shall take place on that portion of the revised site plan indicated as amenity open space; and
2. There shall be no parking on the access for ingress and egress to Main Street; and
3. The development shall receive a recommendation from the Director of the Office of Planning that the development is compatible with the neighborhood, pursuant to B.C.C. Section 32-4-402(c)(2).

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 204.4.C.9.c to permit a 0 foot landscape buffer in lieu of the required 20 foot buffer from property lines which abut any property which is predominately residentially zoned, residentially used or which abut any residential street and Section 204.4.C.4 to permit a 9 foot side yard setback in lieu of the minimum required 10 feet, or in the alternative, to permit a side yard setback of 9 feet in lieu of the minimum required 20 feet, be and are hereby DISMISSED AS MOOT.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

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Date 6-4-08
By [signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 4, 2008

Jason Vettori, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE

E/S Main Street, 900' N c/line of Chartley Drive
(457 Main Street)
4th Election District - 3rd Council District
Case No. 08-408-SPHA
457 Main Street, LLC - Petitioner

Dear Mr. Vettori:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted in part and dismissed as moot in part, 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: Ghassan Issa, 457 Main Street, LLC, 2 Hanover Road, c/o Tonino's, Reisterstown, MD 21136
Sam Leopar, 4502 Old Court Road, Pikesville, MD 21208
Stephen D. Foster, Chief, Engineering Access Permits Division, SHA, Maryland Department
of Transportation, 707 North Calvert Street, Baltimore, MD 21202
People's Counsel; Stephen E. Weber, DPW; Office of Planning; Dennis Kennedy, DPR; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 457 Main Street

which is presently zoned R.O and D.R. 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Jason T. Vettori

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Ghassan Issa, Authorized Representative, 457 Main Street, LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

2 Hanover Road, c/o Tonino's

(410) 833-2070

Address

Telephone No.

Reisterstown

MD

21136

State

Zip Code

Representative to be Contacted:

Jason T. Vettori

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 08-408-SPHXA

Reviewed By

A-Tsu

Date

03/03/08

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

6-4-08

By

WV

ATTACHMENT TO PETITION FOR SPECIAL HEARING

457 Main Street

1. A use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the Baltimore County Zoning Regulations (BCZR), pursuant to Section 409.8 of the BCZR; and
2. A modified parking plan, in accordance with Section 409.12 of the BCZR; and
3. For such other relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

08-408-SPHXA



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 457 Main Street

which is presently zoned R.O. and D.R. 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHED

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Jason T. Vettori

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Ghassan Issa, Authorized Representative, 457 Main Street, LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

2 Hanover Road, c/o Tonino's

(410) 833-2070

Address

Telephone No.

Reisterstown

MD

21136

State

Zip Code

Representative to be Contacted:

Jason T. Vettori

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By

A-TSUC

Date

03/03/08

Case No.

08-408-SPHXA

REV 09/15/98

ORDER RECEIVED FOR FILING

Date

6-9-08

By

AW

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

457 Main Street

1. Conversion of a dwelling, with external expansion, to a Class "B" office building, pursuant to BCZR §§ 204.3.B and 204.6; and
2. For such other relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

08-408-SPHXA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 457 Main Street

which is presently zoned: R.O. and D.R. 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a 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 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

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Jason T. Vettori

Name - Type or Print

Signature

Gilden & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Ghassan Issa, Authorized Representative, 457 Main Street, LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

2 Hanover Road, c/o Tonino's

(410) 833-2070

Address

Telephone No.

Reisterstown

MD

21136

State

Zip Code

Representative to be Contacted:

Jason T. Vettori

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

Case No.

08-408-SPHXA

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

A. T. Sullivan

Date

03/23/08

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

6-4-08

By

100

ATTACHMENT TO PETITION FOR VARIANCE

457 Main Street

1. 409.4 of the BCZR to permit a driveway 9 feet in width for two-way movements in lieu of the minimum required 20 feet in width; and
2. 204.4.C.6 of the BCZR to permit 0% of the interior of the parking lot to be pervious land area in association with plantings in lieu of the minimum required 7%; and
3. 204.4.C.9.c of the BCZR to permit a 0 foot landscape buffer in lieu of the required 10 foot buffer from property lines which abut any nonresidentially zoned property; and
4. 204.4.C.9.c of the BCZR to permit a 0 foot landscape buffer in lieu of the required 20 foot buffer from property lines which abut any property which is predominately residentially zoned, residentially used or which abut any residential street; and
5. 204.4.C.4 of the BCZR to permit a 9 foot side yard setback in lieu of the minimum required 10 feet, or in the alternative, to permit a side yard setback of 9 feet in lieu of the minimum required 20 feet; and
6. For such other relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

08-408-SPHXA

ZONING DESCRIPTION FOR 457 MAIN STREET

BEGINNING at a point on the East side of Main Street also known as Reisterstown Road which is 66 feet wide and approximately 900 feet northerly from the centerline of Chartley Drive which is 70 feet wide. Thence the following courses and distances and with the East side of said Main Street

- 1) N 10° W 66 feet, thence leaving Main Street
- 2) N 78° E 533 feet, thence
- 3) S 0° 30' W 66 feet, thence
- 4) S 78° W 524 feet to the place of beginning as recorded in deed
Liber 25624 Folio 389



08-408-SPHXA

1118

1118/
03/03/0

BUSINESS ACTION TIME
10/1/2006 3/03/2006 10:26:55

JAMES T. SMITH, JR.
County Executive

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

11/10/07

From:

45' Main Street

WHITE - CASHIER

YELLOW - CUSTOMER

Zoning Review | County Office Building

111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048

www.baltimorecountymd.gov

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: #08-408-SPHXA

457 Main Street

E/side of Main Street, 900 feet north of centerline of Chartley Drive

4th Election District - 3rd Councilmanic District

Legal Owner(s): Ghassan Issa

Special Hearing: for a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the BCZR, pursuant to Section 409.8 of the BCZR, and a modified parking plan, in accordance with Section 409.12 of the BCZR. **Special Exception:** for a conversion of a dwelling, with external expansion, to a Class "B" office building. **Variance:** to permit a driveway 9 ft in width for two-way movements in lieu of the minimum required 20 ft in width; to permit 0% of the interior of the parking lot to be pervious land area in association with plantings in lieu of the minimum required 7%; to permit a 0 ft landscape buffer in lieu of the required 10 ft buffer from property lines which abut any nonresidential zoned property; to permit a 0 ft landscape buffer in lieu of the required 20 ft buffer from property lines which abut any property which is predominately residentially zoned, residentially used or which abut any residential street; to permit a 9 ft side yard setback in lieu of the minimum required 10 ft., or alternative, to permit side yard setback of 9 ft in lieu of the minimum required 20 ft.

Hearing: Wednesday, May 7, 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 4/826 Apr. 22

170892

CERTIFICATE OF PUBLICATION

4/24/2008

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 4/22/2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 08-408-5 FAXA

Petitioner/Developer: GHASSAN

75A

Date of Hearing/Closing: 5-7-08

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

457 MAIN ST.

The sign(s) were posted on 4-21-08
(Month, Day, Year)

Sincerely,

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

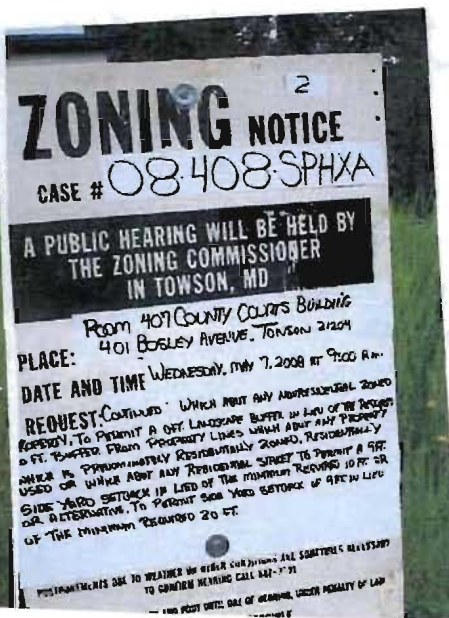
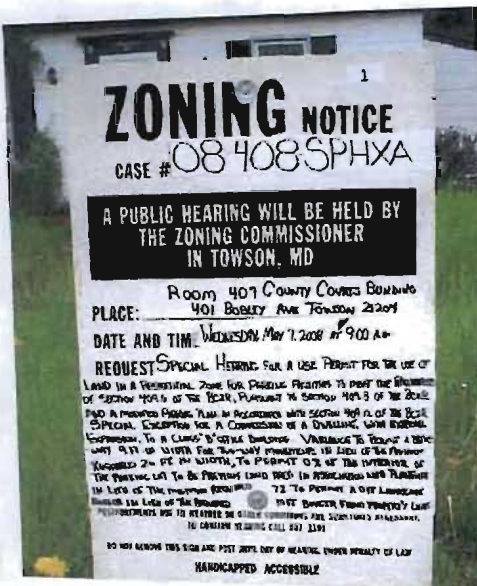
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(416) 282-7940

(Telephone Number)



**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 that is the subject of an upcoming zoning hearing. For those petitions that 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: 08-408-SHXA

Petitioner: 457 MAIN STREET, LLC

Address or Location: ~~457 Main Street~~ 457 MAIN STREET FETTERSTOWN, MD

Please Forward Advertising Bill to:

Name: JASON T. VETTORI

Address: GILDER & SCHMIDT, LLC

600 WASHINGTON AVE., SUITE 200

TOWSON, MD 21204

Telephone: (410) 821-0070



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING

March 18, 2008

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

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: 08-408-SPHXA

457 Main Street

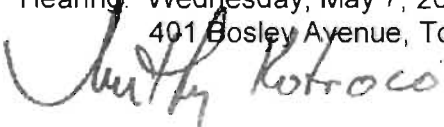
E/side of Main Street, 900 feet north of centerline of Chartley Drive

4th Election District – 3rd Councilmanic District

Legal Owners: Ghassan Issa

Special Hearing for a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the BCZR, pursuant to Section 409.8 of the BCZR, and a modified parking plan, in accordance with Section 409.12 of the BCZR. Special Exception for a conversion of a dwelling, with external expansion, to a Class "B" office building. Variance to permit a driveway 9 ft in width for two-way movements in lieu of the minimum required 20 ft in width; to permit 0% of the interior of the parking lot to be pervious land area in association with plantings in lieu of the minimum required 7%; to permit a 0 ft landscape buffer in lieu of the required 10 ft buffer from property lines which abut any nonresidential zoned property; to permit a 0 ft landscape buffer in lieu of the required 20 ft buffer from property lines which abut any property which is predominately residentially zoned, residentially used or which abut any residential street; to permit a 9 ft side yard setback in lieu of the minimum required 10 ft., or alternative, to permit side yard setback of 9 ft in lieu of the minimum required 20 ft.

Hearing: Wednesday, May 7, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Ghassan Issa, 2 Hanover Road, c/o Tonino's, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 22, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 22, 2008 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 08-408-SPHXA

457 Main Street

E/side of Main Street, 900 feet north of centerline of Chartley Drive

4th Election District – 3rd Councilmanic District

Legal Owners: Ghassan Issa

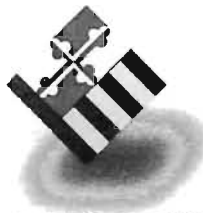
Special Hearing for a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the BCZR, pursuant to Section 409.8 of the BCZR, and a modified parking plan, in accordance with Section 409.12 of the BCZR. Special Exception for a conversion of a dwelling, with external expansion, to a Class "B" office building. Variance to permit a driveway 9 ft in width for two-way movements in lieu of the minimum required 20 ft in width; to permit 0% of the interior of the parking lot to be pervious land area in association with plantings in lieu of the minimum required 7%; to permit a 0 ft landscape buffer in lieu of the required 10 ft buffer from property lines which abut any nonresidential zoned property; to permit a 0 ft landscape buffer in lieu of the required 20 ft buffer from property lines which abut any property which is predominately residentially zoned, residentially used or which abut any residential street; to permit a 9 ft side yard setback in lieu of the minimum required 10 ft., or alternative, to permit side yard setback of 9 ft in lieu of the minimum required 20 ft.

Hearing: Wednesday, May 7, 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 M. KOTROCO, *Director*
Department of Permits and
Development Management

April 30, 2008

Jason T. Vettori
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Dear Mr. Vettori:

RE: Case Number: 08-408-SPHXA, 457 Main Street

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 3, 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
Ghassan Issa, Authorized Representative 457 Main Street, LLC 2 Hanover Road, c/o
Tonino's Reisterstown 21136

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 24, 2008

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

SUBJECT:

INFORMATION:

Item Number: 08-408

Petitioner: 457 Main Street, LLC

Property Size: 34,881 square feet

Zoning: R.O. & D.R. 3.5

Requested Action: Special Hearing, Special Exception, and Variance

The petitioner requests a special hearing for a use permit for land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the BCZR, pursuant to Section 409.8 of the BCZR and a modified parking plan, in accordance with Section 409.12 of the BCZR.

The petitioner is requesting a special exception for the conversion of a dwelling, with external expansion, to a Class "B" office building, pursuant to Sections 204.3.B and 204.6 of the BCZR.

The petitioner is also requesting a variance to Section 409.4 of the BCZR to permit a driveway 9 feet in width for a two-way movement in lieu of the minimum required 20 feet in width. From Section 204.4.C.6 of the BCZR to permit 0% of the interior of the parking lot to be pervious land area in association with plantings in lieu of the minimum required 7%. From section 204.4.C.9.c of the BCZR to permit a 0 foot landscape buffer in lieu of the required 10-foot buffer from property lines, which may abut any non-residentially, zoned property. From Section 204.4.C.9.c of the BCZR to permit a 0 foot landscape buffer in lieu of the required 20-foot buffer from property lines, which may abut any property that is predominantly residentially zoned, residentially used or which abut any residential street. And from Section 204.4.C.4 of the BCZR to permit a 9 foot side yard set back in lieu of the minimum 10 feet, or in the alternative, to permit a side yard setback of 9 feet in lieu of the required 20 feet.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does support the special exception for the conversion of a dwelling, with external expansion, to a Class "B" office building, pursuant to Sections 204.3.B and 204.6 of the

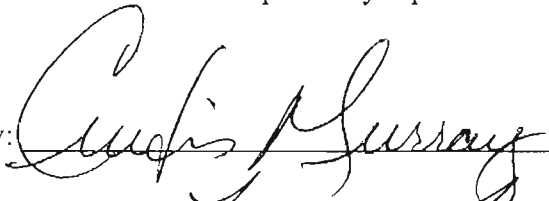
BCZR, provided that style, building materials, and design are compatible with the surrounding historic community.

The Office of Planning **does not support** the special hearing or variance for the above property known as 457 Main Street, LLC. There is no parking in the residentially zoned portion of the surrounding properties. Therefore supporting this variance would put this property out of character with the rest of this historic area of Reisterstown. All of the surrounding properties are functioning without the need for parking in the residentially zoned areas and the properties that do want parking in the residential zone have applied for re-zoning in the 2008 CZMP, to change that portion to commercial.

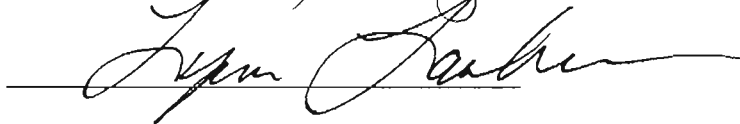
In sum there is far too much relief needed for this property to function as desired, the aforementioned plus the request for a driveway that is less than half of the required minimum width and no buffering of the surrounding properties of any sort, whether residential or commercial. The scope of the desired use should be reconsidered to be more in keeping with the existing residential/commercial community.

Per section 32-4-402.c. (2) a compatibility finding is required by the Office of Planning. To date, this office has not received a compatibility report to evaluate and make such finding.

Prepared By:



Division Chief:



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 13, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For March 17 2008
Item Nos. 98-371, 400, 401, 402, 403, 404,
405, 406, 408, 409, 410, 411, 412, 413, 414,
416, and 417

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-03132008.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 12, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 10, 2008

Item Number: 401,402,408

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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*



Maryland Department of Transportation

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

March 10, 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. 08-408-SPHXA
MD 140
457 Main Street
900 ' north of Chartley Avenue
Case No. 08-408-SPHXA

Dear Ms. Matthews:

Thank you for the opportunity to review of the plan to accompany petition of variance for 457 Main Street, which was received March 4th. We understand that this plan illustrates a proposal to add a 2-story 21' high building and 16 parking spaces on a 0.80 acre site.

We have completed a cursory review of the site plan as well as existing conditions. Access onto the property is currently served by a 9 feet wide residential entrance onto the MD 140 (Main Street). The State Highway Administration (SHA) has determined that the existing entrance is not consistent with State Highway Access Manual requirements for commercial two-way ingress/egress. Based on our guidelines and regulations we find proposal unacceptable and therefore do not support the applicant's request to permit a driveway 9 feet in width for two-way movement in lieu of the minimum required 25 feet in width for a commercial entrance onto a State road.

In summation, this office requests that the Zoning Reviewer Planner require that the applicant must address the SHA requirements as a condition of approval in the matter of Case Number 08-408-SPHXA.

If you have any questions or need clarifications regarding this matter, please feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael A. Bailey', is written over the typed name 'Steven D. Foster'.

Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. Dennis A. Kennedy, Permits & Plans Review, Baltimore County
Mr. Joe Merrey, Permits & Development Management, Balto. Co.
Mr. David Malkowski, District Engineer, SHA
NTT Associates, Inc. Engineer

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION & VARIANCE * ZONING COMMISSIONER
457 Main Street; E/S Main Street, *
900' N c/line Chartley Drive * FOR
4th Election & 3rd Councilmanic Districts *
Legal Owner(s): 457 Main Street, LLC * BALTIMORE COUNTY
Petitioner(s) *
* 08-408-SPHXA

* * * * *

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/documentation filed in the case.

RECEIVED
MAR 11 2008
Per _____,

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2008, a copy of the foregoing Entry of Appearance was mailed to Jason T. Vettori Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

13 51-



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

April 24, 2008

RECEIVED
APR 25 2008

BY:.....

William J. Wiseman, III, Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
457 Main Street, LLC- Petitioners
457 Main Street
Case No: 08-408-SPHXA

Dear Mr. Wiseman,

Please be advised that we asked Stephen E. Weber, Chief of Traffic Engineering, to review the petitions and site plan in this case. As a result, he sent the enclosed e-mail dated April 22, 2008. His detailed comment anumerates a number of serious concerns particularly as to the safety of the driveway entrance and the intrusion into the D.R. 3.5 Zone with commercial parking.

As is our custom, we forward it to you for consideration. The hearing is currently scheduled for May 7, 2008.

Thank you for your consid-ration.

Sincerely,

A handwritten signature in blue ink that reads "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: Jason T. Vettori Esquire
Stephen Weber, Traffic Engineering

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy
Date: 04/22/2008 6:03 PM
Subject: Case No. 08-408-SPHXA, 457 Main Street
Attachments: 457MainSt.c.bmp; 457MainSt.a.bmp; 457MainSt.b.bmp; 457Main St.pdf

Dear Mr. Zimmerman:

In reviewing this case, we note that the request is for installing an addition onto #457 Main St in Reisterstown, MD (zoned R.O.), nearly doubling the size of the existing home and constructing an associated parking lot in the rear of the property, extending it almost 125 feet into D.R. 3.5 zoned property. The entrance onto Main St is substandard, being only being one lane wide (9 feet in width) to provide for 2-way traffic. This single lane for 2-way traffic is proposed to exist for about 140 feet into the property from Main Street. Even examining what room is available, from the site plan it shows that due to the narrow width of the lot and the location of the existing home there is only 14 feet between the house and the property line, thus creating a situation where providing a two lane driveway is impossible, without encroaching onto the adjacent property. Main St in front of this site is a busy arterial highway (Maryland Route 140) and carries approximately 16,500 vehicles/day. Just south of this property is where the road narrows from a 5-lane roadway to the 2-lane roadway which exists in front of this property.

In looking at the adjacent parcels, it is clear that they are similar long narrow lots. While the County Council zoned the improvements near Main Street as R.O., they kept the rear of these parcels zoned D.R. 3.5. Also, in examining all the nearby parcels it is clear that the proposed request for constructing parking facilities into a D.R. 3.5 zone to support the proposed office use would be the first large-scale intrusion of commercial parking into the residential zone of this area.

When examining the proposed parking lot, it is somewhat odd that the parking lot width is about 46 feet whereas to meet minimum County requirements for this arrangement would only be 40 feet wide. Similarly, a parking lot could be constructed with perpendicular parking on both sides of a center aisle with a total width of 58 feet, 8 feet less in width than the property. In addition, the parking lot is shown pushed 24 feet away from the building, thus pushing the parking lot 24 feet seemingly unnecessarily further into the D.R. 3.5 zone. Attached is a drawing showing a potential layout of the rear parking lot with perpendicular parking on both sides, providing a total of 15 parking spaces, including 2 handicap parking spaces, a total of one space over the required 14 spaces. The encroachment of this lot into the D.R. 3.5 zone is only 15 feet rather than the proposed 125 feet. The red-lined spaces are also the standard 9 feet wide, which is 0.5 feet wider than the County minimum and one foot narrower than the abnormally wide parking spaces shown on the plan. I only show this layout to indicate that it does not appear the petitioner has taken all reasonable measures to contain the parking within the R.O. zone and instead is proposing a parking arrangement with wider than normal parking spaces and wider than normal drive aisles, all resulting in having significantly greater impacts of extending commercial parking into the adjacent D.R. 3.5 zone when such impact appears that it could be substantially lessened. There may also be the question that the addition may be unnecessarily large which is likewise creating the parking intrusion into the D.R. 3.5 zone in the first place. I would suggest that wherever the east end of the parking lot is located, it would make sense to establish an amenity open space as shown to help insure that unofficial parking beyond the parking lot does not occur. If the A.O.S. is established on the plan, encroachment into that area by any parking activity would constitute a zoning violation, even if cars are parked on the grass.

Regarding the driveway entrance onto Main St, we would recommend that the driveway be widened to a minimum 22 feet wide for at least 22 feet back from the curbline of Main St, then taper back into the 9-foot wide driveway. This would at least allow for an exiting driver to be able to sit on the driveway waiting for gaps in traffic on Main St and not block the entry of another driver. As the plan stands now, this creates an unsafe condition where an entering driver has to sit on Main St blocking traffic in one direction while a waiting driver sitting on the one-lane driveway still has to wait for gaps in the other traffic flow to get out. If you look at the one side-shot aerial photo, you will note the two businesses to the south of this site which set up a nice use-in-common driveway between them to be able to safely accommodate the 2-way movement of traffic into and off of these sites. The one business at #465 Main Street also has a parking lot similar to the one we would propose for #457, with perpendicular parking on both sides of a center drive aisle.

Therefore, we find the proposed layout to be objectionable due to the unsafe driveway entrance onto Main Street and the unreasonable intrusion into the D.R. 3.5 zone with commercial parking. The petitioner does not appear to have taken all reasonable measures to constrain the parking within the R.O. zone. The size of the addition may also be too extensive to be adequately supported by the site. Such extensions of commercial parking into D.R. zones are oftentimes used as rationale by the current or future property owner or adjacent owners to seek rezoning of D.R. property to some other type of commercial use saying that such intrusions of parking into the residential areas eliminates the viability of such residential zones to be used for the purpose intended by the Council. From examining the current zoning map, it does appear that the County Council made a purposeful decision to not zone the entire rear yards of these properties R.O. for the very reason that they did not want them used in this manner nor did they want the scale of the commercial uses to expand much beyond the existing homes that are here.

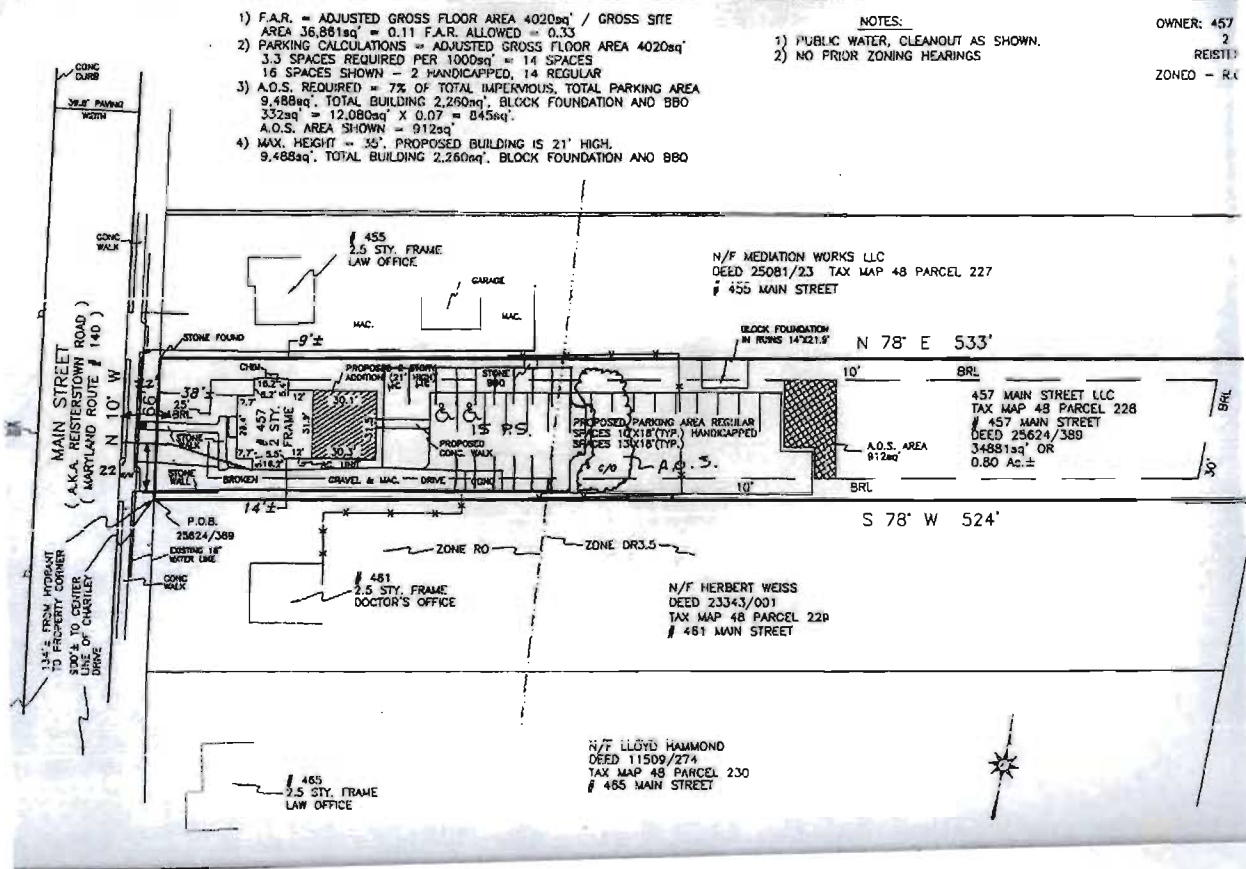
Should you have any questions regarding these comments, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554











Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3)

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

Account Identifier: District - 04 **Account Number -** 0419007175

Owner Information

Owner Name:	457 MAIN STREET LLC	Use:	RESIDENTIAL
Mailing Address:	2 HANOVER RD REISTERSTOWN MD 21136-1019	Principal Residence:	NO
		Deed Reference:	1) /25624/ 389 2)

Location & Structure Information

Premises Address	Legal Description
457 MAIN ST	.80 AC 457 MAIN ST ES 800 SE GLYNDON DR

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
48	17	228						1	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1891	2,311 SF	34,848.00 SF	04

Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2007	07/01/2007	07/01/2008
Land	47,710	96,210		
Improvements:	86,590	184,260		
Total:	134,300	280,470	183,023	231,746
Preferential Land:	0	0	0	0

Transfer Information

Seller: HUNT ROBERT	Date: 05/11/2007	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /25624/ 389	Deed2:
Seller: SHIRKLEY PATRICK W	Date: 10/16/1989	Price: \$78,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8298/ 325	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:

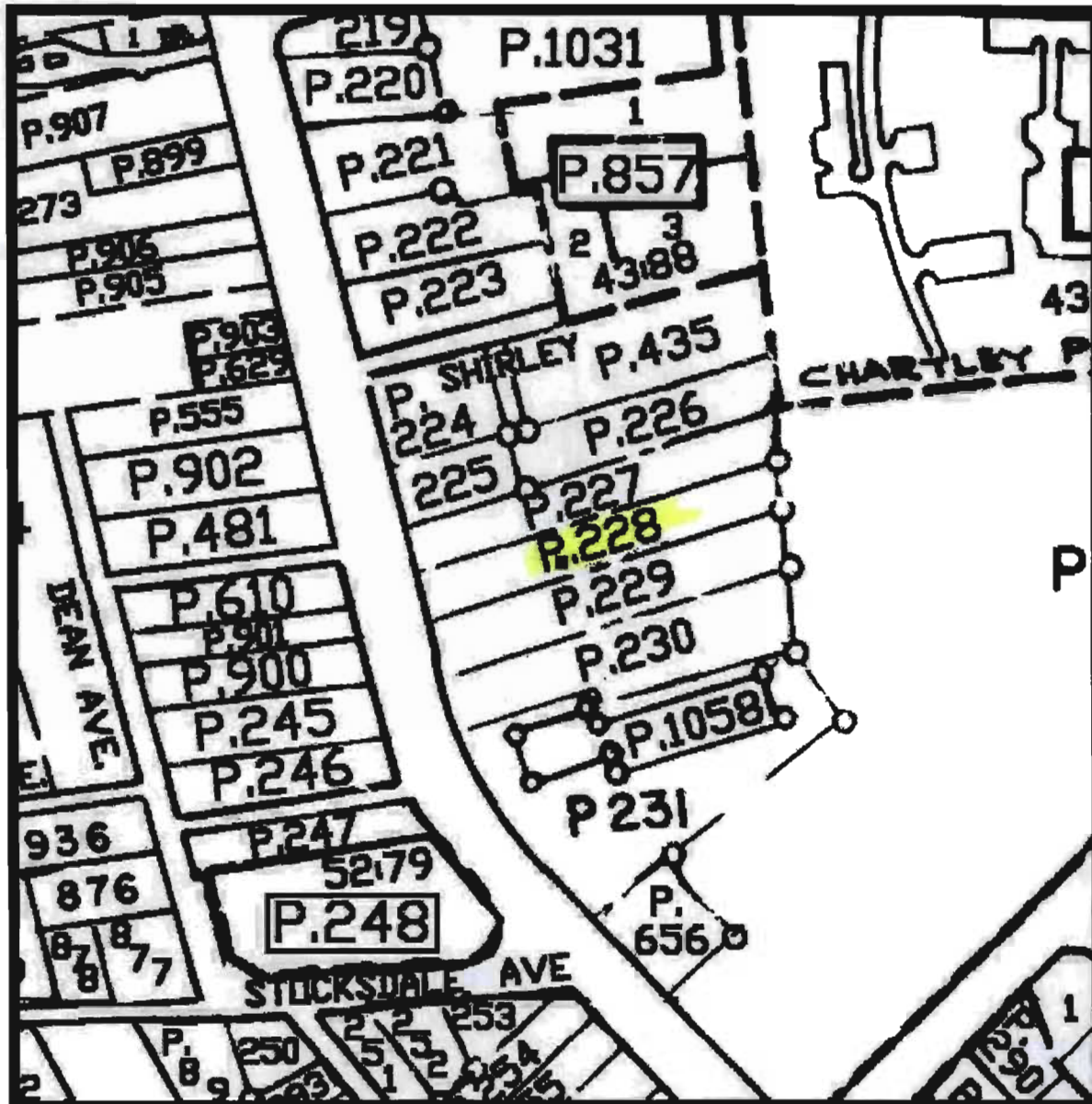
Special Tax Recapture:
 * NONE *



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

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

District - 04 Account Number - 0419007175



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 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 NAME 08-408-SPHXA
CASE NUMBER 457 MAIN STREET
DATE MAY 7, 2008

[illegible]

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 2,****Section 204, R-O (Residential - Office) Zone [Bill No. 13-1980]**

204.6 Conversion of dwellings to office buildings. Any one- or two-family dwelling or apartment building which is under application for either a change in zoning classification to R-O or for a conversion from a residential use to an office use shall require a special exception if the dwelling has been enlarged in floor area by 10% or more within a period of five years prior to the date of application for change or conversion. [Bill Nos. 161-1985; 151-1988; 186-1994]

Section 205, OR-1 (Office Building - Residential) Zone [Bill No. 167-1980 ^{EN}]

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

A. It is found that the name of the O-1 (Office Building) zoning classification is misleading the public because the name implies that only office buildings are permitted when, in fact, the zone does permit residential and other uses permitted in the D.R.5.5 Zone.

B. It is further found that the O-1 zoning classification is sufficiently similar to the O-2 classification that there is no longer a need for two separate zones.

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

A. It is the intent of the county that the name of the O-1 zoning classification be changed to the OR-1 (Office Building - Residential) Zone.

B. Properties classified as O-1 before the effective date of Bill No. 186-1994 shall be classified as OR-1 and shall be subject to the use and performance standards of the OR-1 Zone.

C. The OR-1 Zone shall no longer be applied to properties through the comprehensive Zoning Map process under § 32-3-202 of the Baltimore County Code, or through the cycle zoning process under Article 32, Title 3, Subtitle 5 of the Baltimore County Code, after the effective date of Bill No. 186-1994. [Bill No. 137-2004]

205.3 Use regulations of OR-1 Zones.

A. The following uses, only, are permitted by right:

1. Uses permitted by right and as limited in D.R.5.5 Zones. [Bill Nos. 108-1994; 186-1994]

2. Class A or Class B office buildings containing offices, medical offices or medical clinics. [Bill Nos. 37-1988; 186-1994]

3. The following accessory commercial uses within Class B office buildings (see also Subsection C below): [Bill No. 186-1994]

a. Photocopying establishments.

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 4, SPECIAL REGULATIONS****Section 409, Off-Street Parking and Loading [Bill Nos. 26-1988; 36-1988]**

409.4 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.

Parking Angle	One-Way Aisles (feet)	Two-Way Aisles (feet)
90°	22	22
75°	18	20
60°	16	20
45°	14	20
30°	14	20

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 4, SPECIAL REGULATIONS****Section 409, Off-Street Parking and Loading [Bill Nos. 26-1988; 36-1988]**

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]

409.5 Number of small car spaces.

A. In off-street parking facilities where more than 50 parking spaces are provided, small car spaces shall be permitted as specified below.

1. In facilities serving office or industrial uses: up to 40% of the number of spaces required for such uses.
2. In parking structures serving residential or lodging uses: up to 40% of the number of spaces required for such uses. In surface parking facilities serving residential or lodging uses: no small car spaces permitted.

B. Notwithstanding the provisions of Section 409.5.A., for any nonresidential development, all parking spaces provided which exceed the requirements of Section 409.6 may be small car spaces at the discretion of the developer.

409.6 Required number of parking spaces.

A. General requirements. The standards set forth below shall apply in all zones unless otherwise noted. Where the required number of off-street parking spaces is not set forth for a particular type of use, the Director of the Department of Permits and Development Management shall determine the basis of the number of spaces to be provided. When the number of spaces calculated in accordance with this section results in a number containing a fraction, the required number of spaces shall be the next highest whole number. [Bill Nos. 124-1993; 136-1996; 144-1997]

1. Residential and lodging uses.

Minimum Number of Required	
Type of Use	Off-Street Parking Spaces

Boarding- or rooming house	1 per tenant bed plus 2 if owner resides on property. [Bill No.
----------------------------	---

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 4, SPECIAL REGULATIONS****Section 409, Off-Street Parking and Loading [Bill Nos. 26-1988; 36-1988]**

B. Notwithstanding the provisions of Section 409.5.A., for any nonresidential development, all parking spaces provided which exceed the requirements of Section 409.6 may be small car spaces at the discretion of the developer.

409.6 Required number of parking spaces.

A. General requirements. The standards set forth below shall apply in all zones unless otherwise noted. Where the required number of off-street parking spaces is not set forth for a particular type of use, the Director of the Department of Permits and Development Management shall determine the basis of the number of spaces to be provided. When the number of spaces calculated in accordance with this section results in a number containing a fraction, the required number of spaces shall be the next highest whole number. [Bill Nos. 124-1993; 136-1996; 144-1997]

1. Residential and lodging uses.

Minimum Number of Required

Type of Use Off-Street Parking Spaces

Boarding- or rooming house 1 per tenant bed plus 2 if owner
resides on property. [Bill No.
124-1993]

Dormitory 1 per 4 beds.

Elderly housing facilities For housing for the elderly, Class
A, at least 1 usable off-street

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 4, SPECIAL REGULATIONS****Section 409, Off-Street Parking and Loading [Bill Nos. 26-1988; 36-1988]**

No parking spaces are required for residential buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District.

2. **Commercial and service uses.**

Minimum Number of Required**Type of Use Off-Street Parking Spaces**

Automotive service station See Section 405.

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 4, SPECIAL REGULATIONS****Section 409, Off-Street Parking and Loading [Bill Nos. 26-1988; 36-1988]**

Bank 3.3 per 1,000 square feet of gross
floor area.

Beauty shop or barbershop 5 per 1,000 square feet of gross
floor area.

Car wash See Section 419.

Carry-out restaurant 5 per 1,000 square feet of gross
floor area. [Bill No. 110-1993]

Fast-food and standard 16 per 1,000 square feet of gross
restaurants: general rule floor area with at least 10 spaces
required in all cases, except that
no parking spaces are required for
restaurants in the C.T. District of
Towson or for buildings contributing
to the historic character of an area,
if such buildings have been designated
on the National Register of Historic
Places and are located within a C.T.
or B.L.-C.C.C. District and if such
buildings will be adapted for reuse
for a restaurant. [Bill No. 110-1993;
3-2003]

Standard restaurants in In the Arbutus, Catonsville and
revitalization districts Pikesville revitalization districts,
5 spaces per 1,000 square feet are

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 4, SPECIAL REGULATIONS****Section 409, Off-Street Parking and Loading [Bill Nos. 26-1988; 36-1988]**

required for a standard restaurant.
However, a minimum investment of
\$100,000 in interior and/or exterior
improvements is required. The
improvements shall be made within
6 months of the filing of the parking
plan and verified by the Director
of Permits and Development Management.
[Bill No. 3-2003]

Fast food, drive-through only 14 per 1,000 square feet of gross
restaurant floor area, plus spaces
for outdoor seating area in
accordance with the requirement
for fast food and standard

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 4, SPECIAL REGULATIONS****Section 409, Off-Street Parking and Loading [Bill Nos. 26-1988; 36-1988]**

(2) The land uses served by the shared parking facility shall be in single ownership or permitted for multiple ownership by the Director of the Department of Permits and Development Management upon satisfactory guarantees of the continued operation and proper maintenance of the shared parking facility. [Bill No. 144-1997]

409.7 Location of parking. All required off-street parking spaces shall be located either on the same lot as the structure or use to which they are accessory or off-site as provided for below.

A. Off-site parking spaces for residential uses and lodging uses shall be located within 300 feet walking distance of a building entrance to the use that such spaces serve.

B. Uses other than residential.

1. Except in C.T. Districts and R-O-A and R-O Zones, off-site parking spaces for uses other than residential and lodging shall be located within 500 feet walking distance of a building entrance to the use that such spaces serve. In C.T. Districts, such spaces shall be permitted within 1,000 feet walking distance of the building entrance. In the C.T. District of Towson, such spaces shall be permitted within 1,500 feet walking distance of the building entrance, provided that they are located within the town center boundary. [Bill Nos. 155-1988; 170-1991]

2. In R-O and R-O-A Zones, all required off-street parking spaces shall be provided on the same lot as the structure or use to which they are accessory, except that in cases where adjacent dwellings have been converted to Class A office buildings, parking spaces may be provided on the adjacent lots. The use of an off-site parking facility which is accessory to a church or other existing principal use may satisfy the parking requirement, if located no more than 500 feet from the lot. [Bill No. 170-1991]

C. Prior to the approval of any building permit involving an off-site parking facility, the Director of the Department of Permits and Development Management shall require guarantees of the continued future availability and proper maintenance of the facility, including, but not limited to, a grant of an easement, a deed restriction, a restrictive covenant or a binding contractual agreement, including a lease. Any plans approved are conditioned upon and subject to periodic review by the Director to ensure that adequate parking arrangements continue to exist. [Bill No. 144-1997]

409.8 Design standards.

A. Requirements for parking facilities in all zones. All off-street parking facilities shall be subject to the following requirements:

1. Design, screening and landscaping. Design, screening and landscaping shall be provided in accordance with the Landscape Manual and all other manuals adopted pursuant to § 32-4-404 of the Baltimore County Code. [Bill No. 137-2004]

2. Surface. A durable and dustless surface shall be provided and shall be properly drained so as not to create any undesirable conditions.

3. Lighting. Any fixture used to illuminate any parking facility shall be so arranged as to reflect the light away from residential lots and public streets. Light standards shall be protected from vehicular traffic by curbing or landscaping.

4. Distance to street line. No parking space in a surface parking facility for a nonresidential use

shall be closer than 10 feet to the right-of-way line of a public street, excluding vehicle overhang, except that in the C.T. District of Towson such setback is not required if the parking facility is screened from the street in accordance with the Landscape Manual.

5. Dead ends. All dead-end aisles shall be designed to provide sufficient backup area for the end parking spaces.
6. All parking spaces must be striped. Striping shall be maintained so as to remain visible.

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 4, SPECIAL REGULATIONS****Section 409, Off-Street Parking and Loading [Bill Nos. 26-1988; 36-1988]****409.12** Other requirements.

- A. The off-street parking requirements in Section 409 shall supersede any off-street parking requirements adopted pursuant to the authority of Section 504.
- B. If the requirements for parking space or loading space in Section 409 would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and after a public hearing, the procedure for which is set forth in Section 409.8.B.1 above.

Section 410, Class I Trucking Facilities (Truck Terminals) [Bill No. 18-1976 ^{EN}]

410.1 Nonconforming and other existing Class I trucking facilities. The provisions of this subsection apply to Class I trucking facilities existing on the effective date of this section.

A. Plans.

1. If the owner of or authorized agent for a Class I trucking facility believes that approved plans of that trucking facility are on file with the Office of Planning or Department of Permits and Development Management on the effective date of this section, he must so notify the Zoning Commissioner, in writing, within six months after that date, unless he has filed or will file plans as provided in Paragraph 2 below. Within 30 days after he receives the written notice, the Zoning Commissioner shall inform the owner or agent whether the plans are, in fact, on file and, if they are on file, whether they meet the requirements of Section 410.3.C.1. If the plans do not meet those requirements, the owner or agent shall file plans that do meet the requirements, within one year after the effective date of this section.
2. If approved plans of a Class I trucking facility are not on file with the Office of Planning or the Department of Permits and Development Management on the effective date of this section, or if the Zoning Commissioner is not notified under Paragraph 1, the owner of or authorized agent for the trucking facility must file plans of the facility, meeting the requirements of Section 410.3.C.1, within one year after that date.
3. Within 30 days after the effective date of this section, the Zoning Commissioner shall publish a checklist of requirements for plans submitted pursuant to Paragraph 2. The checklist must indicate among other things, one or more acceptable scales to which plans must be drawn.
4. The mere submission of plans under this paragraph will not establish the legality of any Class I trucking facility.

B. Rulings, etc., as to nonconformance with respect to certain provisions.

1. Within one year after the date the Zoning Commissioner acknowledges the adequacy of previously filed plans of a trucking facility or accepts new plans for the facility, as provided under Subsection A, he shall review the plans and issue a ruling whether or not the facility conforms with the provisions listed in Paragraph 2 below and, if not conforming with any such provision, whether the nonconformance may be allowed to stand under the provisions of Paragraph 3. If the provision requires the recommendation or approval of authorities other than the Zoning Commissioner, the ruling with respect to conformance with that provision may be made only upon such recommendation or approval.

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19

THE REGULATIONS

ARTICLE 2,

Section 204, R-O (Residential - Office) Zone [Bill No. 13-1980]

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

A. Uses permitted as of right. The following uses, only, are permitted as of right in any R-O Zone:

1. Uses permitted as of right and as limited in D.R.5.5 Zones.
2. Class A office buildings containing offices or medical offices and their accessory uses, including parking, except that no more than 25% of the total adjusted gross floor area of the office building may be occupied by medical offices.

B. **Uses permitted by special exception.** The following uses, only, may be permitted by special exception in an R-O Zone, if such use has an approved County Review Group (CRG) plan prior to the granting of a special exception: ^{EN}

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

C. Signs and off-street parking requirements.

1. Signs are permitted, subject to Section 450. [Bill No. 89-1997]

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 2,****Section 204, R-O (Residential - Office) Zone [Bill No. 13-1980]**

204.4 Bulk regulations of R-O Zones. Uses permitted as of right or by special exception are governed by the following bulk regulations: [Bill No. 186-1994]

A. Uses permitted under Sections 204.3.A.1 and 204.3.B.1 and new structures accessory to Class A office buildings are governed by the bulk regulations of D.R.5.5 Zones.

B. Class A office buildings themselves, which by definition may not be enlarged, are not subject to bulk regulations, nor are unenlarged structures accessory to the original building.

C. Class B office buildings.

1. Maximum floor area ratio: 0.33.

2. Maximum height of structure: 35 feet.

3. Minimum front yard setback: 25 feet or the average of the setbacks of the adjacent structures, whichever is less.

4. Minimum side yard setbacks: 10 feet, except if the adjacent property is predominantly residentially zoned, residentially used, or is adjacent to a residential street, in which case the setback shall be 20 feet.

5. Minimum rear yard setback: 30 feet.

6. Amenity open space: 7% of the interior of the parking lot, not including setback and buffer area requirements, shall be pervious land area in association with plantings.

7. Maximum lot size: one acre, except that if located on a principal arterial and if there is adjacent nonresidentially used or nonresidentially zoned frontage, the maximum lot size may be two acres.

8. The office building shall be the only principal building on the lot on which it is situated and shall not be attached to another building.

9. Landscape requirements. In addition to the requirements set forth in the Baltimore County Landscape Manual:

a. All parking and dumpster areas which abut a residential zone shall be screened by an opaque fence, wall or berm in association with plantings.

b. The minimum screening height shall be five feet.

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 2,****Section 204, R-O (Residential - Office) Zone [Bill No. 13-1980]**

c. The following buffers, which shall not be encroached upon by aboveground stormwater management, parking or dumpster areas but which may be broken by the entrance way, shall be provided:

(1) Property lines which abut any property which is predominantly residentially zoned, residentially used or which abut any residential street must have a twenty-foot landscape buffer; and

(2) Property lines which abut any nonresidentially zoned property must have a ten-foot landscape buffer.

204.5 Plan. The use or development of any property in an R-O Zone may not be changed from that existing on the effective date of the classification's application to that property, except in accordance with a plan approved by the County Review Group as provided in Article 32, Title 4 of the Baltimore County Code, unless the change in use is confined to a change in the number of dwelling units in accordance with the provisions of Section 402. [Bill Nos. 56-1982; ^{EN} 186-1994; 137-2004]

204.6 Conversion of dwellings to office buildings. Any one- or two-family dwelling or apartment building which is under application for either a change in zoning classification to R-O or for a conversion from a residential use to an office use shall require a special exception if the dwelling has been enlarged in floor area by 10% or more within a period of five years prior to the date of application for change or conversion. [Bill Nos. 161-1985; 151-1988; 186-1994]

Section 205, OR-1 (Office Building - Residential) Zone [Bill No. 167-1980 ^{EN}]

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

A. It is found that the name of the O-1 (Office Building) zoning classification is misleading the public because the name implies that only office buildings are permitted when, in fact, the zone does permit residential and other uses permitted in the D.R.5.5 Zone.

B. It is further found that the O-1 zoning classification is sufficiently similar to the O-2 classification that there is no longer a need for two separate zones.

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

A. It is the intent of the county that the name of the O-1 zoning classification be changed to the OR-1 (Office Building - Residential) Zone.

B. Properties classified as O-1 before the effective date of Bill No. 186-1994 shall be classified as OR-1 and shall be subject to the use and performance standards of the OR-1 Zone.

C. The OR-1 Zone shall no longer be applied to properties through the comprehensive Zoning Map process under § 32-3-202 of the Baltimore County Code, or through the cycle zoning process under Article 32, Title 3, Subtitle 5 of the Baltimore County Code, after the effective date of Bill No. 186-1994. [Bill No. 137-2004]

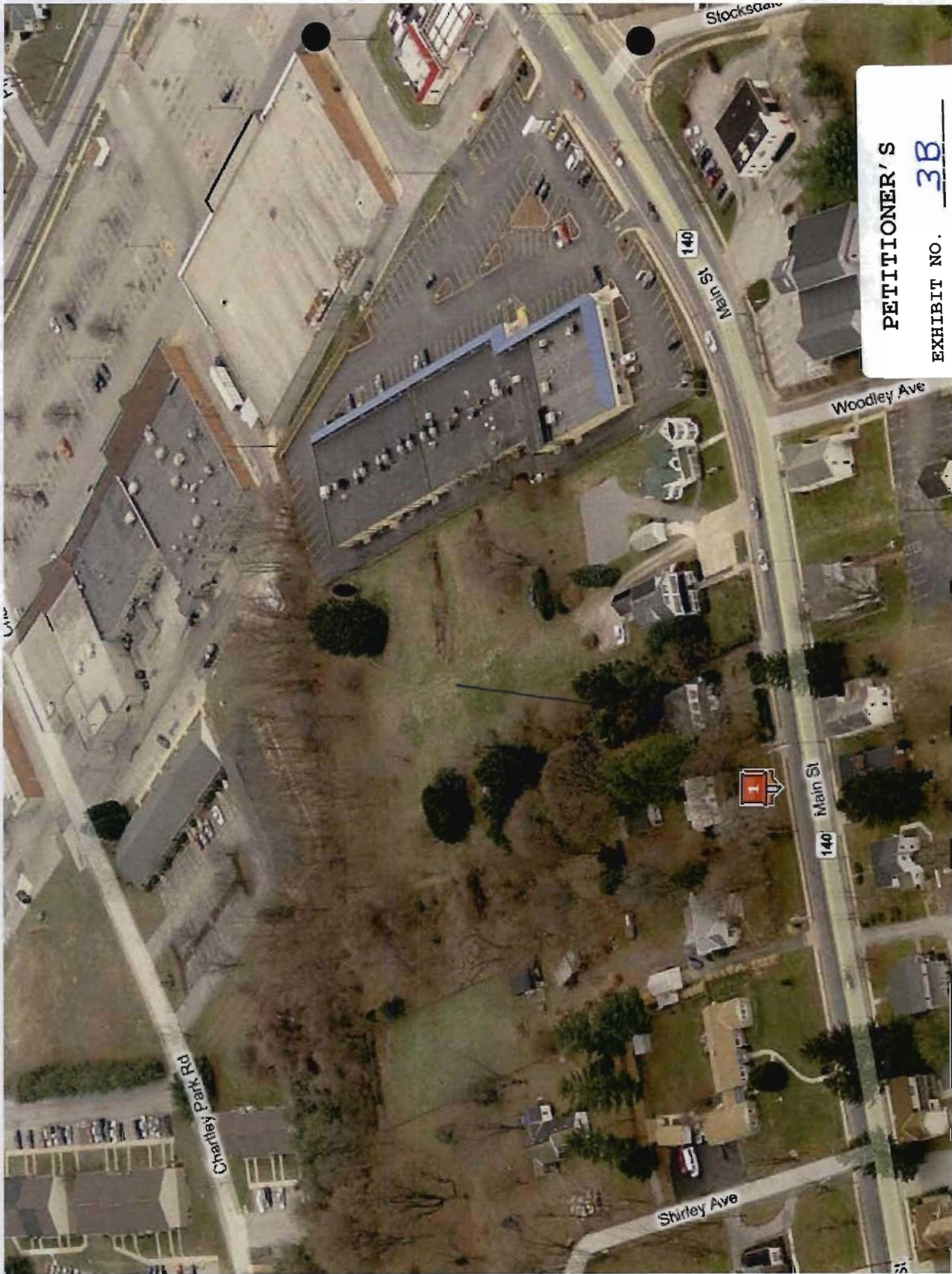
205.3 Use regulations of OR-1 Zones.





PETITIONER'S

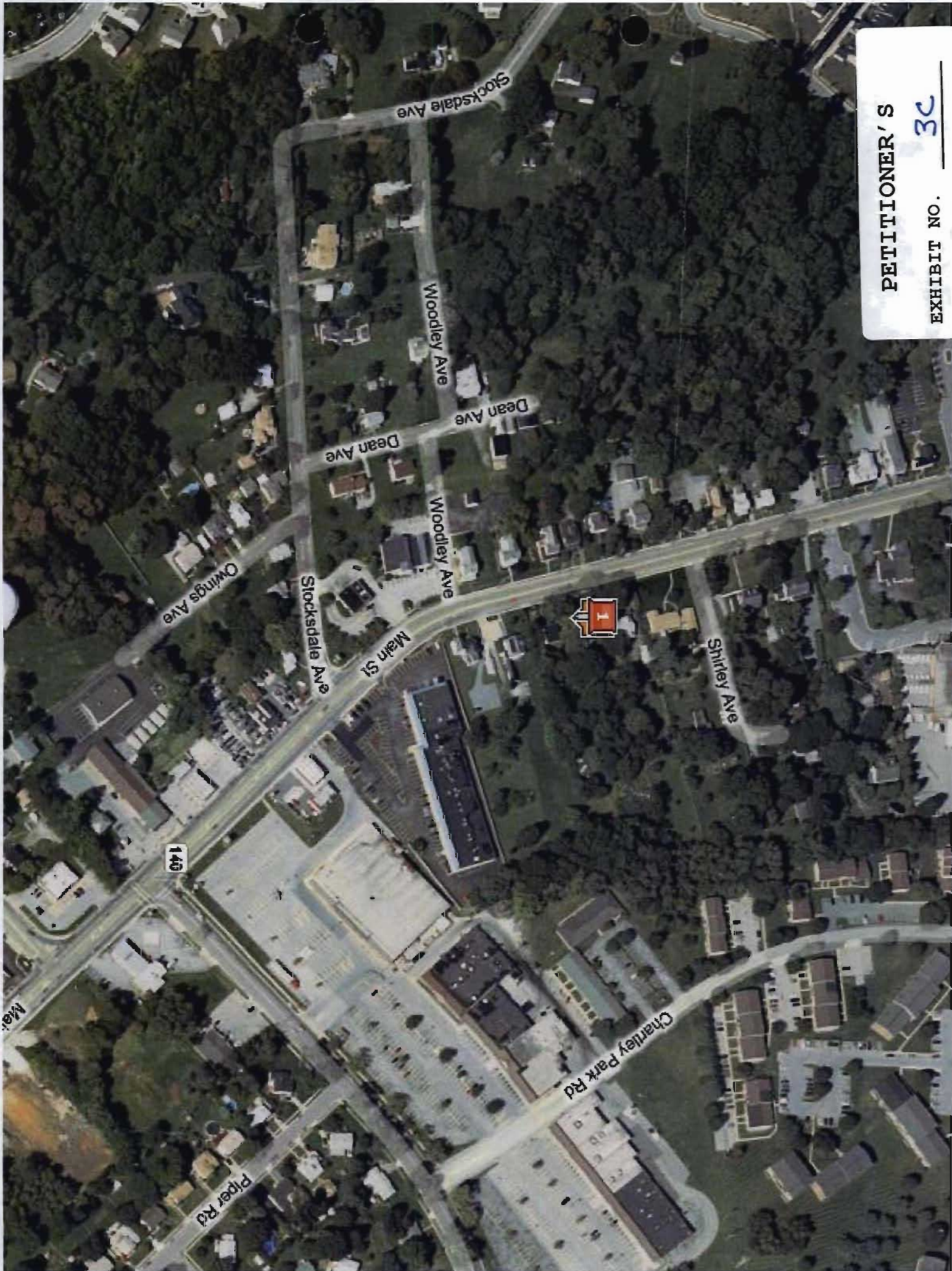
EXHIBIT NO. 3A



PETITIONER'S

3B

EXHIBIT NO.



PETITIONER'S

3C

EXHIBIT NO.

Bill Wiseman - Fwd: Case No. 08-408-SPHXA, 457 Main Street

From: Stephen Weber
To: jvettori@gildeallc.com
Date: 05/06/08 4:52 PM
Subject: Fwd: Case No. 08-408-SPHXA, 457 Main Street
CC: Bill Wiseman; People's Counsel

Dear Mr. Vettori:

I have reviewed the attached plan and it appears to essentially address all of the traffic engineering concerns I had expressed to the Peoples' Counsel in my e-mail of 4/22/08. Therefore, if the plan was approved basically as shown, we would not have any significant traffic engineering issues with the site. While there are still some deficiencies dealing with the interior width of the driveway access, it can probably be reasonably dealt with considering the traffic volumes going into and out of the site.

Should you wish to discuss the matter any further, please feel free to give me a call.

Stephen E. Weber, Chief
 Div. of Traffic Engineering
 Baltimore County, Maryland
 111 W. Chesapeake Avenue, Rm. 326
 Towson, MD 21204
 (410) 887-3554

>>> "Jason Vettori" <jvettori@gildeallc.com> 5/6/08 3:53 PM >>>
 Mr. Weber:

Pursuant to your e-mail, our meeting and our telephone conversation a moment ago, I am attaching a copy of the revised plan for 457 Main Street. Please advise whether you have any outstanding issues with the plan as revised. Thank you for your time and consideration of this matter.

Jason T. Vettori
 Gildea & Schmidt, LLC
 600 Washington Avenue
 Suite 200
 Towson, MD 21204
 Phone: (410) 821-0070
 Facsimile: (410) 821-0071

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From: Jason Vettori [mailto:jvettori@gildeallc.com]
Sent: Tuesday, May 06, 2008 3:39 PM
To: 'jbialek@baltimorecountymd.gov'
Cc: 'cjmurray@baltimorecountymd.gov'
Subject: FW: 457 Main Street

PETITIONER' S

Ms. Bialek:

EXHIBIT NO. 4

Attached is the revised site plan for Case No. 08-408-SPHXA. I will be calling Curtis to discuss our conversation shortly, which I understood to be concluded with you stating, based upon further review of the attached, you may be fine with doing away with all comments other than your objection to the granting of the use permit for business parking in a residential zone (as a general principle).

Jason T. Vettori
 Gildea & Schmidt, LLC
 600 Washington Avenue
 Suite 200
 Towson, MD 21204
 Phone: (410) 821-0070
 Facsimile: (410) 821-0071

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From: Rik Stouffer [mailto:rik@nttsurveyors.com]
Sent: Tuesday, May 06, 2008 11:08 AM
To: Jason Vettori
Subject: RE: 457 Main Street

Jason,
 Here is the drawing showing the size of the entrance.

Rik

-----Original Message-----

From: Jason Vettori [mailto:jvettori@gildeallc.com]
Sent: Monday, April 28, 2008 4:23 PM
To: 'Rik Stouffer'
Subject: FW: 457 Main Street

Rik:

Attached please find a comment we received from People's Counsel, with Steve Weber's overreaching commentary. I would like to discuss some of the suggestions he has included in here in order to explore the possibility of a compromise on this matter. We have sent Jessie a copy of same by mail and are scheduling some meetings with County officials in the near future as the hearing is scheduled for next Wednesday, I believe.

Jason T. Vettori
 Gildea & Schmidt, LLC
 600 Washington Avenue
 Suite 200
 Towson, MD 21204
 Phone: (410) 821-0070
 Facsimile: (410) 821-0071

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From: Debbie Starrett [mailto:debbiestarrett@gildeallc.com]
Sent: Monday, April 28, 2008 4:22 PM
To: 'Jason Vettori'

Subject: 457 Main Street

Debra L. Starrett
Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax

This email contains information from the law firm of Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Gildea & Schmidt, LLC by telephone immediately.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 6, 2008

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

SUBJECT:

INFORMATION:

Item Number: 08-408

Petitioner: 457 Main Street, LLC

Property Size: 34,881 square feet

Zoning: R.O. & D.R. 3.5

Requested Action: Special Hearing, Special Exception, and Variance

The petitioner requests a special hearing for a use permit for land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the BCZR, pursuant to Section 409.8 of the BCZR and a modified parking plan, in accordance with Section 409.12 of the BCZR.

The petitioner is requesting a special exception for the conversion of a dwelling, with external expansion, to a Class "B" office building, pursuant to Sections 204.3.B and 204.6 of the BCZR.

The petitioner is also requesting a variance to Section 409.4 of the BCZR to permit a driveway 9 feet in width for a two-way movement in lieu of the minimum required 20 feet in width. From Section 204.4.C.6 of the BCZR to permit 0% of the interior of the parking lot to be pervious land area in association with plantings in lieu of the minimum required 7%. From section 204.4.C.9.c of the BCZR to permit a 0 foot landscape buffer in lieu of the required 10-foot buffer from property lines, which may abut any non-residentially, zoned property. From Section 204.4.C.9.c of the BCZR to permit a 0 foot landscape buffer in lieu of the required 20-foot buffer from property lines, which may abut any property that is predominantly residentially zoned, residentially used or which abut any residential street. And from Section 204.4.C.4 of the BCZR to permit a 9 foot side yard set back in lieu of the minimum 10 feet, or in the alternative, to permit a side yard setback of 9 feet in lieu of the required 20 feet.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does support the special exception for the conversion of a dwelling, with external expansion, to a Class "B" office building, pursuant to Sections 204.3.B and 204.6 of the

PETITIONER' S

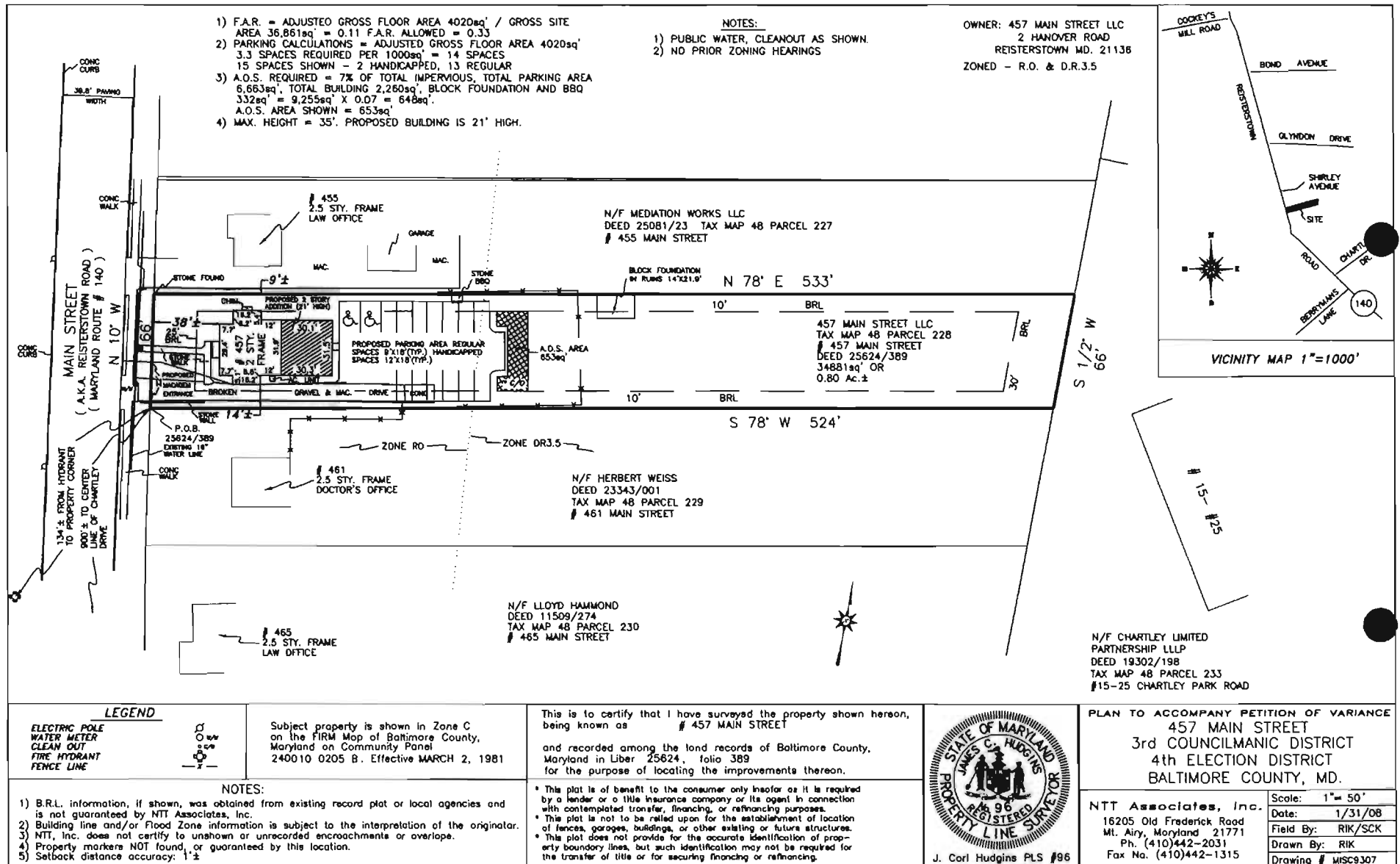
Case No.: 08-408 SPHXA 457 MAIN STREET

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED SITE PLAN	
No. 2	adjacent Property owners support	
No. 3	3A - Aerial of other uses - shopping center to rear 3B - Aerial of Property 3C - " " Property and neighborhood.	
No. 4	Steve WEBERS Correspondence	
No. 5	Revised Official Map Commit	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



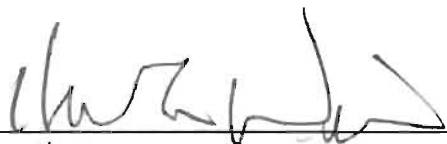
PETITIONER'S

EXHIBIT NO. /

May 5, 2008

I/We Herbert E. Weiss at 461 Main Street (address)
Reisterstown, MD 21136

do not oppose the building of an addition to 457 Main Street, Reisterstown, MD.


Signature

PETITIONER'S

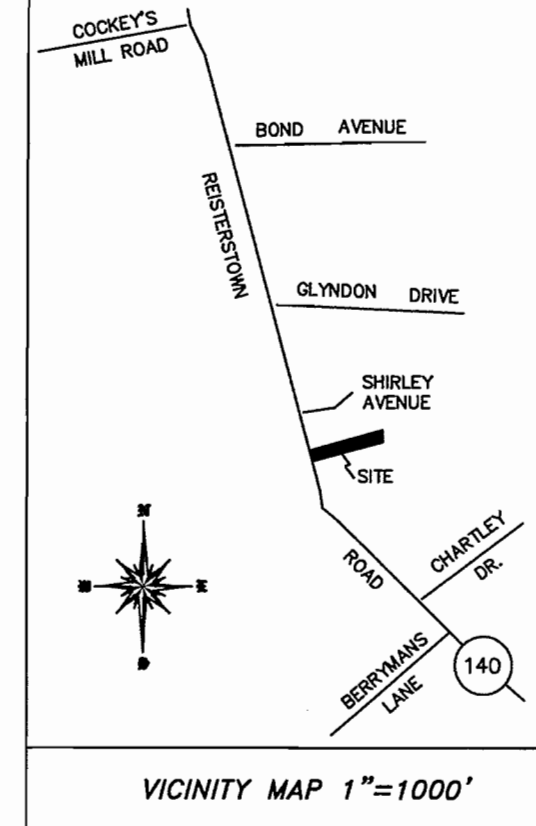
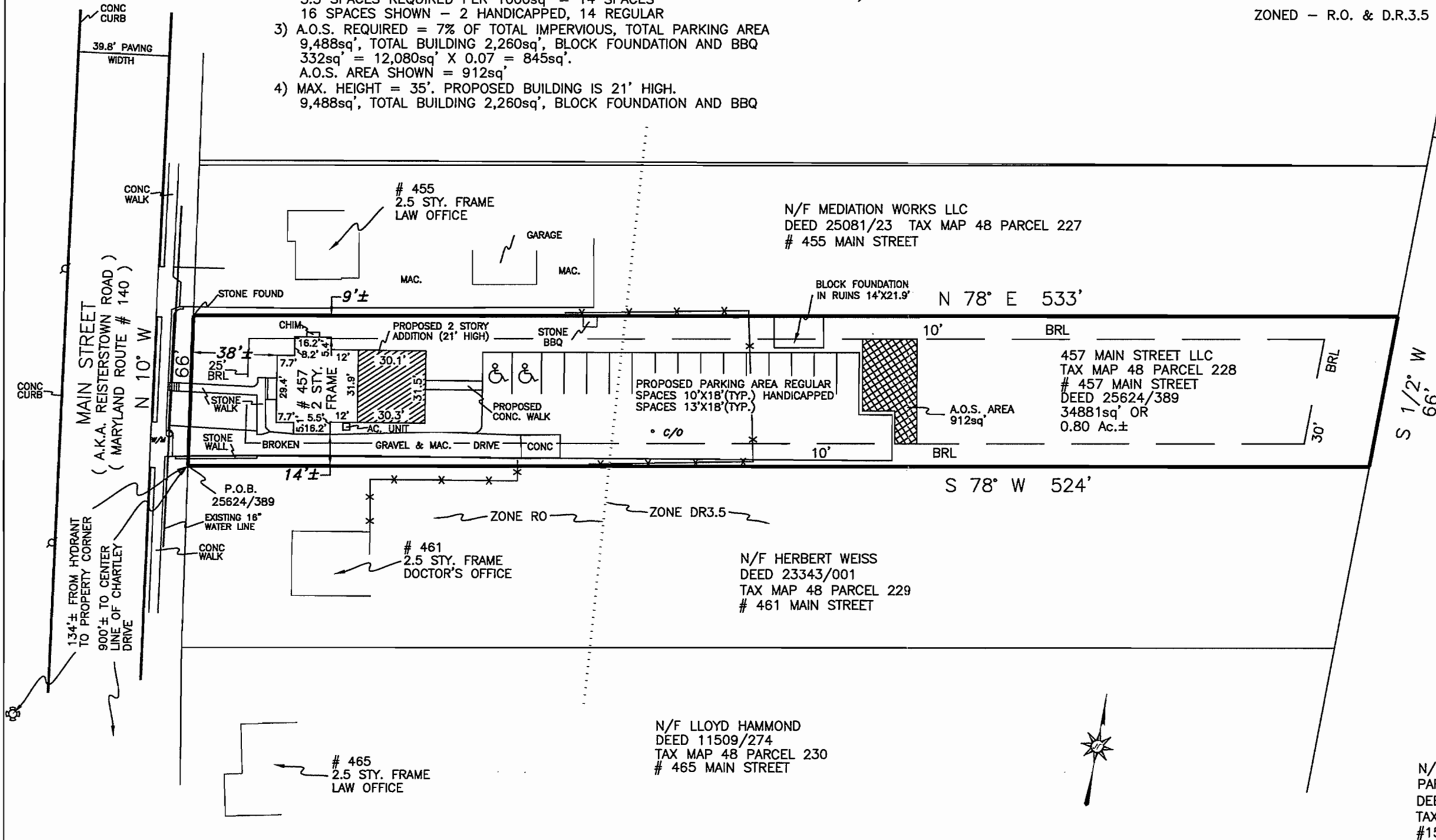
EXHIBIT NO.

2

- 1) F.A.R. = ADJUSTED GROSS FLOOR AREA 4020sq' / GROSS SITE AREA 36,861sq' = 0.11 F.A.R. ALLOWED = 0.33
- 2) PARKING CALCULATIONS = ADJUSTED GROSS FLOOR AREA 4020sq' 3.3 SPACES REQUIRED PER 1000sq' = 14 SPACES 16 SPACES SHOWN - 2 HANDICAPPED, 14 REGULAR
- 3) A.O.S. REQUIRED = 7% OF TOTAL IMPERVIOUS, TOTAL PARKING AREA 9,488sq', TOTAL BUILDING 2,260sq', BLOCK FOUNDATION AND BBQ 332sq' = 12,080sq' X 0.07 = 845sq'. A.O.S. AREA SHOWN = 912sq'
- 4) MAX. HEIGHT = 35'. PROPOSED BUILDING IS 21' HIGH. 9,488sq', TOTAL BUILDING 2,260sq', BLOCK FOUNDATION AND BBQ

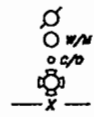
- NOTES:
- 1) PUBLIC WATER, CLEANOUT AS SHOWN.
 - 2) NO PRIOR ZONING HEARINGS

OWNER: 457 MAIN STREET LLC
2 HANOVER ROAD
REISTERSTOWN MD. 21136
ZONED - R.O. & D.R.3.5



LEGEND

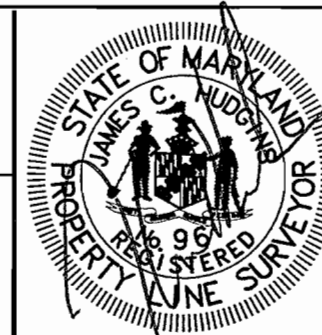
ELECTRIC POLE
WATER METER
CLEAN OUT
FIRE HYDRANT
FENCE LINE



Subject property is shown in Zone C on the FIRM Map of Baltimore County, Maryland on Community Panel 240010 0205 B. Effective MARCH 2, 1981

This is to certify that I have surveyed the property shown hereon, being known as # 457 MAIN STREET

and recorded among the land records of Baltimore County, Maryland in Liber 25624, folio 389 for the purpose of locating the improvements thereon.



J. Carl Hudgins PLS #96

PLAN TO ACCOMPANY PETITION OF VARIANCE
457 MAIN STREET
3rd COUNCILMANIC DISTRICT
4th ELECTION DISTRICT
BALTIMORE COUNTY, MD.

NTT Associates, Inc.
16205 Old Frederick Road
Mt. Airy, Maryland 21771
Ph. (410)442-2031
Fax No. (410)442-1315

Scale: 1"= 50'
Date: 1/31/08
Field By: RIK/SCK
Drawn By: RIK
Drawing # MISC9307

NOTES:

- 1) B.R.L. information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NTT Associates, Inc.
- 2) Building line and/or Flood Zone information is subject to the interpretation of the originator.
- 3) NTT, Inc. does not certify to unshown or unrecorded encroachments or overlaps.
- 4) Property markers NOT found, or guaranteed by this location.
- 5) Setback distance accuracy: 1'±

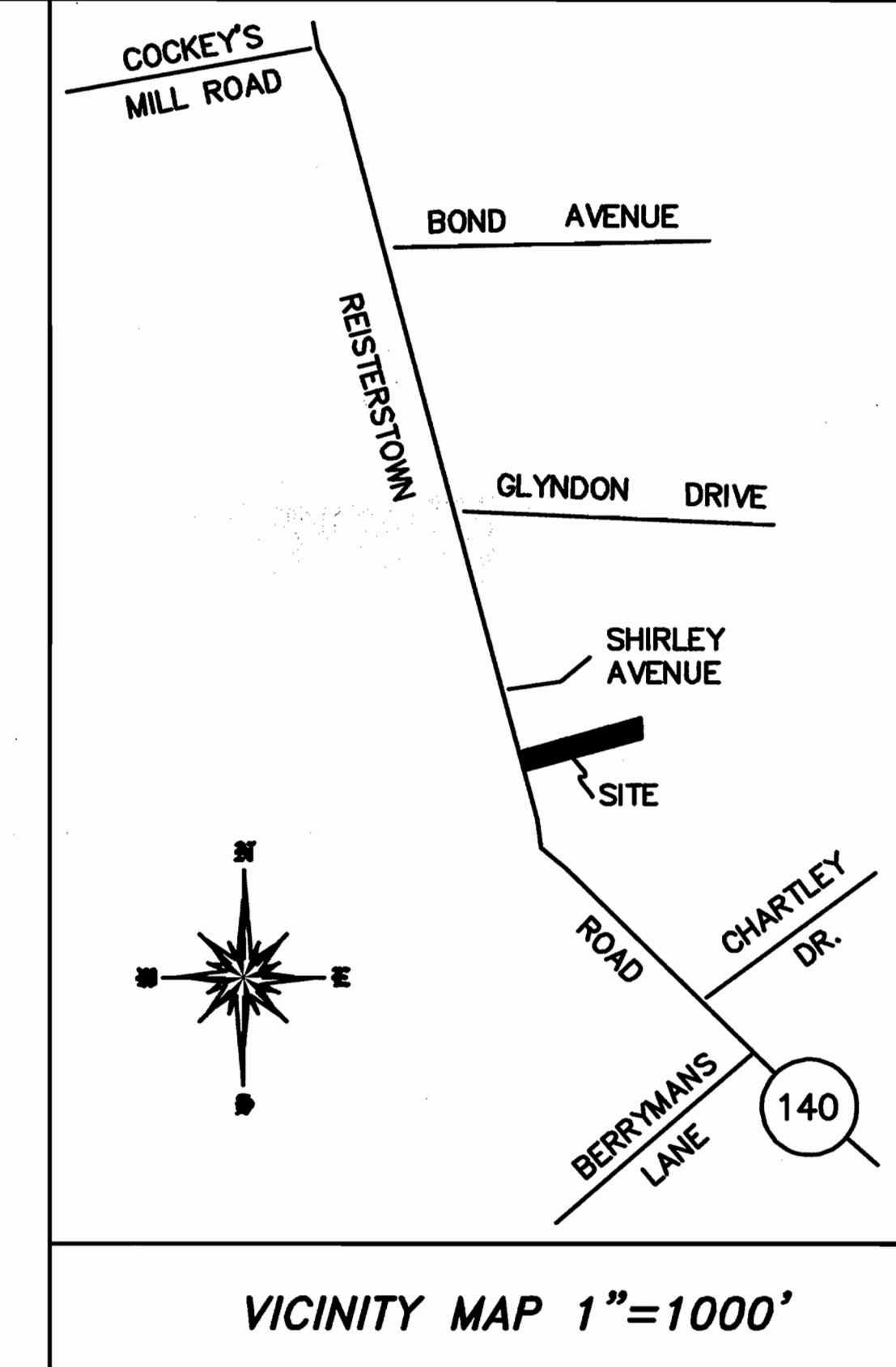
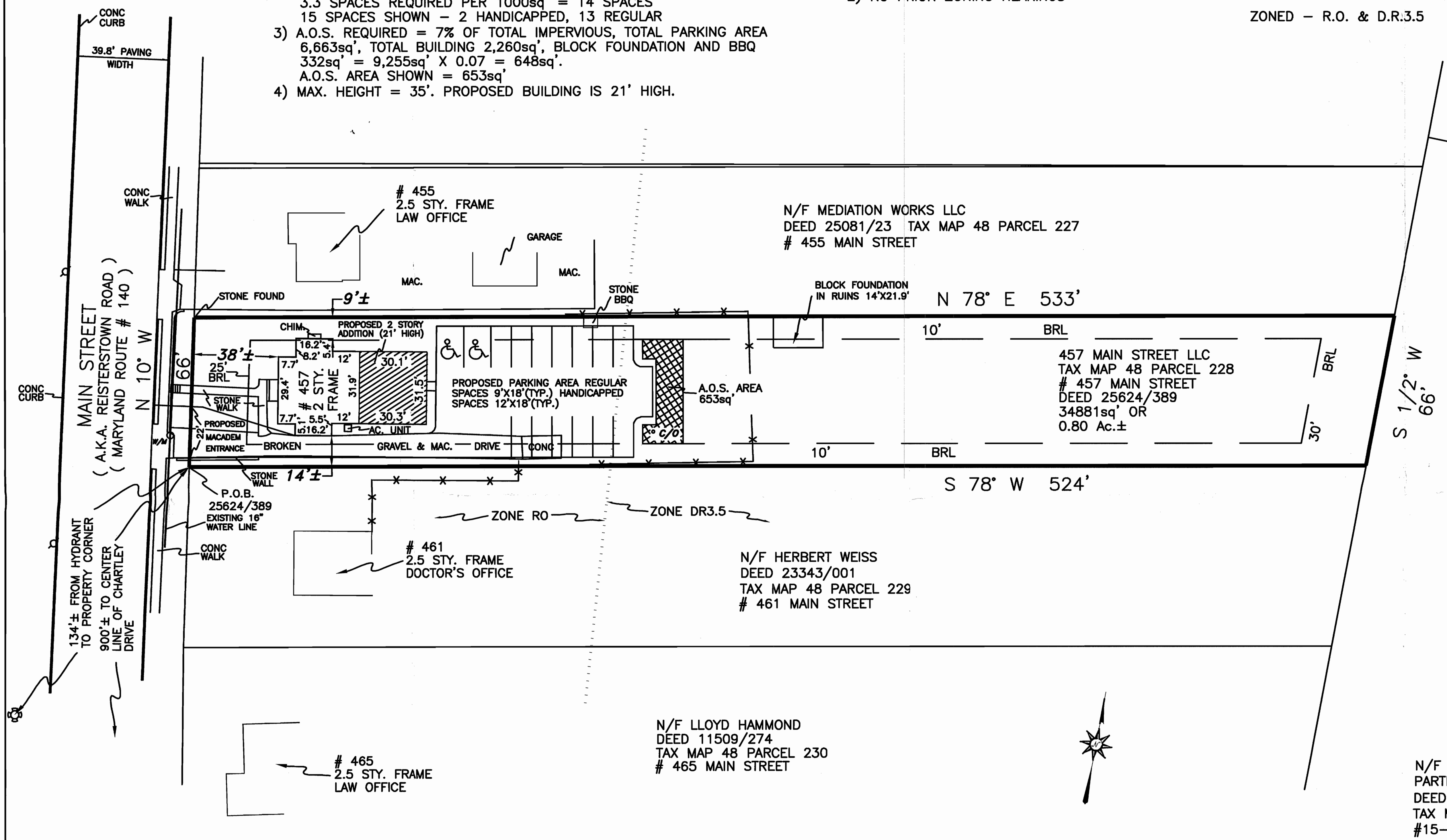
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08-408-SPHXA

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4) MAX. HEIGHT = 35'. PROPOSED BUILDING IS 21' HIGH.

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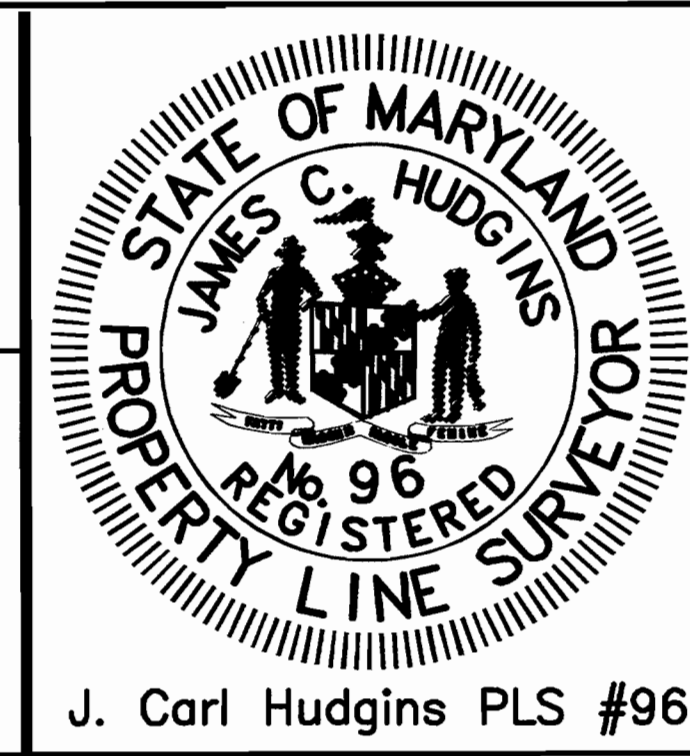
OWNER: 457 MAIN STREET LLC
2 HANOVER ROAD
REISTERSTOWN MD. 21136
ZONED - R.O. & D.R.3.5



LEGEND	
ELECTRIC POLE	○
WATER METER	○ W/M
CLEAN OUT	○ C/O
FIRE HYDRANT	○
FENCE LINE	— X —

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PLAN TO ACCOMPANY PETITION OF VARIANCE
457 MAIN STREET
3rd COUNCILMANIC DISTRICT
4th ELECTION DISTRICT
BALTIMORE COUNTY, MD.

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 - 5) Setback distance accuracy: 1 ±

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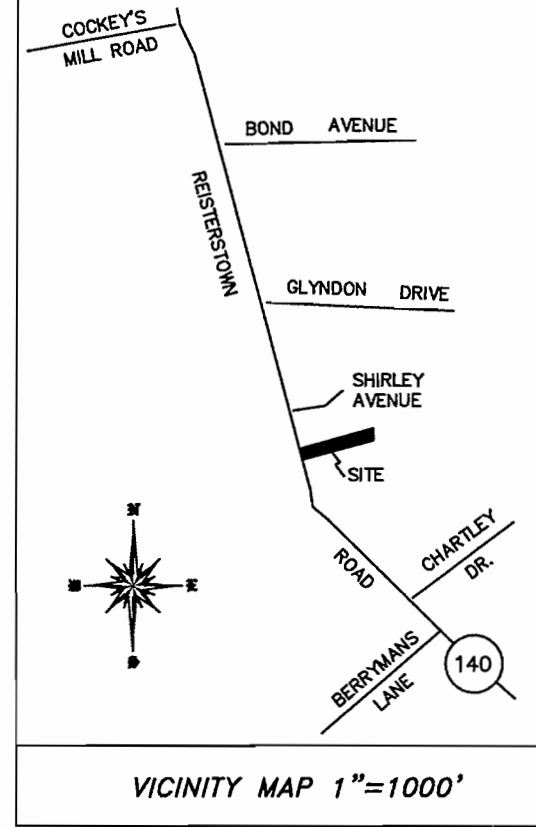
NTT Associates, Inc.
16205 Old Frederick Road
Mt. Airy, Maryland 21771
Ph. (410)442-2031
Fax No. (410)442-1315

Scale: 1" = 50'
Date: 1/31/08
Field By: RIK/SCK
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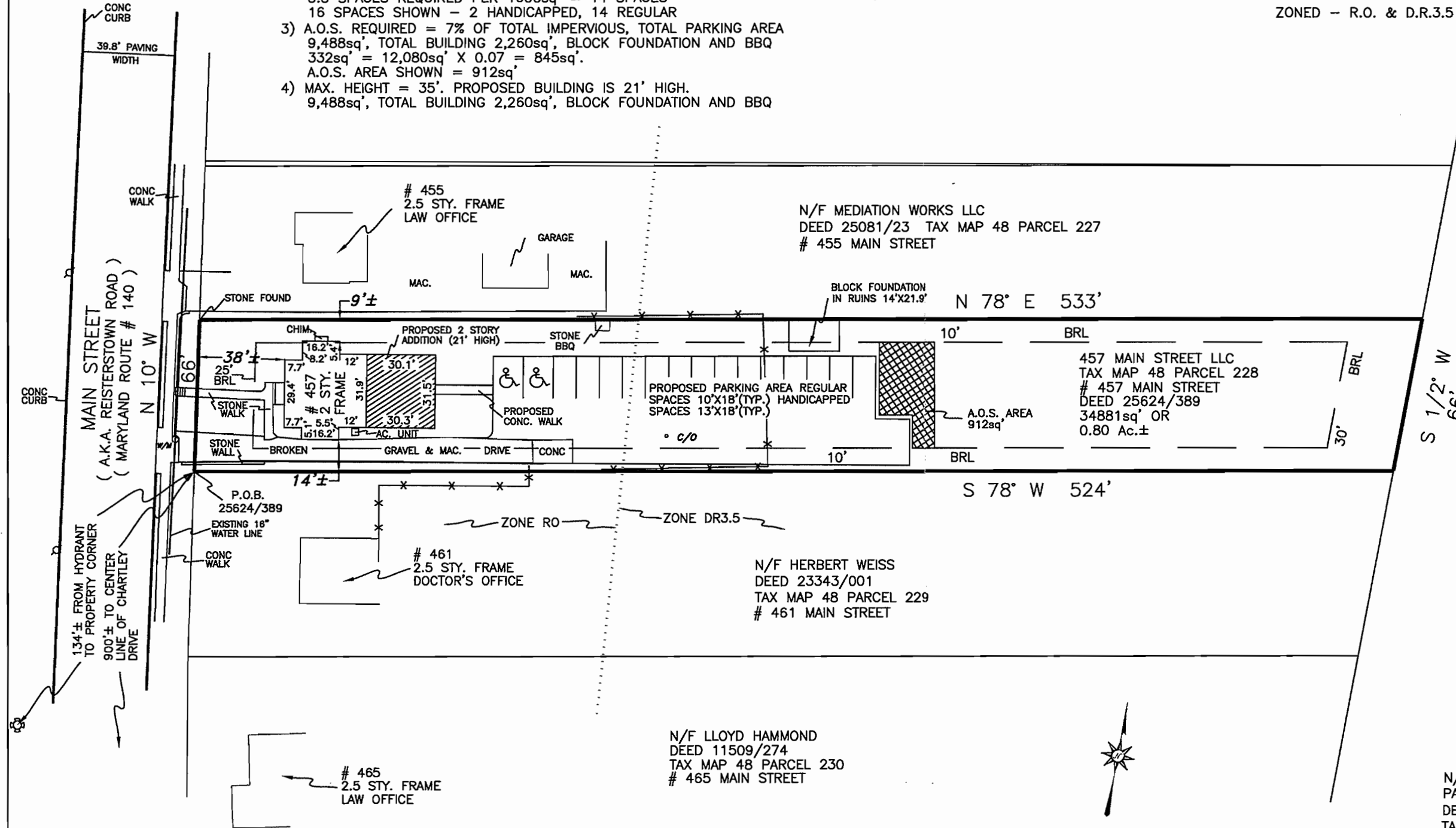
OWNER: 457 MAIN STREET LLC
2 HANOVER ROAD
REISTERSTOWN MD. 21136
ZONED - R.O. & D.R.3.5



VICINITY MAP 1"=1000'

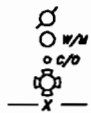
#15-#25

N/F CHARTLEY LIMITED
PARTNERSHIP LLLP
DEED 19302/198
TAX MAP 48 PARCEL 233
#15-25 CHARTLEY PARK ROAD



LEGEND

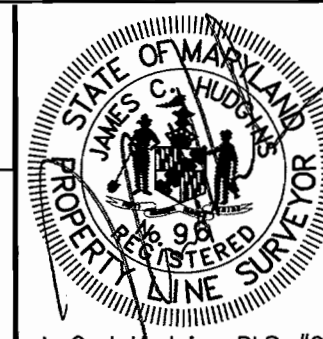
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