

IN RE: **PETITION FOR SPECIAL HEARING**

W/S Monroe Street, 100' N c/line of
Adams Avenue
(9712 Monroe Street)

8th Election District
3rd Council District

John G. Hotz, et ux
Petitioners

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BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2008-0560-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for a Special Hearing filed by the legal owners of the subject property, Carolyn L. Hotz, and her husband, John G. Hotz. The Petitioners request a special hearing from Section 204.3C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow parking in the front yard in lieu of the required side or rear yard. The subject property and requested relief are more particularly described on the site plan and photographs submitted which were accepted into evidence and marked as Petitioners' Exhibits 1 and 2, respectively.

Appearing at the requisite public hearing in support of the request were John and Carolyn Hotz, property owners, and Thomas J. Hoff, landscape architect, the consultant who prepared the site plan for the property. Appearing in opposition to the Petitioners' request was Stephen Weber, an officer and treasurer on behalf of County Home Park Community Association, Inc. There were no other interested persons present; however, it is noted that the matter came before me as a result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management (Violation Case No. 08-1903). Specifically, the Petitioners were cited with a zoning violation relative to the macadam paving of the front yard to provide for four (4) parking spaces. That case (08-1903) is continued pending the undersigned Commissioner's Order.

By Date 9-11-08
103
RECEIVED FOR FILING

Testimony and evidence presented revealed that this subject property is a rectangular-shaped parcel 126 feet deep x 80 feet wide, containing 0.231 acres (10,080 square feet) in net area, zoned Residential – Office (R-O). The property is located in Cockeysville between the west sides of Monroe Street and a rear yard alley that runs behind the York Village Shopping Center and has been improved with a dwelling originally built in 1960 that has essentially been remodeled by Mr. Hotz who does business as Commercial Cabling and Sound, Inc. and has used the premises as his office since 2006. In this regard, the rear yard with its attendant garage and parking area is accessed off of Gibbons Boulevard to the above-mentioned alley. Mr. Hotz stated that ingress and egress to the storage garage and rear yard parking is often unavailable due to the alley being blocked by trucks using it for pickup and deliveries in conjunction with the Village Shopping Center, and, in particular, the Vocelli Pizza and Mattress Discounters businesses located therein. *See* photographs submitted as Petitioners' Exhibit 2. He sought to improve conditions which he testified others have done on Monroe Street¹ by paving a large portion of the front yard to provide four (4) parking spaces that could be accessed from Monroe Street and to provide admittance to four (4) existing side yard (south side) parking spaces. Mr. Hotz engaged the services of a contractor who informed him that he did not need to obtain permits from the County to make paving improvements that did not exceed 5,000 square feet. Neither Mr. Hotz nor his contractor was aware however that zoning relief to permit off-street parking in the front yard would be necessary. Consequently, this matter comes to me as an open violation case, and special hearing relief is necessary in order to allow the desired parking.

¹ The neighboring and adjacent two-story office building with its front yard parking (9710 Monroe Street) is located in the OR-1 zoning classification. The Petitioners are located on the north side of this zone line in the R-O classification. The adjoining property, 9714 Monroe Street, (on the north side of the Petitioners property) is zoned D.R.3.5. The Petitioners were unaware that their 80-foot wide lot was, pursuant to the B.C.Z.R., to serve as a *buffer* between the D.R.3.5 zone and the OR-1 zone.

UNDER REVIEW FOR FILING
Date 2-11-08
By [signature]

In this regard, a letter from the County Home Park Community Association, on behalf of its 90-home membership, advocating a desire that a residential appearance be maintained and expressing concern over the request for parking in the front of the building and further over the extent of the paving. *See* Protestants' Exhibit 4 received from the Association's President, George A. Cummings. A comment was also filed by the Office of Planning that expressed no concerns in this regard and also indicated they had no objection to the request for parking in the front yard of the Petitioners building.

Testimony indicated that Mr. Hotz intends to use the building exclusively for his company's office and that customer parking is on an occasional basis only as Commercial Cabling and Sound Inc.'s work is all off-site at its customers base operation. Requiring customers to use Gibbons Boulevard and circle around to the rear yard via an existing alley has resulted in practical difficulty to the office and business use permitted. The equipment and trucks (vans) of the business will not be parked in the front yard at this location, but kept either in the rear yard or off-site. Mr. Hotz's supervisory employees are provided light trucks as part of their employment, and these also would not be stored or parked at the subject site overnight. Instead, the only working staff at this location would be a few office workers and employees picking up supplies or that assist Mr. Hotz in preparing and maintaining payroll, billing, invoices and related job records, bids, etc. Due to the nature of the office use, the site will not be highly utilized by visitors or customers. Because Mr. Hotz deals solely with commercial contracts, he does not have showrooms or other facilities that would attract residential customers. Normal business hours for office uses such as this will be kept.

ORIGINAL FILED FOR FILING
Date 9-11-08
By [signature]

Based on the testimony and the description of the kind of office use proposed by Mr. Hotz that will not produce high traffic to and from this site, I find that limited front yard parking at the site can safely be done and is preferable than customers using the constrained alleyway.

At the hearing, the Petitioners offered to modify their request in response to the issues raised by the community's correspondence and by the testimony of its representative Stephen E. Weber. Accordingly, a modification to the site plan was proposed. The new amended site plan, reviewed and approved by County Home Park Community Association and bears the signature of President George A. Cummings, was received and accepted into evidence as Petitioners' Exhibit 3. The modified site plan depicts removal of a substantial portion of the paving at the front northeast corner of the Petitioners property. There will be room for one (1) proposed parking space in the front of the office building to accommodate handicapped access as well as access to the existing four (4) employee parking spaces in the south side yard. In addition, paving will be removed from the northeast side (rear yard) next to adjacent property owners, George and Karen Canoles. Landscaping will be provided in this area to screen the remaining five (5) parking spaces in this rear yard area of the site. These modifications are in keeping with those suggested on Protestants' site plan received as Exhibit 5 and meet the intent of the County Council for how R-O properties are to be developed. Section 204.3C.2 of the B.C.Z.R. provides off-street parking requirements in this zone and states: "Off-street parking spaces shall be provided in accordance with Section 409. *To the extent possible*, parking shall be located in the side or rear yards of the lot. All required parking spaces shall be provided on the same lot as the structure or use to which they are accessory". As shown on the amended plan, the Petitioners property will operate as a transition zone from the more intense uses to the south and west along York Road into the residential community.

DATE RECEIVED FOR FILING
Date 9-11-08
By [Signature]

After due consideration of the testimony and evidence presented, and the agreement reached between the community association and the Petitioners, I am persuaded to grant the requested relief. It is clear that strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioners and that the use proposed will not be detrimental to the surrounding locale.

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 11th day of September 2008, that the Petition for Special Hearing seeking relief from Section 204.3C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking in the front yard in lieu of the required side or rear yard, in accordance with Petitioners' amended site plan marked as Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are permitted to proceed; however, Petitioners are hereby made aware that doing so shall be at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein could be rescinded.
- 2) Petitioners shall remove the paving from the front and side yard areas of the property as indicated on the modified plan (Petitioners' Exhibit 3) and shall replant grass in the front yard and provide a 10-foot wide landscape buffer with Class A screening in the north side yard within ninety (90) days of this Order.
- 3) No vehicles larger in size than a three quarter ton pickup truck may be stored or kept overnight on the front or side yards of the subject property.

RECEIVED FOR FILING
Date 9-11-08
BY [signature]

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

RECEIVED FOR FILING
Date 9-11-08
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

September 11, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

John G. Hotz
Carolyn L. Hotz
9712 Monroe Street
Cockeysville, Maryland 21030

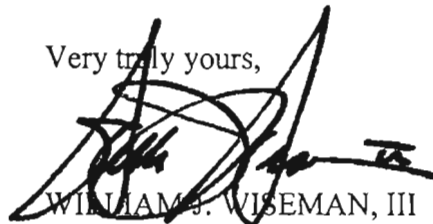
RE: **PETITION FOR SPECIAL HEARING**
W/S Monroe Street, 100' N c/line of Adams Avenue
(9712 Monroe Street)
8th Election District - 3rd Council District
John G. Hotz, et ux - *Petitioners*
Case No. 2008-0560-SPH

Dear Mr. and Mrs. Hotz:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Thomas J. Hoff, Thomas J. Hoff, Inc., 406 W. Pennsylvania Avenue, Towson, MD 21204
Stephen E. Weber, Treasurer, County Home Park Community Association,
9801 Van Buren Lane, Cockeysville, MD 21030
George and Karen Canoles, 9714 Monroe Street, Cockeysville, MD 21030
People's Counsel; Office of Planning; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9712 MONROE ST.
which is presently zoned RO

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

SECTION 204.3.C.2. TO ALLOW PARKING IN THE FRONT YARD IN LIEU OF THE REQUIRED SIDE OR REAR YARD.

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:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

JOAN BLUMHOTZ
Name - Type or Print
Signature
CAROLYN L. HOTZ
Name - Type or Print
Signature
9712 MONROE ST. 410-628-0434
Address Telephone No.
COCKEYSVILLE, MD 21030
City State Zip Code

Representative to be Contacted:

THOMAS J. HOFF
Name
406 WEST PENNSYLVANIA AVE
Address Telephone No.
TOWSON, MD 21204 410-296-3669
City State Zip Code

UNDER REVIEW FOR FILING

Date 9-11-08

By [Signature]

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2008-0560-SPH

REV 9/15/98

UNAVAILABLE FOR HEARING _____

Reviewed By BA Date 6/4/08

THOMAS J. HOFF, INC.
Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

June 4, 2008

Description of 9702 Monroe Street, to Accompany Petition for Special Hearing

BEGINNING FOR THE SAME at a point on the west side of Monroe Street (40' R/W), 100 feet more or less north of the centerline of Adams Avenue.

Thence binding on the west side of Monroe Street,

- 1) North 12 degrees 31 minutes West 80 feet, thence leaving the west side of Monroe Street,
- 2) South 77 degrees 29 minutes West 126 feet, thence,
- 3) South 12 degrees 31 minutes East 80 feet, thence,
- 4) North 77 degrees 29 minutes East 126 feet to the place of beginning.

Containing 10,080 square feet or 0.231 acres of land more or less.

This property is located in the 8th Election District, 3rd Councilmanic District

Bearings and Distances shown hereon are taken from the plat of "Timonium Heights".

Note:

This Description has been prepared for zoning purposes only.



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: # 2008-0560-SPH

9712 Monroe Street
W/side of Monroe Street, 100
feet north of centerline of
Adams Avenue

8th Election District
3rd Councilmanic District
Legal Owner(s): John & Carolyn Hotz

Special Hearing: to allow parking in the front yard in lieu of the required side or rear yard.

Hearing: Tuesday, August 19, 2008 at 2:00 p.m. in Hearing Room 1, 2nd Floor, Jefferson Building, 105 West Chesapeake 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.

7/30 July 31 179582

CERTIFICATE OF PUBLICATION

7/31/2008

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 7/31/2008.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **15364**

PAID RECEIPT

Date: 6/4/08

BUSINESS ACTUAL TIME INM
 6/4/2008 6/04/2008 10:19:37 2
 REG 0002 MAIL JENK JEE
 >>RECEIPT # 501344 6/04/2008 DFLN
 Dept 5 529 JUDGING VERIFICATION
 CR NO 015344
 Recpt Tot \$325.00
 \$325.00 CR \$1.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6020				\$ 325.00

Total: \$ 325.00

Rec
 From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 2008-0560-SPH

Petitioner/Developer: THOMAS J. HOFF

Date Of Hearing/Closing: 8/19/08

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

Attention:

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
at 9712 MONROE STREET

This sign(s) were posted on July 31, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 7/31/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

2244th Rd 7/31/08

ZONING NOTICE

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

CASE # 2008-0560-SPH

PLACE: HEARING ROOM 1, 2ND FLOOR JEFFERSON
BUILDING 105 W. CRESAPLE AVE THUNDERBOLT

DATE/TIME: TUESDAY, AUGUST 19, 2008
AT 2:00 PM

REQUEST: SPECIAL HEARING TO ALLOW

PARKING IN THE FRONT YARD IN LIEU OF THE
REQUIRED SIDE OR REAR YARD

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

100 W. CRESAPLE AVE
TOWNSHIP, MD 20784

TEL. 887-3391

FOR MORE INFORMATION, CONTACT THE ZONING COMMISSIONER AT 887-3391 OR VISIT THE ZONING WEBSITE AT WWW.TOWNSHIP.MD

NOTHING IS GUARANTEED

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2008-0560-SPH
Petitioner: JOHN & CAROLYN HOTZ
Address or Location: 9712 MONROE ST., COCKEYSVILLE, MD. 21030

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN HOTZ
Address: 9712 MONROE ST.,
COCKEYSVILLE, MD. 21030

Telephone Number: 410-628-0434



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 20, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2008-0560-SPH

9712 Monroe Street

W/side of Monroe Street, 100 feet north of centerline of Adams Avenue

8th Election District – 3rd Councilmanic District

Legal Owners: John & Carolyn Hotz

Special Hearing to allow parking in the front yard in lieu of the required side or rear yard.

Hearing: Tuesday, August 19, 2008 at 2:00 p.m. in Hearing Room 1, 2nd Floor,
Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: John & Carolyn Hotz, 9712 Monroe Street, Cockeysville 21030
Thomas Hoff, 406 W. Pennsylvania Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 2, 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
Thursday, July 31, 2008 Issue - Jeffersonian

Please forward billing to:

John Hotz
9712 Monroe Street
Cockeysville, MD 21030

410-628-0434

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: 2008-0560-SPH

9712 Monroe Street
W/side of Monroe Street, 100 feet north of centerline of Adams Avenue
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Legal Owners: John & Carolyn Hotz

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Jefferson Building, 105 W. Chesapeake 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

August 13, 2008

John G. & Carolyn L. Hotz
9712 Monroe St.
Cockeysville, MD 21030

Dear: John G. & Carolyn L. Hotz

RE: Case Number 2008-0560-SPH, 9712 Monroe St.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 4, 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,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Thomas J. Hoff, 406 Pennsylvania Ave., Towson, MD 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 9, 2008

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

RECEIVED
JUL 16 2008

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-560- Special Hearing**

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

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

Prepared By:

Curtis M. Guernsey

Division Chief:
CM/LL

Jeff Mylin

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 19, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 23, 2008
Item Nos. 08-456, 0531, 0543, 0558, 0559, 0560, 0561, 0562, 0563, 0566, 0567, 0568, and 0571

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

DAK:CEN:lrk

cc: File

ZAC-06192008-NO COMMENTS



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

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

Maryland Department of Transportation

Date: 6-20-2008

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

RE: Baltimore County
Item No 2008-0560-SPH
9712 MONROE STREET
HOTZ PROPERTY
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2008-0560-SPH

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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
9712 Monroe Street; W/S Monroe Street, *
100' N c/line of Adams Avenue * ZONING COMMISSIONER
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): John & Carolyn Hotz * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-560-SPH

* * * * *

ENTRY OF APPEARANCE

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

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

RECEIVED

JUN 27 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Thomas J. Hoff, 406 West Pennsylvania Avenue, Towson, MD 21204, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

(410) 296-3668
FAX (410) 296-5326

TO ZONING COMMISSIONER

DATE	9/3/08	JOB NO.	539-01
ATTENTION	BILL WISEMAN		
RE:	9712 MONROE ST.		
	CASE # 2008-0560-SPH		

☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐ _____

[illegible]

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☒ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS ANY QUESTIONS, PLEASE CALL 410-296-3669

COPY TO _____

SIGNED: THOMAS J. HOFF

If enclosures are not as noted, kindly notify us at once.

Permits and Development Management
Code Inspections and Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204



Code Enforcement 410-887-3351
Building Inspection 410-887-3853
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Signal Officers 410-887-3896

CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER 08-1706	PROPERTY TAX ID 0819035012	DATE ISSUED 4/21/8
NAME(S) John G. Hotz Carolyn L. Hotz		
MAILING ADDRESS 11 Far Corners Loop		
CITY Sparks, MD	STATE MD	ZIP CODE 21152
VIOLATION ADDRESS 9712 Monroe St		
CITY BAITIMORE	STATE MARYLAND	ZIP CODE 21093

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

☐ DR1 ☐ DR2 ☐ DR3.5 ☐ DR5.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC20 & 50 (1A05) ☐ RC6(1A07)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RC7(1A06) ☐ RC7(1A08)

NON-RESIDENTIAL CLASSIFICATION

☐ BI (230) ☐ BR (236) ☐ BM (233)
☐ MR (240) ☐ ML (253) ☐ BM (256)

OTHER: **NO**

OTHER: _____

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- | | |
|---|--|
| ☐ 101: 102.1: Definitions: general use | ☐ 415A: License/ remove untagged recreation vehicle |
| ☐ 1001.1: DR Zones-use regulations | ☐ 415A: Improperly parked recreation vehicle |
| ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) | ☐ 415A: One recreational vehicle per property |
| ☐ 1001.1D: Remove open dump/junk yard | ☐ 410: Illegal Class II recycling facility |
| ☐ 431: Remove commercial vehicle(s) | ☐ 400: Illegal accessory structure/pinegment |
| ☐ 101: 102.1: Remove contractors equip. storage yard | ☐ 1102.1: 270; 421.1: Illegal kennel, limit 3 dogs |
| ☐ 101: 102.1; 261.1: Cease service/ storage activities | ☐ 102.5: Residential site line violation/ obstruction |
| ☐ 402: Illegal conversion of dwelling | ☐ 408D: Illegal rooming/ boarding house |
| ☐ 101: 102.1; 261.1: Illegal home occupation | ☐ RC7: 32-3-102: 500.9 B.C.Z.R. ZCPM: |

Violation of commercial site plan and/or zoning order

BALTIMORE COUNTY CODE (B.C.C.)

- | | |
|--|--|
| ☐ 13-7-113: Cease all nuisance activity | ☐ 35-2-301: Obtain building/ fence/ sign permit |
| ☐ 13-7-115: County to abate nuisance & lien costs | ☐ 18-2-601: Remove all obstruction(s) at street, alley, road |
| ☐ 13-7-310: Remove all trash & debris from property | ☐ 13-7-310(2): Remove bird seed / other food for rats |
| ☐ 13-7-312: Remove accumulation of debris, materials, etc. | ☐ 32-3-102: Violation of development plan/ site plan |
| ☐ 13-7-201(2): Cease stagnant pool water | ☐ 1101.115: RC7: 115: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 12-3-106: Remove animal feces daily | ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests | |
| ☐ 13-6-201(b)(1): Store garbage in containers w/ tight lids | |

OWNER OCCUPIED HOUSING (O.C.H.)

- | | |
|--|--|
| ☐ 35-5-302(a)(1): Unsanitary conditions | ☐ 35-5-302(b)(2): Store all garbage in trash cans |
| ☐ 35-5-302(a)(3): Cease infestation from prop. | ☐ 35-5-302(b)(1): Repair exterior structure |
| ☐ 35-5-302(b)(1)(2): Repair decorative trim, eaves, etc | ☐ 35-5-302(b)(1)(3): Repair exterior extensions |
| ☐ 35-5-302(b)(1)(4): Repair chimney & similar extensions | ☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces |
| ☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s) | ☐ 35-5-302(b)(1)(7): Repair defective fence |

INVESTMENT PROPERTY (I.P.C.)

- | | |
|---|--|
| ☐ 35-2-404(a)(1)(a): Remove hazardous or unsafe condition | ☐ 35-2-404(a)(1)(b): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(1)(b): Repair rot or horizontal members | ☐ 35-2-404(a)(1)(c): Repair exterior chimney |
| ☐ 35-2-404(a)(1)(c): Repair ext. plaster or masonry | ☐ 35-2-404(a)(1)(d): Waterproof walls/ roof/ foundations |
| ☐ 35-2-404(a)(1)(e): Repair exterior construction (see below) | ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair/ remove defective exterior sign(s) | ☐ 35-2-404(a)(1)(4): Board & secure material to match building color of structure |

OTHER VIOLATIONS OR REMARKS:

B.C.Z.R. 202, 500.4

**Obtain Change Occupancy Permit,
Use permit, and all other permits
where applicable to new business
No parking at front of residence**

NOTICE POSTED AND MAILED

POTENTIAL FINE: **\$200** **\$500** **\$1000** per day, per violation and to be placed as a lien upon your tax bill.COMPLIANCE DATE: **5.21.8**

INSPECTOR NAME:

PRINT NAME: **Chen** (Rev. 10/05)

to Pen
Pen, Pen, AIA
ADA
AC Ramp
AC Ramp

C. Signs and off-street parking requirements.

1. Signs are permitted, subject to Section 450. [Bill No. 89-1997]
2. Off-street parking spaces shall be provided in accordance with Section 409. To the extent possible, parking shall be located in the side or rear yards of the lot. All required parking spaces shall be provided on the same lot as the structure or use to which they are accessory.

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.

Lunch Special #7

\$3.99

Garden della Casa Side Insalata & 20 oz Soda

STORE HOURS

Sunday - Thursday

11:00AM - 11:00PM

Friday - Saturday

11:00AM - 1:00AM

Vocelli's of Cockeysville

9717 York Road, Cockeysville, MD 21030

To place your order, call: **(800) 707-1111**



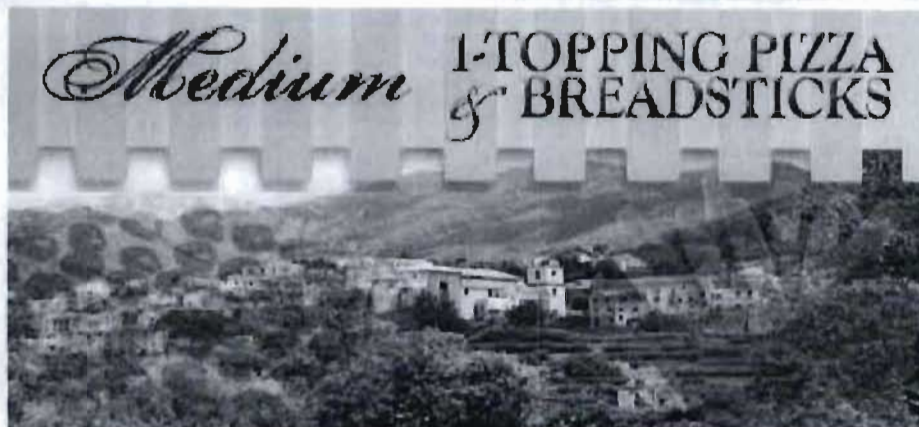
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[OUR MENUS](#) - [COMMUNITY EVENTS](#) - [ITALIAN CATERING](#) - [CAREER OPPORTUNITIES](#) - [FUNDRAIS](#)
[STANDARD MENU](#) [LUNCH MENU](#) [ITALIAN CATERING](#)
**Famiglia Speciale****\$22.99**

Grande 1 topping pizza
and grande gourmet
Coupon code: 718

Panini Perfecto**\$12.99**

Two paninis
Coupon code: 734

Go Gourmet**\$14.99**

Any grande gourmet pizza
Coupon code: 720

Combo Specials

Special #1	\$18.99
2 Grande 1-Topping Pizzas	

Lunch Specials (Valid from 11am to 4pm)

Lunch Special #1	\$7.99
Piccolo 1-Topping Pizza & 20 oz. beverage	
Lunch Special #2	\$7.99
Any Panini Sandwich & 20 oz. beverage	
Lunch Special #3	\$7.99
Your choice of any Stromboli & 20 oz. beverage	
Lunch Special #4	\$7.99
Tuscan Grilled Chicken Insalata & 20 oz. beverage	
Lunch Special #5	\$5.99
Any Half Panini Sandwich & Gardeb della Casa Side Insalata	
Lunch Special #6	\$4.49
Any Half Panini & 20 oz. Soda	

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]

2. Off-street parking spaces shall be provided in accordance with Section 409. To the extent possible, parking shall be located in the side or rear yards of the lot. All required parking spaces shall be provided on the same lot as the structure or use to which they are accessory.

~~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.~~



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.1)

[Go Back](#)
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Account Identifier: District - 08 **Account Number -** 0819035012

Owner Information

Owner Name:	HOTZ JOHN G HOTZ CAROLYN L	Use:	RESIDENTIAL
Mailing Address:	11 FAR CORNERS LOOP SPARKS MD 21152-9256	Principal Residence:	NO
		Deed Reference:	1) /24112/ 500 2)

Location & Structure Information

Premises Address	Legal Description
9712 MONROE ST COCKEYSVILLE 21030-5014	LT 42-45 9712 MONROE ST TIMONIUM HEIGHTS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	2
51	18	375			AA		42	2	Plat Ref:	7/ 15

Special Tax Areas

Town	
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1960	1,208 SF	10,080.00 SF	04
Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	92,770	127,770		
Improvements:	101,420	196,120		
Total:	194,190	323,890	194,190	237,423
Preferential Land:	0	0	0	0

Transfer Information

Seller: SOPER RONALD B	Date: 06/30/2006	Price: \$355,000
Type: IMPROVED ARMS-LENGTH	Deed1: /24112/ 500	Deed2:
Seller: SHUTT LAWRENCE V	Date: 03/30/2006	Price: \$255,000
Type: NOT ARMS-LENGTH	Deed1: /23600/ 381	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:

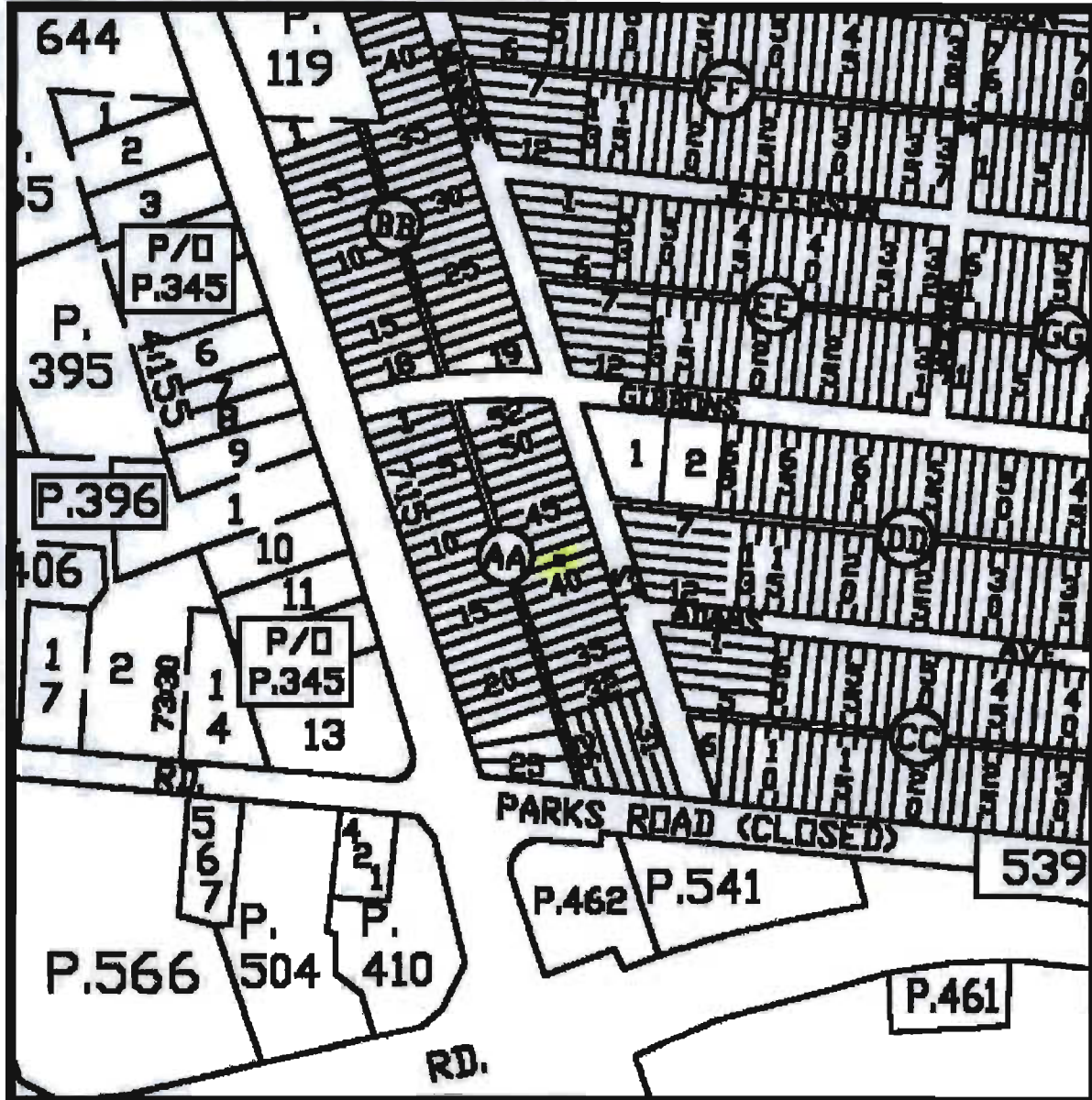
Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
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District - 08 Account Number - 0819035012



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



CASE NAME 9712 Monroe St.
CASE NUMBER 2008-0560-SPH
DATE 8-19-08

[illegible]

CASE NAME 9712 Monroe St
CASE NUMBER 2008-560-SPH
DATE 8/19/08

[illegible]



Case No.: 2008-0560-SPH 9712 Monroe Street

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	Association Limits
No. 2	A thru R (Photo's - Existing COND. tions)	Aerial Photo
No. 3	AMENDED SITE PLAN	Aerial VIEW WITH ZONING LINES
No. 4		Community Position in Written FORMAT
No. 5		Proposed PLAN From Community
No. 6		PHOTO'S OF SUBJECT AND ADJACENT PROPERTIES
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S EXHIBIT #



PHOTO 'A'



PHOTO 'B'



PHOTO 'C'



PHOTO 'D'

PETITIONER'S

EXHIBIT NO.

2

PETITIONER'S EXHIBIT #



PHOTO 'E'



PHOTO 'F'



PHOTO 'G'



PHOTO 'H'

PETITIONER'S EXHIBIT #



PHOTO 'I'



PHOTO 'J'



PHOTO 'K'



PHOTO 'L'

PETITIONER'S EXHIBIT #



PHOTO 'M'



PHOTO 'N'



PHOTO 'O'



PHOTO 'P'

PETITIONER'S EXHIBIT #



PHOTO 'Q'



PHOTO 'R'

Case No.: 2008-0560 - SPH 9712 Monroe Street

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	Association Limits
No. 2	A three R (Photo's - Existing COND. tions)	Aerial Photo
No. 3	AMENDED SITE PLAN	Aerial VIEW WITH ZONING LINES
No. 4		Community Position in Written FORMAT
No. 5		Proposed PLAN From Community
No. 6		PHOTO'S OF SUBJECT AND ADJACENT PROPERTIES
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



9712 Monroe

PROTESTANT' S

EXHIBIT NO. 1



PROTESTANT' S

EXHIBIT NO. 2

9712



PROTESTANT'S

EXHIBIT NO.

3

County Home Park Community Assn., Inc.
102 Gibbons Boulevard
Cockeysville, MD 21030

August 18, 2008

Mr. William J. Wiseman, Zoning Commissioner
Zoning Commissioner's Office
105 W. Chesapeake Avenue
Towson, MD 21204

RE: Case Number 2008-0560-SPH, 9712 Monroe Street

Dear Mr. Wiseman:

Our Community Association is advising you of our objections to the petitioner's site plan in this case and requesting that you place limits on the amount and placement of parking on the site in order to better meet the intent and objectives of the R-O Zoning Regulations established by the County Council in 1980, and further amended in 1988 and 1994.

The County Home Community Association consists of a total of 90 homes, the boundary of which is shown on the attached aerial map. When the County Council established the R-O zoning in 1980, our residents worked with then Councilwoman Barbara Bachur during the 1980 Comprehensive Zoning process to establish an R-O buffer between the D.R. 3.5 and the O-1 zoning, previously divided by essentially Adams Avenue. The buffer strip was desired because of problems with different zoning requests for rezoning portions of our neighborhood to commercial use, oftentimes arguing of the proximity of the O-1 zone. Therefore, a strip of properties on the north side of Adams Ave were rezoned from D.R. 3.5 to R-O in 1980 to establish this buffer zone and to try and maintain the residential integrity of the remaining homes in the D.R. 3.5 zone and ensure an improved ability to keep the residential area intact and viable.

#9712 Monroe Street was one of those properties rezoned from D.R. 3.5 to R-O in 1980. The County Council made a specific statement of legislative policy with regard to R-O zones by stating, "*It is intended that buildings and uses in R-O Zones shall not intrude upon or disturb present or prospective users of nearby residential property. It is not the R-O classification's purpose to accommodate a substantial part of the demand for office space, it being the intent of these zoning regulations that office space demand should be met primarily in C.T. Districts, C.C.C. Districts and, to a lesser extent, in other commercial zones.*" We wholeheartedly agree with the County Council's intent and are seeking a ruling from you in this case which goes to meeting that intent.

We recognize that the petitioner certainly has a right to use the property as a conversion of a house into an office building. The property also has an associated structure with a garage on the site. The issues which are most disturbing with the submitted plan are the following:

- Proximity of parking to the D.R. 3.5 zoned single-family home property to the north at 9714 Monroe Street.

PROTESTANT' S

EXHIBIT NO. 4

- The amount of parking being provided for a relatively small converted home is overly excessive and thus there is an excessive amount of impervious area being placed on the property, thus making the property less residentially compatible and at the same time generating adverse environmental impacts, including excess storm water runoff with no associated storm water management facilities.
- The site plan does not reflect the requirements specified in the zoning regulations as outlined under Section 204.3.C.2., i.e., *"To the extent possible, parking shall be located in the side or rear yards of the lot. All required parking spaces shall be provided on the same lot as the structure or use to which they are accessory."*

It should also be noted that the vast majority of the property was paved over just a few months ago, seemingly without any County permits to do so. An attached aerial photo of the property, with the zoning lines, shows that the parking area off of the alley in the rear of the home was expanded closer to the building, and the entire side yard to the south of the building and most of the front yard, including the area in the County right-of-way, was paved.

The County Zoning Regulations require that this office would have to have a minimum of 4 parking spaces. However, the petitioner is requesting 9 unblocked parking spaces plus an additional 4 blocked parking spaces, for a total of 13 parking spaces. Then there is a 768 sq. ft. garage (24' x 32') also on the property. We don't know why someone would need 13 parking spaces for a building that only has 1,210 sq. ft. of floor space. While we certainly don't want any overflow parking from this site coming into the community, likewise we don't want the site to be a sea of pavement and cars. If 13 plus people were working in such a small building, then whatever use is being run out of it is certainly not at all compatible with the adjacent residential uses and the intended intensity of the site far exceeds the intent of the County Council for what should be occurring on an R-O piece of property. The fact that an "R-O Zone shall not intrude upon or disturb present or prospective users of nearby residential property" makes it clear that someone living in a single-family home living next to a house converted to an office for 13 or more employees with a nearly entirely paved property is going to be adversely impacted. The impacts are not only the daily exposure to a high-intensity office use in a small house, but the adverse visual impacts of this office use on their property and thus adverse monetary impacts on the value of the property at 9714 Monroe Street and other nearby residential properties. The intent of the R-O zone is to insure that whatever use is put there is compatible with the adjacent residential properties and is not going to serve as a cause for the adjacent residential properties to degrade or likewise want to come in for rezoning to an office classification. This office-use property should also not become a staging yard or storage area for a contracting business, such equipment being more appropriately stored inside a structure or on an industrial or business zoned site.

Attached we are submitting the Community Association's recommended changes to the site plan to attempt to meet the intent of the Zoning Regulations and still reasonably allow the property to function. We ask the following modifications be made:

- Most of the pavement in the front yard be removed and replaced with grass and/or other vegetation. Instead the access to the parking spaces identified as "Existing (4) Employee Parking Spaces" would be served by a 22-foot wide driveway with the southern edge of the driveway being the same as the existing south edge of pavement in the front yard. This change would also allow for an additional 4 vehicles to be parked on the driveway between the 4 identified and Monroe Street. This would change the combined parking in the front and side yard from a total of 8 spaces (4 accessible and 4 blocked spaces) to a total of 8 spaces (6 blocked spaces and 2 accessible parking spaces). All this parking would be concentrated in the side yard on the portion of the property adjacent to the O-1 Zoning and as far away from the D.R. 3.5 Zoning as possible. This would bring this parking much more in compliance with Section 204.3.C.2. of the County Zoning Regulations.
- Regarding parking on Monroe Street itself, we have no objection to a 7 or 8-foot wide widening strip along the west side of Monroe Street in front of the property to allow for one or two parallel parking spaces in front of the property, provided that the widening is moved no farther north than it is already located. It should be noted that such a widening places the water meter for #9712 potentially in the street, which is not generally allowed. If this is done next to the water meter, the petitioner may need to relocate the water meter out of the paved portion of Monroe Street.
- The petitioner paved practically the entire rear yard of the property, right up to the residential property at #9714. While the petitioner shows a single row of 5 parking spaces adjacent to the building, it is clear that these same spaces could have been located adjacent to the alley without paving the grass area that used to exist between the house and the 23-foot deep parking pad that was located along the alley, as seen from the one aerial photo. Also as is shown in the attached photo #9, it seems as though the intent of paving the entire rear yard is to allow double stacking of vehicles as is already practiced. Doing this would allow for parking up to 10 vehicles in the rear rather than the 5 spaces shown. Now when the residents of the #9714 sit in their rear yard and look to the south at this building and the rear yard, all they see is a parking lot and all the associated vehicles (see photo #11). Recognizing that the rear yard is the area where it is most desired that vehicles be parked on R-O zoned property and that #9714 likewise has a 23-foot deep parking pad adjacent to the alley, we are asking that a portion of the relatively recent expanded parking lot be removed, as noted on the attached site plan, to provide a 10-foot wide and 25-foot long landscaped buffer of minimum 5 foot height in order to help buffer and visually screen the view of this large parking lot and all the vehicles parked to the rear of #9712. This would help to visually minimize the commercial aspects of the rear yard of #9712 and will still maintain the parking shown on the plan by shifting the 5 spaces shown to the south. This will also still allow for double stacking to occur. We further request that a note be placed on the plan or in your order that parking on this property be limited to vans and passenger vehicles. Even with all the modifications requested by the Community Association, this property will still be able to contain a total of 18 vehicles, 14 in excess of the required zoning regulations. We do not

Mr. William J. Wiseman

August 18, 2008

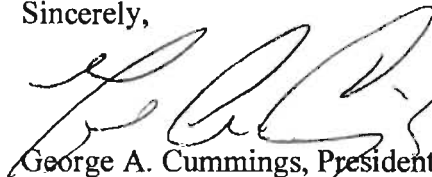
Page 4

want this property in any way to become a parking lot or staging area for commercial vehicles and trucks. Such vehicles should be located outside of an R-O zone. We feel that the requested very minor modification to the rear of the property will have an extremely minimal impact on the site while providing much less disturbance to the adjacent D.R. 3.5 residential property.

Attached as well are several photographs of the property to allow you to see this building in context with the other properties adjacent to it. The location from where each photo was taken is identified on the attached site plan. When looking at the adjacent property to the south at #9810 Monroe Street in the O-1 Zone, it is evident that they have taken action to far more limit the impacts to the front of the property than the petitioner is proposing in an R-O Zone. Given that greater care is to be exercised in the R-O zone, we would expect a far more sensitive plan.

We feel that the modifications we are seeking meet the intent of the County Council for how R-O properties are to be developed and that the modifications will have very minimal impact on the operations of the property by still providing the same number of parking spaces the petitioner is showing. Therefore we ask for your consideration of our comments and hope that you find it appropriate to condition approval of any plan to the modifications that the Community Association is requesting. Stephen Weber from our Executive Committee will be present at the hearing to present our case and will be available for any questions you might have regarding our input. We thank you for your consideration.

Sincerely,



George A. Cummings, President
County Home Park Community Association

Attachments

Modified Site Plan

15 Photographs

Aerial view with zoning lines

Aerial view of immediate area around #9712 Monroe

Aerial view of County Home Park Community Assn.

cc: Mr. Peter M. Zimmerman, Peoples' Counsel

#7
MONROE

#3 #4
STREET

#1

#6

#2

EX. PAVING

EX. 8" WATER DRWG #1969-1010

EX. LP
EX. F.H.

100'± TO & ADAMS RD.

EX. 8" S

P.O.B.

#15

PROP. (2) PARKING SPACES

REMOVE PAVEMENT

EX. TWO STORY DWELLING

PROVIDE A 25' X 10' LANDSCAPING BUFFER - MIN. 5' HEIGHT - REMOVE PAVEMENT

#11

KAREN CANOLES
GEORGE C. CANOLES
9714 MONROE ST.
DEED REF. 22276/94
TAX ACCT.# 0807016320
PLAT #7/15

EX. ONE STORY OFFICE BLDG.

FRONT

EXISTING (4) EMPLOYEE PARKING SPACES

EX. TWO STORY OFFICE BLDG.

PETER MANTEGNA JR.
LINDA A. MANTEGNA
9710 MONROE ST.
DEED REF. 6944/342
TAX ACCT.# 1600000860
PLAT #7/15

EX. TWO STORY OFFICE BLDG.

EX. 12' ALLEY (USE IN COMMON WITH OTHERS)

DR 3.5
BL CCC

EX. MACADAM PAVING

EX. FRAME GARAGE

FRONT

EXISTING (5) EMPLOYEE PARKING SPACES

SCALE: 1" = 20'

PROTESTANT'S

EXHIBIT NO. 5

S 12°31' E 180'

OR
BL CCC

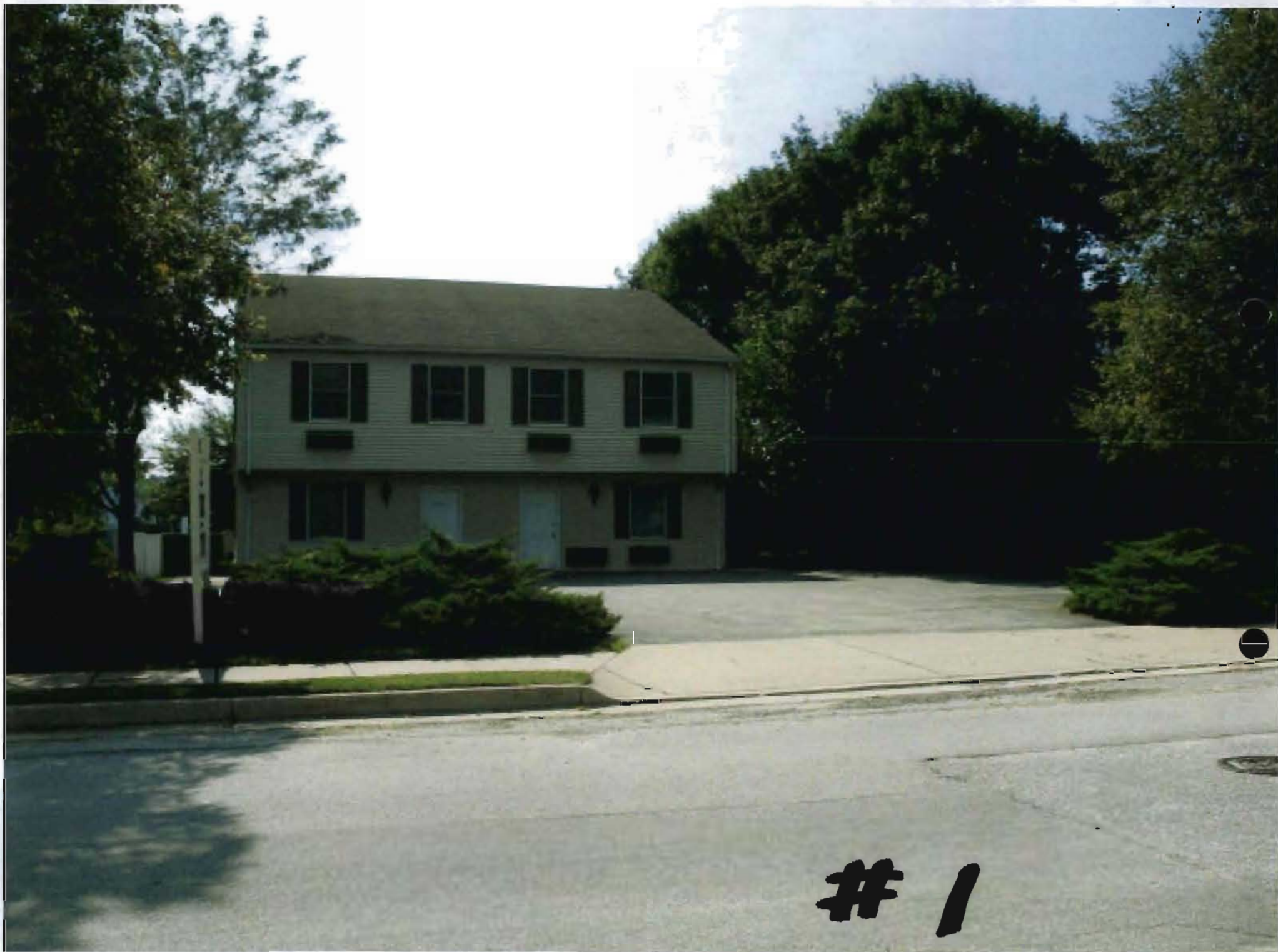
#14

#13

#10

#9

#8





#2



#3









#7

#8



#9





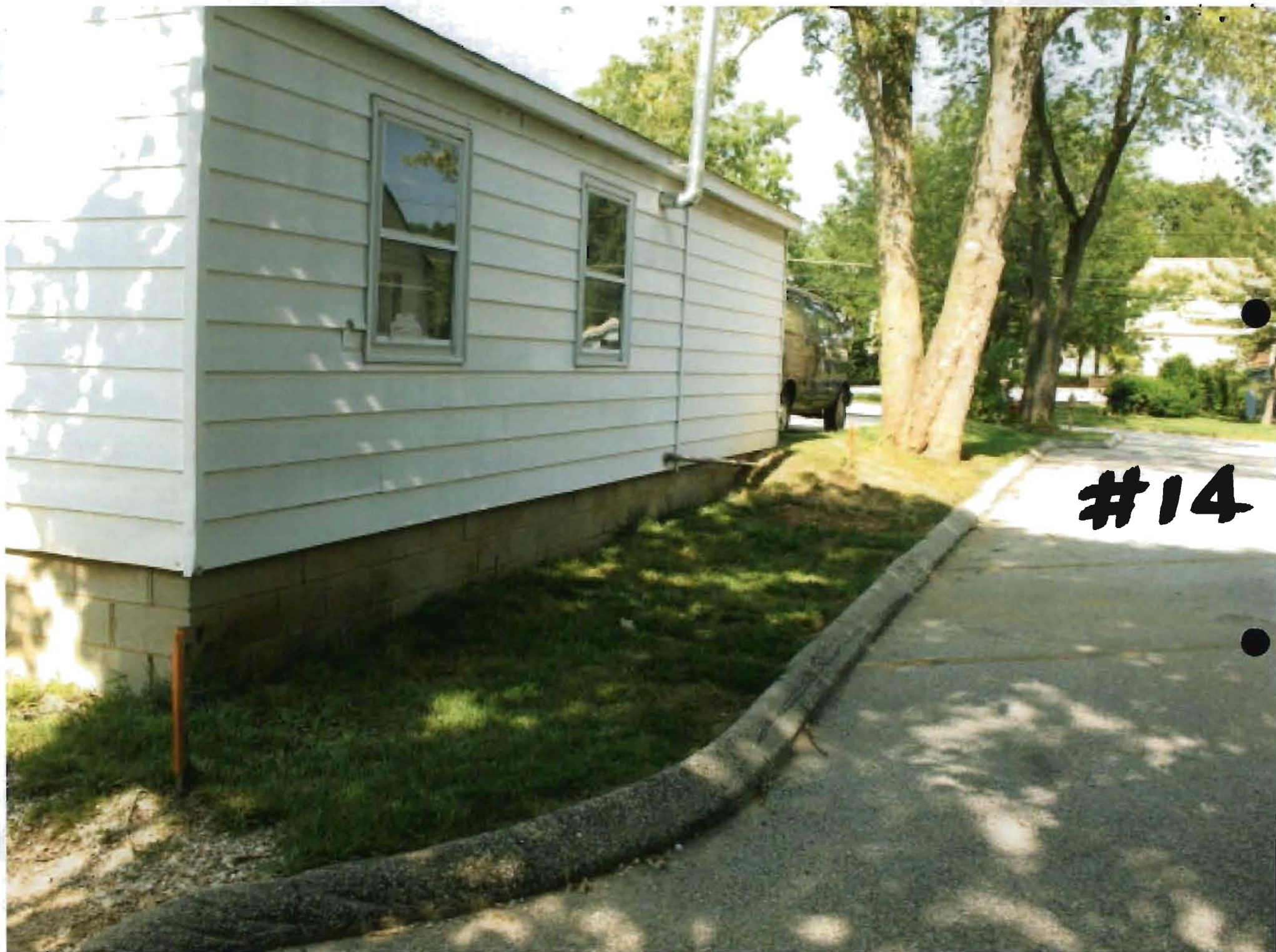


#11





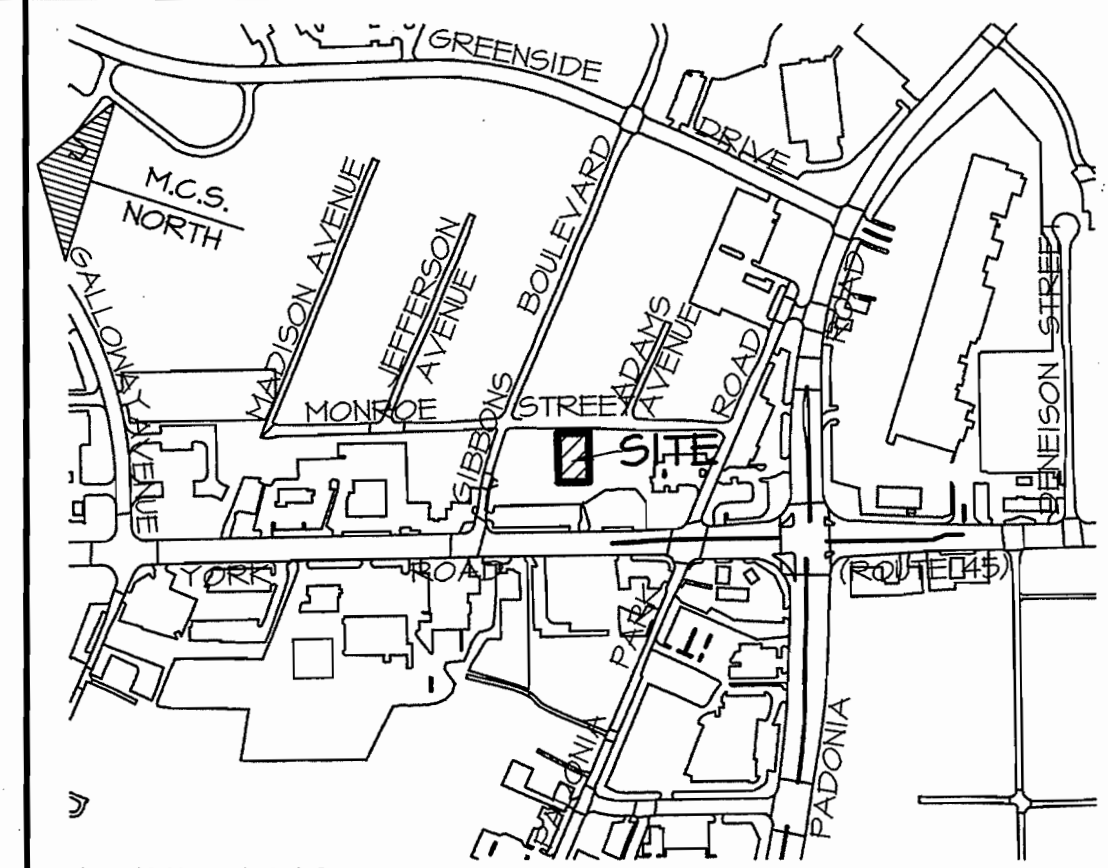
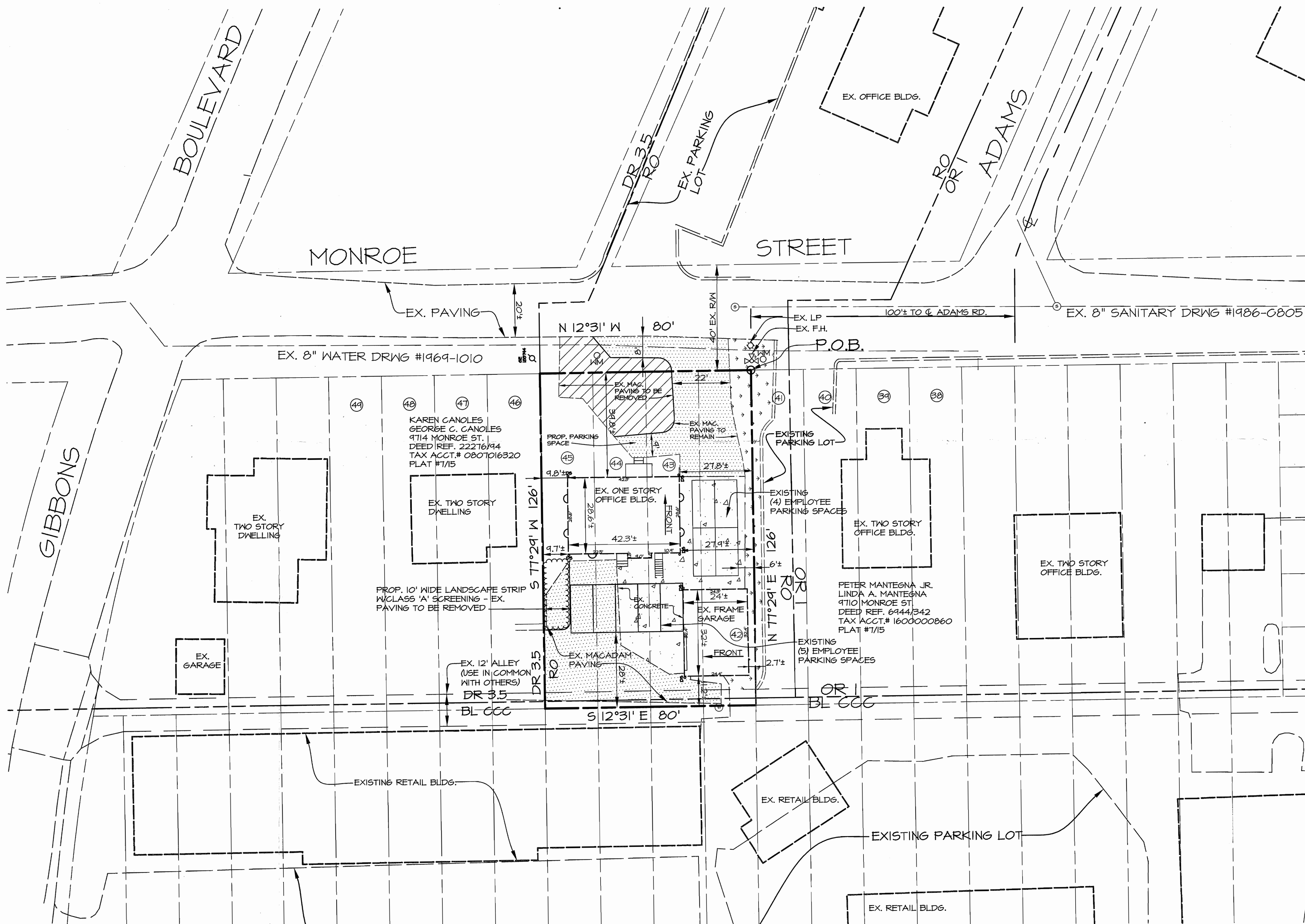
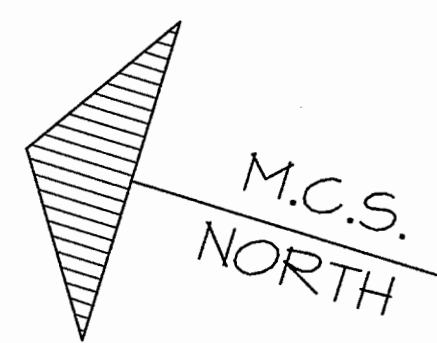
#13



#14



#15



VICINITY MAP
SCALE: 1"=500'

SITE DATA:
GROSS SITE AREA - 0.268 AC.±, 11,680 SQ. FT.
NET SITE AREA - 0.231 AC.±, 10,080 SQ. FT.
EXISTING ZONING - RO, MAP 51-C3
EXISTING USE: CLASS 'A' OFFICE
PROPOSED USE: CLASS 'A' OFFICE

COMMERCIAL PERMIT HISTORY:
THERE ARE NO RECENT COMMERCIAL BUILDING PERMITS ON THIS SITE.

ZONING & DEVELOPMENT PLAN HISTORY:
THERE ARE NO PRIOR ZONING CASES ON THIS SITE.

BUILDING AREA:
EXISTING OFFICE BLDG... 1,210 SQ. FT.
EXISTING GARAGE 768 SQ. FT.

PARKING CALCULATIONS:
PARKING REQUIRED
1,210 SQ. FT. @ 3.3/1000 = 4 SPACES

PARKING SHOWN
EXISTING NON-BLOCKED SPACES - 5
EXISTING BLOCKED SPACES - 4
PROPOSED SPACES - 1
TOTAL NON-BLOCKED SPACES - 6

OWNER:
JOHN G. & CAROLYN L. HOTZ
11 FAR CORNERS LOOP
SPARKS, MD 21152-4256
DEED REF. 24112/500
TAX ACCT.# 0814035012
PLAT 7/15

ZONING RELIEF REQUESTED:
SPECIAL HEARING - SECTION 204.3.C.2 TO ALLOW PARKING IN THE FRONT YARD IN LIEU OF THE REQUIRED PARKING IN THE SIDE OR REAR YARD.

GENERAL NOTES:
1) PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
2) THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON SITE.
3) THERE ARE NO HISTORICAL STRUCTURES LISTED ON THE HISTORICAL INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
4) PARKING LOT SHALL BE BITUMINOUS CONCRETE PAVING AND PARKING SPACES SHALL BE STRIPED.
5) PROPERTY IS LOCATED WITHIN THE AREA OF A LEVEL OF SERVICE D INTERSECTION (PADONIA ROAD AND YORK ROAD).
6) ALL SIGNAGE SHALL COMPLY WITH SECTION 450, BCZR.
7) PROPERTY IS SERVED BY PUBLIC WATER & SEWER.
8) BEARING & DISTANCE SHOWN HEREON TAKEN FROM THE PLAT "TIMONIUM HEIGHTS"
9) NO VANS OR TRUCKS LARGER THAN 3/4 TON MAY BE STORED ON SITE OVERNIGHT. ONLY ONE TRAILER MAY BE STORED IN REAR YARD.

PETITIONER'S
EXHIBIT NO. 3

REVISED PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING
HOTZ PROPERTY
9712 MONROE STREET
(A.K.A. LOTS 42-45, TIMONIUM HEIGHTS, PLAT REF. 7/15)

8th ELECTION DISTRICT, 3rd COUNCILMANIC, BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.

LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326

REVISIONS:
8/20/08-REVISED PER
COMMUNITY COMMENTS



SCALE: 1"=20'
DATE: 6/4/08
JOB NO.: 0539-01
DESIGNED: TJH
DRAWN: TJH/LA
CHECKED:

DRAWING NUMBER:

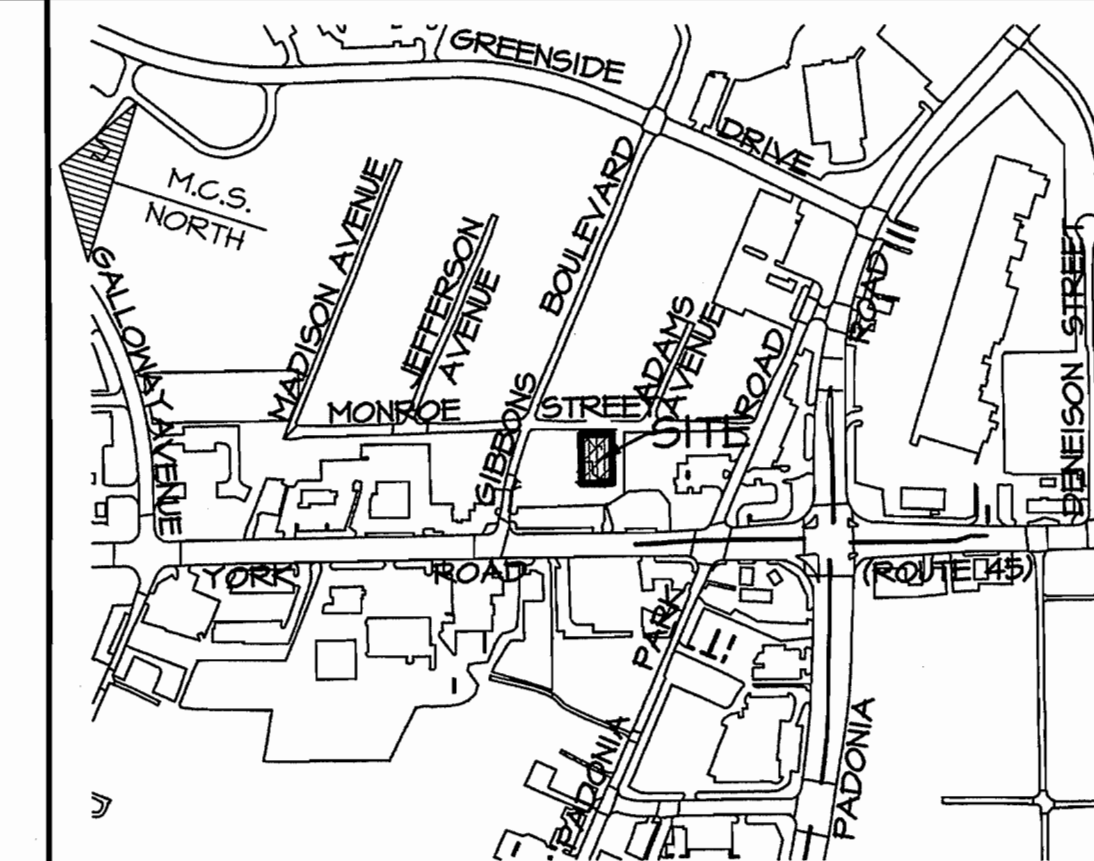
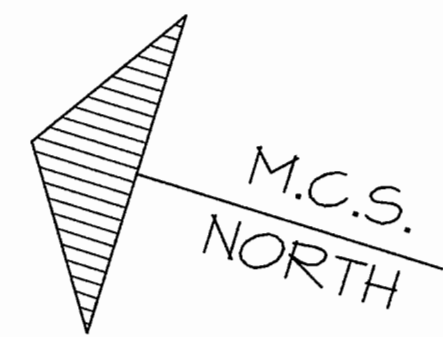
ZP-1

SHEET OF

COUNTY HOME PARK COMMUNITY ASSOCIATION, INC.

REVIEWED AND APPROVED BY:
GEORGE CUMMINGS, PRESIDENT

DATE



VICINITY MAP
SCALE: 1"=500'

SITE DATA:

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NET SITE AREA - 0.231 AC.±, 10,080 SQ. FT.
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PROPOSED USE: CLASS 'A' OFFICE

COMMERCIAL PERMIT HISTORY:

THERE ARE NO RECENT COMMERCIAL BUILDING PERMITS ON THIS SITE.

ZONING & DEVELOPMENT PLAN HISTORY:

THERE ARE NO PRIOR ZONING CASES ON THIS SITE.

BUILDING AREA:

EXISTING OFFICE BLDG... 1210 SQ. FT.
EXISTING GARAGE 768 SQ. FT.

PARKING CALCULATIONS:

PARKING REQUIRED
1210 SQ. FT. @ 3.3/1000 = 4 SPACES

PARKING SHOWN
EXISTING NON-BLOCKED SPACES - 5
EXISTING BLOCKED SPACES - 4
PROPOSED SPACES - 4

TOTAL NON-BLOCKED SPACES - 9

OWNER:

JOHN G. HOTZ
CAROLYN L. HOTZ
11 FAR CORNERS LOOP
SPARKS, MD 21152-1256
DEED REF. 24112/500
TAX ACCT.# 0814035012
PLAT 1/15

ZONING RELIEF REQUESTED:

SPECIAL HEARING - SECTION 204.3.C.2 TO ALLOW PARKING IN THE FRONT YARD IN LIEU OF THE REQUIRED PARKING IN THE SIDE OR REAR YARD.

GENERAL NOTES:

- 1) PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
- 2) THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON SITE.
- 3) THERE ARE NO HISTORICAL STRUCTURES LISTED ON THE HISTORICAL INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
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- 7) PROPERTY IS SERVED BY PUBLIC WATER & SEWER.
- 8) BEARING & DISTANCE SHOWN HEREON TAKEN FROM THE PLAT "TIMONIUM HEIGHTS"

**PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING
HOTZ PROPERTY
9712 MONROE STREET**

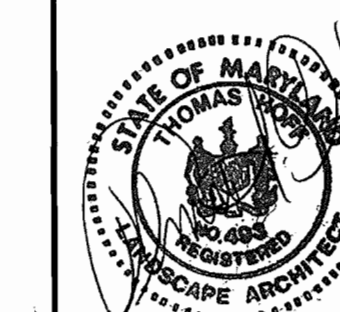
(A.K.A. LOTS 42-45, TIMONIUM HEIGHTS, PLAT REF. 1/15)

8th ELECTION DISTRICT, 3rd COUNCILMANIC, BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.

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LANDSCAPE ARCHITECTS

406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326



REVISIONS:

SCALE: 1"=20'

DATE: 6/4/08

JOB NO.: 0539-01

DESIGNED: T.J.H.

DRAWN: T.J.H./L.A.

CHECKED:

DRAWING NUMBER:

ZP-1

PETITIONER'S

EXHIBIT NO. 1