

12/1/09

**IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION AND
VARIANCE**

W side of Main Street, 225 feet N of c/l of
East Chadsworth Avenue
4th Election District
3rd Councilmanic District
(67 Main Street)

Elias Rizakos
Legal Owner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 2009-0051-SPHXA**

* * * * *

REMAND ORDER

This matter comes before this Deputy Zoning Commissioner on remand from the Baltimore County Board of Appeals ("Board") for consideration of Petitions for Special Hearing, Special Exception and Variance ("Zoning Petitions") filed by the legal owner of the subject property, Elias Rizakos. On December 11, 2008, People's Counsel noted a timely appeal from a decision of the Deputy Zoning Commissioner dated November 25, 2008. The Board, on September 8, 2009, unanimously decided to remand the case back to the Zoning Commissioner for consideration of a Revised Plan to Accompany the Zoning Petitions, which purports to, among other things, change the existing signage and limit the Variance and Special Exception approval of the Class A animal boarding place use to the current operator or a future operator, so long as it remains consistent with the character, size and intensity of the current use.

On November 6, 2009, Jason T. Vettori, Esquire, on behalf of the Petitioner, and Peter Max Zimmerman, People's Counsel for Baltimore County, appeared before this Deputy Zoning Commissioner for consideration of the revised relief requested under the Petitions for Special Hearing, Special Exception and Variance along with the Revised Plan to Accompany the Zoning Petitions (the "Plan"). The Plan, dated June 25, 2008, as revised on October 14, 2009, was marked and accepted into evidence as Petitioner's Remand Hearing Exhibit 1A.

No other interested persons have appeared in the proceedings. Accordingly, no additional notice of this remand hearing was required to be posted or advertised as is customary for public hearings. All parties of record were present at the remand hearing.

As indicated by the Board in its Ruling and Order on Joint Motion for Remand, the parties mutually agreed to remove the Existing Sign No.1, remove and replace Existing Sign No. 4 with a higher quality, smaller version, and limit the Special Exception approval regarding a Class A animal boarding place to the current user or a future operator whose use would be limited in character, size and intensity to the Adopt-A-Pet Center's use. This Deputy Zoning Commissioner, having already found that the property was unique, adopts and incorporates herein those findings to be applied to the revised requests to relief. Having described the process and rationale behind how this matter was remanded to this Deputy Zoning Commissioner for additional findings, it is perhaps most appropriate to discuss the specific changes and then the modifications to the relief requested and additional notes added to the Plan.

The Plan was redlined for several reasons. First of all, the Zoning Petitions and the original Plan to Accompany list Section 230.13 of the B.C.Z.R. as the section from which the Special Exception approval of a Class A animal boarding place as well as living quarters in a commercial building is being sought. However, there is no Section 230.13. Both of these uses are listed as uses permitted by Special Exception under Section 230.3 of the B.C.Z.R. As a result, the Plan was redlined to properly note the section of the B.C.Z.R. from which Special Exception approval was being requested.

Secondly, as evidenced by Petitioner's Remand Hearing Exhibit 1A, Existing Sign No. 1 is to be removed. Existing Sign No. 4 is also to be removed; however, Proposed Sign No. 4, as shown on Petitioner's Remand Exhibit 1A, is going to replace Existing Sign No. 4. While Existing Sign No. 4 currently stands 10 feet tall and 5 feet wide, Proposed Sign No. 4 will stand

6 feet tall and 4 feet wide (these figures include the posts and empty space which is not considered when calculating square footage of the face area of a sign -- see Section 450.3 of the B.C.Z.R. regarding the definition of "AREA."). In addition, higher quality materials will be used for the framing of Proposed Sign No. 4. In accordance with the modifications to the existing signage being proposed by Petitioner and agreed to by People's Counsel, the relief requested under the Petition for Variance has been revised. Variance Request No. 5 has been revised to reflect the fact that two freestanding enterprise signs (originally there were three requested) are being proposed in lieu of the maximum permitted one freestanding enterprise sign under Section 450.4.5(b)(vi) of the B.C.Z.R. Variance Request No. 6 has been deleted. Petitioner is no longer requesting relief from Section 450.4.5(b)(v), because no relief is needed regarding the face area for the two freestanding enterprise signs (Existing Sign No. 2 and Proposed Sign No. 4). The maximum permitted face area under Section 450.4.5(b)(v) is 75 square feet. Existing Sign No. 2 has 9 square feet of face area on each side. Proposed Sign No. 4 has 15 square feet of face area on each side. For this reason, Variance Request No. 6 is to be dismissed as moot. In addition, Variance Request No. 7, Petitioner's request for such other and further relief as may be deemed necessary by the Zoning Commissioner of Baltimore County, is also dismissed as moot as no additional relief is requested. Note Nos. 4, 5 and 6 have been added to the Revised Plan regarding the proposed signage. Those notes read as follows:

4. Original variance request No. 6 has been removed as it is moot. The requested relief is no longer needed as existing sign nos. 1 and 4 are to be removed and existing sign no. 2 and the proposed sign do not exceed the maximum permitted 75 feet of face area (BCZR § 450.4.5(b)(v)).
5. Original variance request No. 5 has been revised to request relief from BCZR § 450.4.5(b)(vi) to permit two freestanding enterprise signs in lieu of the maximum number permitted of one freestanding enterprise sign (as opposed to the three signs which were originally requested).

6. The removal of Existing Sign No. 1 is without prejudice to a future request for variance relief for another sign subject to BCZR § 450.

The location of Existing Sign No. 2, Existing Sign No. 3 and Proposed Sign No. 4 are more fully illustrated on the Revised Plan and described under each caption showing a picture of those signs.

Thirdly, as previously indicated, the Special Exception approval for the Class A animal boarding place use, under Section 230.3 of the B.C.Z.R., has been operating from this location for approximately ten years. Due to the fact that the use can be included within this broadly defined use, but is more of a niche within this defined use, is of a limited size and has limited hours of operation and lacks a dog run, Petitioner and People's Counsel felt it would be more appropriate to limit the Special Exception approval to the existing operator, or a future operator whose use would be limited in character, size and intensity to the Adopt-A-Pet Center's use. It should also be noted that the structure that houses the Adopt-A-Pet use has another tenant on a separate floor. As a result, the setback from the lease line is zero feet. Due to the Variance relief from Section 421.2 of the B.C.Z.R. to permit any part of a Class A animal boarding place within zero feet of the nearest property line or lease line in lieu of the minimum required 200 feet, Petitioner and People's Counsel felt it was appropriate to limit the Special Exception use to the instant operator or one similar in character, size and intensity. To reflect this limitation, Note 1 has been added to the Revised Plan. Note 1 reads as follows:

A Class A Animal Boarding Place is permitted by special exception in the B.L. zone, BCZR § 230.3. The Adopt A Pet Center lies in the B.L. zone. Class A Animal Boarding Places are further regulated by BCZR § 421, which subjects the instant use to setback requirements from which the Adopt A Pet Center necessitates a variance. As noted by the property owner and the Adopt A Pet Center, the request for variance relief from Section 421.2 of the BCZR to permit any part of a Class A Animal Boarding Place within zero feet of the nearest property line or lease line in lieu of minimum required 200 feet of the nearest property line or lease line is for the current operator or a future operator whose use would be limited in size and intensity to the Adopt A Pet Center's use. The

property owner leases to more than one tenant. As a result, the setback from the lease line is zero feet. Similarly, the special exception relief is being granted for the existing operator's use, so long as it remains consistent with the size and intensity of the current use, or a future operator whose use would be limited in size and intensity to the Adopt A Pet Center's use. Any material increase to the character, size and intensity of the current use of the site as an animal rescue would be subject to new petitions for variance and special hearing.

The limitation of the operator applies both to the Variance and to the Special Exception approval of the Class A animal boarding place use, under Sections 230.3 and 421.2 of the B.C.Z.R.

It should also be noted that Site Data Note 21 has been added to the revised Plan. Site Data Note 21 states "a request to change the current zoning from BL-CCC and DR 3.5 to BL-CCC was made in the 2008 CZMP (Issue No. 3-42). The request was denied." This note is for informational purposes only.

Adopting and incorporating the previous findings in regard to the variance request, I once again find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the Variance requests. The property's irregular shape and split zoning, the extensive non-tidal wetlands adjacent to a Use III trout stream on site, as well as the property's listing on the National Historic Trust Inventory, renders the property unique in a zoning sense. In addition, with the CCC district overlay in this BL zone, I find that the requirements of the zoning regulations disproportionately impact the subject property compared with others in the district. Once again, I further find that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship. If the zoning relief were not granted, Petitioner would be denied use of the property that is otherwise permitted by the zoning regulations. Moreover, I agree with the Office of Planning that Petitioner is providing a reasonable service to the community and surrounding area that is beneficial to all without negatively affecting other businesses in the area or the nearby residential community. Finally, I find that the Variance request can be granted in strict harmony with the

spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Pursuant to the Board's Ruling and Order on Joint Motion for Remand and the public hearing on a Revised Plan to Accompany a Petition for Special Exception, Special Hearing and Variance, I find that Petitioner's request for Special Exception and Special Hearing relief should be granted, and the request for Variance should be granted as well.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of December, 2009, that Petitioner's request for Special Exception pursuant to Sections 230.3 and 421 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a Class A animal boarding place, and pursuant to Section 230.3 of the B.C.Z.R. to allow living quarters in a commercial building, be and are hereby GRANTED, consistent with the Site Plan accepted into evidence as Petitioner's Remand Hearing Exhibit 1A and subject, as stated, to the following condition identified as Note 1 on the Revised site plan:

A Class A Animal Boarding Place is permitted by special exception in the B.L. zone, BCZR § 230.3. The Adopt A Pet Center lies in the B.L. zone. Class A Animal Boarding Places are further regulated by BCZR § 421, which subjects the instant use to setback requirements from which the Adopt A Pet Center necessitates a variance. As noted by the property owner and the Adopt A Pet Center, the request for variance relief from Section 421.2 of the BCZR to permit any part of a Class A Animal Boarding Place within zero feet of the nearest property line or lease line in lieu of minimum required 200 feet of the nearest property line or lease line is for the current operator or a future operator whose use would be limited in size and intensity to the Adopt A Pet Center's use. The property owner leases to more than one tenant. As a result, the setback from the lease line is zero feet. Similarly, the special exception relief is being granted for the existing operator's use, so long as it remains consistent with the size and intensity of the current use, or a future operator whose use would be limited in size and intensity to the Adopt A Pet Center's use. Any material increase to the character, size and intensity of the current use of the site as an animal rescue would be subject to new petitions for variance and special hearing.

IT IS FURTHER ORDERED that Petitioner's request for Special Hearing relief in accordance with Section 500.7 of the B.C.Z.R. for a modified parking plan pursuant to Section 409.12 of the B.C.Z.R., consistent with the Revised site plan accepted into evidence as Petitioner's Remand Hearing Exhibit 1A, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petitioner's requests for Variance as follows:

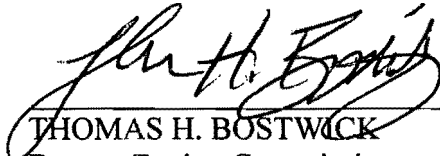
- From Section 232A.2 of the B.C.Z.R. to permit an apartment to retain an existing setback for a window facing a property line other than a street line of three feet in lieu of the minimum required 25 feet; and
- From Section 232A.2 of the B.C.Z.R. to permit a distance of 32.5 feet between windows of different apartments of the same lot which face one another in lieu of the minimum required distance of 50 feet; and
- From Section 421.2 of the B.C.Z.R. to permit any part of a Class A animal board place within zero feet of the nearest property line or lease line in lieu of minimum required 200 feet of the nearest property line or lease line; and
- From Section 232A.4 of the B.C.Z.R. to permit a minimum amenity open space ratio of 0.02 in lieu of the required minimum permitted amenity open space ratio 0.20; and
- From Section 450.4.5(b)(vi) of the B.C.Z.R. to permit two freestanding enterprise signs in lieu of maximum number permitted of one freestanding enterprise sign

be and are hereby GRANTED, consistent with the Revised site plan accepted into evidence as Petitioner's Remand Hearing Exhibit 1A and subject to the following conditions and provisions:

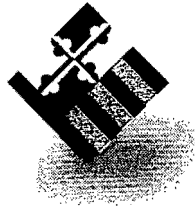
1. Petitioner and/or his lessee may apply for permits and be granted same upon receipt of this Order, however, Petitioner is hereby made aware that proceeding at this time is at risk until such time as the 30-day appellate process from this Order has expired.
2. The limitation of the operator in Condition 1 above applies to the Variance from § 421.2 as well to the Special Exception approval of the Class A animal boarding place, use under BCZR §§ 230.3.
3. Original variance request No. 5 has been revised to request relief from BCZR § 450.4.5(b)(vi) to permit two freestanding enterprise signs in lieu of the maximum number permitted of one freestanding enterprise sign (as opposed to the three signs which were originally requested).

4. Original variance request No. 6 has been removed as it is moot. The requested relief is no longer needed as existing sign nos. 1 and 4 are to be removed and existing sign no. 2 and the proposed sign do not exceed the maximum permitted 75 feet of face area (BCZR § 450.4.5(b)(v)).
5. The removal of Existing Sign No. 1 is without prejudice to a future request for Variance relief for another sign, subject to BCZR § 450.
6. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
7. Development of this property must comply with the Regulations for Protection of Water Quality, Streams, Wetlands and Floodplains (Section 33-3-101 through 33-3-120 of the Baltimore County Code).

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB/pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 1, 2009

JASON T. VETTORI, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petitions for Special Hearing, Special Exception and Variance
Remand Order
Case No. 2009-0051-SPHXA
Property: 67 Main Street

Dear Mr. Vettori:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Valerie Shaffer, 1540 Bennett Road, Eldersburg MD 21784
Kenneth Wells, KJ Wells, Inc., 7403 New Cut Road, Kingsville MD 21087
Elias Rizakos, 1011 Berrymans Lane, Reisterstown MD 21136

9/8/9

IN THE MATTER OF
THE APPLICATION OF
ELIAS RIZAKOS
FOR SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE ON
PROPERTY LOCATED ON THE W/S MAIN
STREET, 225' N OF C/L EAST CHADSWORTH AVE.
(67 MAIN STREET)

4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 09-051-SPHXA
*

* * * * *

RULING AND ORDER ON JOINT MOTION FOR REMAND

This matter comes before this Board on appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from a decision of the Deputy Zoning Commissioner dated November 25, 2008, in which the subject request for relief was granted with conditions. On December 11, 2008, People's Counsel noted a timely appeal of the Order of the Deputy Zoning Commissioner to this Board.

This Board convened for public hearing on the scheduled date of September 8, 2009. Jason T. Vettori, Esquire, appeared on behalf of the Petitioner; Peter Max Zimmerman, People's Counsel for Baltimore County, appeared on behalf of that Office. At that time, and for reasons as stated on the record, People's Counsel and Counsel for Petitioner jointly moved for the matter to be remanded to the Zoning Commissioner for consideration of a revised plan to accompany the zoning petitions which will change the existing signage and minimize the variances for same, in addition to limiting the special exception approval for a Class A Animal Boarding Place to the current operator, Adopt-a-Pet, or a similar operation (which is more akin to a dog rescue).

Public deliberation followed the hearing, at which time the Board made a unanimous decision to remand the case back to the Zoning Commissioner for consideration of the issues as

Ruling and Order on Motion to Remand to the Zoning Commissioner

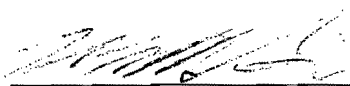
stated on the record. The Board notes no objection to this request. Further, the requested remand is required in the manifest interest of justice and would be without injury to any party and no other interested parties having come forth in these proceedings.

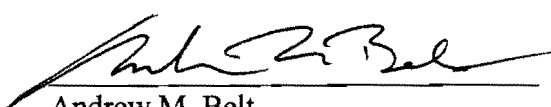
WHEREFORE, upon consideration of said Motion to Remand and after public hearing and deliberation, there being no opposition thereto, it is this 8th day of September, 2009, by the Board of Appeals of Baltimore County

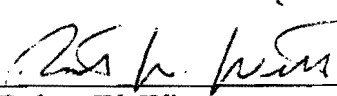
ORDERED that the Motion be, and it is hereby **GRANTED**; and it is further

ORDERED that the above captioned case is **REMANDED** to the Zoning Commissioner for Baltimore County for consideration of the revised plan.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Wendell H. Grier, Panel Chairman


Andrew M. Belt


Robert W. Witt



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 8, 2009

Jason Vettori, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue
Suite 200
Towson, MD 21204

Peter M. Zimmerman, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Elias Rizakos-Legal Owner/Petitioner*
Case No.: 09-051-SPHXA

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

Duplicate Cover letter

c: Elias Rizakos
Kenneth Wells
Valerie Shaffer
William J. Wiseman, III/Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, Director/Planning
John Beverungen, County Attorney

11/25/08

**IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION AND
VARIANCE**

W side of Main Street, 225 feet N of c/l of
East Chadsworth Avenue
4th Election District
3rd Councilmanic District
(67 Main Street)

Elias Rizakos
Legal Owner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 2009-0051-SPHXA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the legal owner of the subject property, Elias Rizakos.

The Petition for Special Exception requests relief pursuant to Sections 230.13 and 421 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a Class A animal boarding place, and pursuant to Section 230.13 of the B.C.Z.R. to allow living quarters in a commercial building.

The Petition for Special Hearing requests relief pursuant to Section 500.7 of the B.C.Z.R. for a modified parking plan in accordance with Section 409.12 of the B.C.Z.R.

The Petition for Variance requests relief as follows:

- From Section 232A.2 of the B.C.Z.R. to permit an apartment to retain an existing setback for a window facing a property line other than a street line of three feet in lieu of the minimum required 25 feet; and
- From Section 232A.2 of the B.C.Z.R. to permit a distance of 32.5 feet between windows of different apartments of the same lot which face one another in lieu of the minimum required distance of 50 feet; and
- From Section 421.2 of the B.C.Z.R. to permit any part of a Class A Animal Boarding Place within zero feet of the nearest property line or lease line in lieu of the minimum required 200 feet of the nearest property line or lease line; and

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- From Section 232A.4 of the B.C.Z.R. to permit a minimum amenity open space ratio of 0.02 in lieu of the required minimum permitted amenity open space ratio 0.20; and
- From Section 450.4.5(b)(vi) of the B.C.Z.R. to permit three existing freestanding enterprise signs in lieu of the maximum number permitted of one freestanding enterprise sign; and
- From Section 450.4.5(b)(v) of the B.C.Z.R. to permit 174 square feet of face area for the three existing freestanding enterprise signs in lieu of the maximum permitted 75 square feet of face area.

The subject property and requested relief are more fully described in the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the special exception, special hearing, and variance petitions was the lessee of the subject property, Petitioner Valerie Shaffer. Jason Vettori, Esquire appeared as the attorney representing Petitioner and Kenneth Wells with K. J. Wells, Inc., appeared as the property line surveyor who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is an irregular-shaped property consisting of approximately 6.6915 gross acres, more or less, and split zoned B.L. with a C.C.C. (Commercial, Community Core) District overlay (1.2 acres), and D.R.3.5 (5.5 acres). The property is located on the east side of Main Street just north of Chatsworth Avenue and south of Butler Road in the historic Reisterstown area of Baltimore County. As shown on the site plan, the property is improved with several structures, including an existing two-story framed building with an apartment, and two side-by-side buildings, one a two-story framed building with an apartment, and the second a 2½-story brick building. There is also an existing snowball stand located at the southern end of the property near Main Street, as well as a number of accessory structures, including several sheds and a gazebo. The majority of the improvements are located toward the front of the property -- near Main Street -- on approximately half of the

1.2 acres zoned B.L.-C.C.C. The remaining acreage to the rear of the property is zoned D.R.3.5 and is taken up by amenity open space and existing woods. A stream also runs through the rear of the property.

Further evidence revealed that Petitioner Valerie Shaffer operates a non-profit rescue center for animals at the subject location known as the Association for Animal Rights, Inc.'s "Adopt a Pet" Center. Petitioner has operated the rescue center for approximately 20 years and has operated at the subject location for the last 10 years. Petitioner keeps mostly cats and dogs that have been abandoned or given away by their owners. The center keeps and cares for the animals as long as it takes for the animals to be adopted by an individual or family. There are usually between 20 and 30 animals at the center at any one time. In addition, the center operates on a limited schedule and is open from 3:00 PM to 7:00 PM Thursdays and Fridays, 10:30 AM to 5:00 PM Saturdays, and 12:00 PM to 5:00 PM Sundays.

Petitioner's attorney, Mr. Vettori, pointed out that animal rescue centers like the one referenced in this case are regulated by Article 12 of the Baltimore County Code ("B.C.C.") entitled "Animals." Section 12-1-101(r) of the B.C.C. defines a "holding facility" to include ... "any animal shelter, commercial kennel, commercial stable, grooming parlor, humane animal shelter, or pet shop." In addition, Section 12-2-101, et seq. sets forth the provisions dealing with licenses and requires a person operating a holding facility to obtain a license from the Department of Permits and Development Management, and also requires the Department to refuse to issue a license to a person who is in violation of any provision of the B.C.Z.R. Presently, the conditions noted on the site plan are existing conditions, some of which may not be in strict compliance with the current zoning regulations. Petitioner was recently notified by the County's Animal Control Board that in order for its operating license to be renewed, the

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center would have to apply for and obtain the necessary zoning relief to legitimize the existing conditions and uses associated with the property. Thus, the instant zoning petitions were filed.

The special exception petition requests approval of a Class A animal boarding place, which is specifically enumerated in Section 230.13 of the B.C.Z.R. Petitioner is also requesting approval of living quarters in a commercial building, which is also permitted in this section by special exception. In support of the requests, Petitioner's consultant, Mr. Wells, testified that the uses would not be detrimental to the health, safety, or general welfare of the locale, and would meet all the other criteria set forth in Section 502.1 of the B.C.Z.R. Indeed, because the use of the property as a Class A animal boarding place has been ongoing for the last 10 years, and the apartments have existed in the buildings as well, one can look historically at the uses and see that there have been no negative or detrimental impacts. Petitioner is also requesting a modified parking plan pursuant to Section 409.12 of the B.C.Z.R. in order to re-stripe the parking and change the parking configuration slightly. As noted on the site plan, the parking calculation for the rescue center is 12 spaces, for the apartments six spaces, and for the snowball stand two spaces for a total of 20 spaces. Petitioner proposes 23 spaces as illustrated on the site plan. All of the parking is behind the buildings, toward the rear of the B.L.-C.C.C. zoned portion of the property, and is not within the entrance or driveway access area for the property.

As to the variance requests, these all pertain to existing conditions related to setback requirements in the C.C.C. District, amenity open space ratio, and sign limitations. In support of the variance requests, Mr. Vettori referred to several unusual characteristics of the property that drive the need for the variances. First and foremost, the property is located in a National Historic District. This designation, as much as any other characteristics of the property, places limitations on the extent to which changes can be made to comply with the zoning regulations. The zoning

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on the property also includes the C.C.C. District overlay, which places specific setback restrictions on apartments in the District, as well as floor area ratios and amenity open space ratios not present in the B.L. Zone by itself. In addition, Mr. Vettori proffered that the split zoning of the property, which leads into a residential zone, as well as its irregular shape, also makes the property unique in a zoning sense. Finally, the fact that the use and conditions, including the signage, on the property are existing and have been in place for years and have worked well within the commercial, but historic nature of the area is supportive to allow these conditions to continue unaltered. In particular, photographs of the signs are depicted on the site plan and show functional, descriptive signs that do not appear to be out of character with other commercial signs along Main Street, and which also do not appear to overcrowd the land.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated October 1, 2008 which indicate that office does not oppose Petitioner's request. The subject building and the use thereof is an existing condition and has been for quite some time. It is a reasonable service to the community and surrounding area. Comments were also received from the Department of Environmental Protection and Resource Management dated September 30, 2008 and indicate that the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, and must comply with the Forest Conservation Regulations. There are extensive non-tidal wetlands adjacent to a Use III trout stream onsite. Any future development activities requiring development plan or permit approval will be subject to the above-referenced regulations.

Based on the testimony and evidence presented, I am persuaded to grant the special exception, special hearing, and variance requests. It is obvious that the use of the property as a

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[Signature]

Class A animal boarding place has been ongoing, and the structures shown on the site plan have existed for some time. It is also obvious that the use and the structures have not negatively impacted or been detrimental to the surrounding area. Hence, in my judgment, the requests for a Class A animal boarding place and for an apartment in a commercial building have met the special exception criteria contained in Section 502.1 of the B.C.Z.R., and as interpreted in *Schultz v. Pritts*, 291 Md. 1 (1981). As to the special hearing for a modified parking plan, Petitioner plans to provide more parking space than is required by the applicable parking regulations. In addition, Petitioner is not proposing changes to the parking other than re-striping the spaces to make the most efficient use of the space. This minor change in the layout of the spaces is an appropriate use of the available parking space on the property, and hence, the special hearing shall be granted.

In regard to the variance requests, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The property's irregular shape and split zoning, as well as the property's listing on the National Historic Trust inventory, renders the property unique in a zoning sense. In addition, with the C.C.C. District overlay in this B.L. Zone, I find that the requirements of the zoning regulations disproportionately impact the subject property compared with others in the district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. If the zoning relief were not granted, Petitioner would be denied use of the property that is otherwise permitted by the zoning regulations. Moreover, I agree with the Office of Planning that Petitioner is providing a reasonable service to the community and surrounding area that is beneficial to all without negatively affecting other businesses in the area or the nearby residential community.

RECEIVED FOR FILE
11.25.08
[Signature]

Finally, I find the variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's requests for special exception and special hearing should be granted, and the requests for variance should be granted as well.

THEREFORE, IT IS ORDERED this 25th day of November, 2008, by the Deputy Zoning Commissioner, that Petitioner's request for Special Exception pursuant to Sections 230.13 and 421 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a Class A animal boarding place, and pursuant to Section 230.13 of the B.C.Z.R. to allow living quarters in a commercial building be and are hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's request for Special Hearing relief pursuant to Section 500.7 of the B.C.Z.R. for a modified parking plan in accordance with Section 409.12 of the B.C.Z.R., consistent with the site plan accepted into evidence as Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's requests for Variance as follows:

- From Section 232A.2 of the B.C.Z.R. to permit an apartment to retain an existing setback for a window facing a property line other than a street line of three feet in lieu of the minimum required 25 feet; and
- From Section 232A.2 of the B.C.Z.R. to permit a distance of 32.5 feet between windows of different apartments of the same lot which face one another in lieu of the minimum required distance of 50 feet; and
- From Section 421.2 of the B.C.Z.R. to permit any part of class A animal boarding place within zero feet of the nearest property line or lease line in lieu of the minimum required 200 feet of the nearest property line or lease line; and

~~NOT FOR FILING~~

11-25-08

- From Section 232A.4 of the B.C.Z.R. to permit a minimum amenity open space ratio of 0.02 in lieu of the required minimum permitted amenity open space ratio 0.20; and
- From Section 450.4.5(b)(vi) of the B.C.Z.R. to permit three existing freestanding enterprise signs in lieu of the maximum number permitted of one freestanding enterprise sign; and
- From Section 450.4.5(b)(v) of the B.C.Z.R. to permit 174 square feet of face area for the three existing freestanding enterprise signs in lieu of the maximum permitted 75 square feet of face area

be and are hereby GRANTED, subject to the following:

1. Petitioner may apply for her permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
3. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

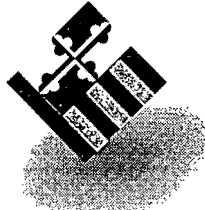
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILE
11-25-08

BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 25, 2008

JASON T. VETTORI, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petitions for Special Hearing, Special Exception and Variance
Case No. 2009-0051-SPHXA
Property: 67 Main Street

Dear Mr. Vettori:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Valerie Shaffer, 1540 Bennett Road, Eldersburg MD 21784
Kenneth Wells, KJ Wells, Inc., 7403 New Cut Road, Kingsville MD 21087
Elias Rizakos, 1011 Berrymans Lane, Reisterstown MD 21136



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 67 Main Street

which is presently zoned BL-CCC, D.R. 3.5

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):

Elias Rizakos

Name - Type or Print

Signature

Name - Type or Print

Signature

1011 Berryman's Lane

443-621-0296

Address

Telephone No.

Reisterstown

MD

21136

State

Zip Code

Representative to be Contacted:

Jason T. Vettori, Gildea & Schmidt, LLC

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. 2009-0051-3 PAXA

Reviewed By gjm Date 8-22-08

REV 9/15/98

SEVEN RECEIVED FOR FILING

11.25.08

pm

Attachment to Petition for Special Hearing
67 Main Street

1. A modified parking plan, in accordance with Section 409.12 of the BCZR;
2. For such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 67 Main Street

which is presently zoned BL-CCC, D.R. 3.5

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

City

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):

Elias Rizakos

Name - Type or Print

Signature

Name - Type or Print

Signature

1011 Berryman's Lane

(443) 621-0296

Address

Telephone No.

Reisterstown

Maryland

21136

City

State

Zip Code

Representative to be Contacted:

Jason T. Vettori, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

410-821-0070

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date 8.22.08

Case No. 2009-0051-SPHYA

REV 09/15/98

ORIGINAL REQUESTED FOR FILING

11.25.08

mg

Attachment to Petition for Special Exception

67 Main Street

1. A Class A Animal Boarding Place pursuant to Sections 230.13 and 421 of the BCZR
2. Living quarters in a commercial building, pursuant to section 230.13 of the BCZR; and
3. For such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 67 Main Street

which is presently zoned: BL-CCC, D.R. ~~3.5~~ 3.5

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

City

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-00

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

Legal Owner(s):

Elias Rizakos

Name - Type or Print

Signature

Name - Type or Print

Signature

1011 Berrymans Lane

443-621-0296

Address

Telephone No.

Reisterstown

Maryland

21136

State

Zip Code

Representative to be Contacted:

Jason T. Vettori, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

410-821-0070

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

OFFICE USE ONLY

Case No. 2009-0051-SPHX

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

8-22-08

REV 9/15/98

RECEIVED FOR FILE

11-25-08

m

Attachment to Petition for Variance

67 Main Street

1. BCZR § 232A.2 to permit an apartment to retain an existing setback for a window facing a property line other than a street line of 3 feet in lieu of the minimum required 25 feet;
2. BCZR § 232A.2 to permit a distance of 32.5 feet between windows of different apartments on the same lot which face one another in lieu of the minimum required distance of 50 feet;
3. BCZR § 421.2 to permit any part of the Class A Animal Boarding Place within 0 feet of the nearest property line or lease line in lieu of the minimum required 200 feet of the nearest property line or lease line;
4. BCZR § 232A.4 to permit a minimum amenity open space ratio of 0.02 in lieu of the required minimum permitted amenity open space ratio of 0.2; and
5. BCZR § 450.4.5(b)(vi) to permit three (3) existing freestanding enterprise signs in lieu of the maximum number permitted of one (1) freestanding enterprise sign; and
6. BCZR § 450.4.5(b)(v) to permit 174 square feet of face area for the three existing freestanding enterprise signs in lieu of the maximum permitted 75 square feet of face area; and
7. For such other and further relief as may be deemed necessary by the Zoning Commissioner by Baltimore County.

kjWellsInc
Land Surveying and Site Planning

Telephone: (410) 592-8800
Fax: (410) 817-4055
Email: kwells@kiwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

July 21, 2008

Zoning Description
67 and 69 Main Street

Baltimore County
Maryland
4th Election District
3rd Councilmanic District

Beginning at a point on the west side of Main Street (66 feet wide) at a distance of 225 feet north of the centerline of East Chadsworth Avenue (50 feet wide), thence the following courses and distances:

- 1) North 4 degrees 41 minutes 29 seconds West 183.75 feet
- 2) North 85 degrees 18 minutes 31 seconds East 379.97 feet
- 3) North 4 degrees 41 minutes 29 seconds West 34.50 feet
- 4) North 4 degrees 41 minutes 29 seconds West 34.50 feet
- 5) North 85 degrees 18 minutes 31 seconds East 5.00 feet
- 6) North 3 degrees 12 minutes 29 seconds West 123.80 feet
- 7) North 85 degrees 27 minutes 31 seconds East 112.17 feet
- 8) North 85 degrees 27 minutes 31 seconds East 566.00 feet
- 9) South 6 degrees 38 minutes 29 seconds East 234.00 feet
- 10) South 2 degrees 43 minutes 29 seconds East 100.30 feet
- 11) South 86 degrees 36 minutes 01 seconds West 300.20 feet
- 12) South 84 degrees 03 minutes 31 seconds West 100.00 feet
- 13) South 86 degrees 00 minutes 01 seconds West 116.65 feet
- 14) South 41 degrees 53 minutes 01 seconds West 9.80 feet
- 15) South 87 degrees 10 minutes 01 seconds West 276.47 feet
- 16) South 87 degrees 10 minutes 01 seconds West 20.00 feet
- 17) South 4 degrees 41 minutes 29 seconds East 46.80 feet
- 18) South 84 degrees 41 minutes 31 seconds West 250.70 feet

to the place of beginning as recorded in Deed Liber 11556 folio 647. Containing 6.6915 acres or 291,482 square feet of land more or less.

Providing Land Surveying and Site Planning Services in Maryland since 1984



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: #2009-0051-SPHXA

67 Main Street

W/side of Main Street, 225 feet north of centerline of East Chadsworth Avenue

4th Election District - 3rd Councilmanic District

Legal Owner(s): Elias Rizakos

Special Hearing: for a modified parking in accordance with section 409.12 of the BCZR, for such other and further relief as may be deemed necessary by the Zoning Commissioner. **Special Exception:** for a class A Animal Boarding Place pursuant to Section 230.13 and 421 of BCZR; living quarters in a commercial building, pursuant to Section 230.13 of BCZR and for other further relief as may be deemed by the Zoning Commissioner. **Variance:** to permit an apartment to retain an existing setback for a window facing a property line other than a street line of 3' lieu of the minimum required 25'; to permit a distance of 32.5' between windows of different apartments of the same lot which face one another in lieu of the minimum required distance of 50'; to permit any part of class A Animal Boarding Place within 0' of the nearest property line or lease line in lieu of the minimum required 200' of the nearest property line or lease line; to permit a minimum amenity open space ratio of 0.02 in lieu of the required minimum permitted 0.02; to permit 3 freestanding enterprise signs in lieu of the max. # of permitted of 1 freestanding enterprise sign; to permit 174 sq. ft. of face area for the 3 existing freestanding enterprise signs in lieu of the max. permitted 75 sq. ft. of face area; for such other relief deemed necessary by the Zoning Commissioner of Baltimore County.

Hearing: Wednesday, October 8, 2008 at 9:00 a.m. in Room 104, 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.

JT-9/721 Sept. 23

184358

CERTIFICATE OF PUBLICATION

9/25/2008

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 9/23/2008.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 2009-0051-SPHXA

Petitioner/Developer: _____

Elias Rizakos

Date of Hearing/Closing: Oct. 8, 08

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

ATTN: Kristen Matthews

Ladies and Gentlemen:

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

67 Main Street

The sign(s) were posted on Sept 23, 2008
(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

Sept 24 08
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2009-0051-SPHXA

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

Room 104, JEFFERSON BUILDING
PLACE 105 W CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: WEDNESDAY, OCTOBER 8, 2009 AT 9:00 A.M.

REQUEST: SPECIAL HEARING FOR A MODIFIED PARKING IN ACCORDANCE WITH SECTION 409.12 OF THE BCZR. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER. SPECIAL EXCEPTION FOR A CLASS A ANIMAL BOARDING PLACE PURSUANT TO SECTION 230.13 AND 421 OF BCZR; LIVING QUARTERS IN A COMMERCIAL BUILDING PURSUANT TO SECTION 230.13 OF BCZR AND FOR OTHER FURTHER RELIEF AS MAY BE DEEMED BY THE ZONING COMMISSIONER.

VARIOUS: To PERMIT AN ADJUSTMENT TO RETAIN AN EXISTING SETBACK. FOR A WINDOW FROM A PROPERTY LINE OTHER THAN A STREET LINE OF 3' IN LIEU OF THE MINIMUM REQUIRED 25' TO PERMIT A DISTANCE OF 32.5' BETWEEN WINDOWS OF DIFFERENT APARTMENTS OF THE SAME LOT, WHICH FACE ONE ANOTHER IN LIEU OF THE MINIMUM REQUIRED DISTANCE OF 50' TO PERMIT ANY PORT OF CLASS A ANIMAL BOARDING PLACE WITHIN 0' OF THE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 867-3391

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

ZONING NOTICE

CASE # 2009-0051-SPHXA

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

Room 104 JEFFERSON BUILDING
PLACE 105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME WEDNESDAY, OCTOBER 8, 2009 AT 9:00 A.M.

REQUEST: CONTINUED... NEAREST PROPERTY LINE OR LEASE LINE IN LIEU OF THE MINIMUM REQUIRED 200' OF THE NEAREST PROPERTY LINE OR LEASE LINE. TO PERMIT A MINIMUM APERTURE OPEN SPACE RATION OF 0.02 IN LIEU OF THE REQUIRED MINIMUM PERMITTED 0.02; TO PERMIT 3 FREESTANDING ENTERPRISE SIGNS IN LIEU OF THE # OF PERMITTED OF 1 FREESTANDING ENTERPRISE SIGN; TO PERMIT 174 SQ. FT. OF FACE AREA FOR THE 3 EXISTING FREESTANDING ENTERPRISE SIGNS IN LIEU OF THE MAX PERMITTED 75 SQ. FT. OF FACE AREA FOR SUCH OTHER RELIEF DEEMED NECESSARY BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 867-3391

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **18581**

Date: **8-22-08**

PAID RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006	0000	0000	6150				800.00

Total: **800.00**

Rec From: **GILADA & SCHMIDT, LLC**

For: **2009-0051-SPHXA**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

WITNESS: **ARTHAJ** TIME: **09:25:27** DATE: **8/22/2008**
 REF: **005 WALKIN DUAL 100**
 EPT: **4 457044 8/22/2008** DEL: **018581**
 Recpt Tot: **800.00**
 800.00 CH \$0.00 EA
 Baltimore County, Maryland

RECEIVED
APR 15 2009

BALTIMORE COUNTY
BOARD OF APPEALS

Requested: March 31, 2009

APPEAL SIGN POSTING REQUEST

CASE NO.: 09-051-SPHXA

67 Main Street

4th ELECTION DISTRICT

APPEALED: 12/11/08

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Theresa Shelton
Administrator

CASE NO.: 09-051-SPHXA

LEGAL OWNER: Elias Rizakos

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

67 MAIN STREET
W/S MAIN STREET, 225' N OF C/L EAST CHADSWORTH AVENUE

The sign was posted on 4-15-09, 200 .

By: M Stuart Kelly

(Signature of Sign Poster)

M Stuart Kelly
(Print Name)

PHOTOGRAPHIC RECORD

Citation/Case No.: 09-051 SPHXA 67 MAWstreet
Date of Photographs: 4-15-09



I HEREBY CERTIFY that I took the 2 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

M. Stuart Kelly
Enforcement Officer

**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: 2009-0051

Petitioner: ~~67 Main Street~~ ELIAS RIZAKOS

Address or Location: ~~1101 Kessels Rd~~ 67 MAIN STREET

Please Forward Advertising Bill to:

Name: JASON T. VETTORI

Address: 600 WASHINGTON AVE.

SUITE 200

TOWSON, MD 21286

Telephone: (410) 821-0070

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 23, 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: 2009-0051-SPHXA

67 Main Street

W/side of Main Street, 225 feet north of centerline of East Chadsworth Avenue

4th Election District – 3rd Councilmanic District

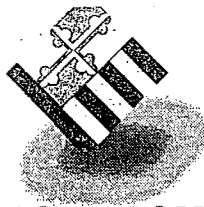
Legal Owners: Elias Rizakos

Special Hearing for a modified parking in accordance with section 409.12 of the BCZR, for such other and further relief as may be deemed necessary by the Zoning Commissioner. Special Exception for a class A Animal Boarding Place pursuant to Section 230.13 and 421. of BCZR; living quarters in a commercial building, pursuant to Section 230.13 of BCZR and for other further relief as may be deemed by the Zoning Commissioner. Variance to permit an apartment to retain an existing setback for a window facing a property line other than a street line of 3' lieu of the minimum required 25'; to permit a distance of 32.5' between windows of different apartments of the same lot which face one another in lieu of the minimum required distance of 50'; to permit any part of class A Animal Boarding Place within 0' of the nearest property line or lease line in lieu of the minimum required 200' of the nearest property line or lease line; to permit a minimum amenity open space ratio of 0.02 in lieu of the required minimum permitted 0.02; to permit 3 freestanding enterprise signs in lieu of the max. # of permitted of 1 freestanding enterprise sign; to permit 174 sq. ft. of face area for the 3 existing freestanding enterprise signs in lieu of the max. permitted 75 sq. ft. of face area; for such other relief deemed necessary by the Zoning Commissioner of Baltimore County.

Hearing: Wednesday, October 8, 2008 at 9:00 a.m. in Room 104, 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 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
September 16, 2008

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: 2009-0051-SPHXA

67 Main Street

W/side of Main Street, 225 feet north of centerline of East Chadsworth Avenue

4th Election District – 3rd Councilmanic District

Legal Owners: Elias Rizakos

Special Hearing for a modified parking in accordance with section 409.12 of the BCZR, for such other and further relief as may be deemed necessary by the Zoning Commissioner. Special Exception for a class A Animal Boarding Place pursuant to Section 230.13 and 421 of BCZR; living quarters in a commercial building, pursuant to Section 230.13 of BCZR and for other further relief as may be deemed by the Zoning Commissioner. Variance to permit an apartment to retain an existing setback for a window facing a property line other than a street line of 3' lieu of the minimum required 25'; to permit a distance of 32.5' between windows of different apartments of the same lot which face one another in lieu of the minimum required distance of 50'; to permit any part of class A Animal Boarding Place within 0' of the nearest property line or lease line in lieu of the minimum required 200' of the nearest property line or lease line; to permit a minimum amenity open space ratio of 0.02 in lieu of the required minimum permitted 0.02; to permit 3 freestanding enterprise signs in lieu of the max. # of permitted of 1 freestanding enterprise sign; to permit 174 sq. ft. of face area for the 3 existing freestanding enterprise signs in lieu of the max. permitted 75 sq. ft. of face area; for such other relief deemed necessary by the Zoning Commissioner of Baltimore County.

Hearing: Wednesday, October 8, 2008 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Elias Rizakos, 1011 Berrymans Lane, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 23, 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.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

February 26, 2009

NOTICE OF ASSIGNMENT

CASE #: 09-051-SPHXA IN THE MATTER OF: Elias Rizakos / LO /Petitioner
67 Main Street
4th Election District; 3rd Councilmanic District

RE: SPH – Modified parking plan - Sec. 409.12B of the BCZR;
SPX - Class A Animal Boarding place – Sec. 230.13 and 421 BCZR;
Living quarters in a commercial building – Sec 230.13 BCZR
VAR – setbacks for windows, distance between windows; open space ratio; signs, etc.

11/25/08 –DZC decision that Petition for Special Exception GRANTED; Petition for Special Hearing – GRANTED; Petition for Variances – GRANTED with restrictions.

ASSIGNED FOR: THURSDAY, MAY 7, 2009, AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Appellants

: Peter Max Zimmerman
Carole S. Demilio
People's Counsel for Baltimore County

Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner

: Jason T. Vettori, Esquire
: Elias Rizakos

Valerie Shaffer
Kenneth Wells

William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

RECEIVED

APR 20 2009

**BALTIMORE COUNTY
BOARD OF APPEALS**

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

April 20, 2009

Via Hand Delivery

Theresa R. Shelton

County Board of Appeals of Baltimore County

The Jefferson Building

105 W. Chesapeake Avenue, Suite 203

Towson, MD 21204

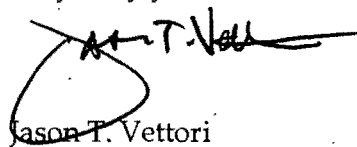
**Re: Adopt-a-Pet/67 Main Street
Case No.: 09-051-SPHXA**

Dear Ms. Shelton:

In accordance with Rule 2(b) of the Rules of Practice and Procedure of the Baltimore County Board of Appeals, please accept this letter as a formal request for postponement of the hearing scheduled for the appeal of the Zoning Commissioner's decision in the above referenced matter. The undersigned has spoken with Peter Max Zimmerman, People's Counsel, regarding the resolution of the appeal by way of a revised plan that will be to the satisfaction of all parties. Additional time is needed to resolve these issues to the mutual satisfaction of both parties. Mr. Zimmerman has no objection to the instant request for postponement.

Copies of this request for a postponement, as indicated herein, have been given to every attorney and party of record, in accordance with Section 500.11 of the Baltimore County Zoning Regulations. Furthermore, this request for a postponement is not being requested within 15 days of the scheduled hearing date. Thank you in advance for your consideration of this most important matter.

Very truly yours,


Jason T. Vettori

JTV:sf

CC: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Thomas H. Bostwick, Deputy Zoning Commissioner for Baltimore County
Jessie Bialek, Office of Planning
Valerie Shaffer, Association for Animal Rights, Inc.
Elias Rizakos
Kenneth J. Wells, kjWells, Inc.
David K. Gildea, Esquire



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 21, 2009

Jason T. Vettori, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue
Suite 200
Towson, MD 21204

Re: *In the Matter of: Elias Rizakos / LO*
Case No. 09-051-SPHXA

Dear Mr. Vettori:

This letter will acknowledge receipt of your correspondence dated April 20, 2009 in which you request a postponement of the subject case scheduled for hearing on May 7, 2009 due to a possible resolution of this matter.

Your request will be granted and the matter has been reassigned for hearing to Tuesday, July 28, 2009 at 10:00 a.m., which will allow the additional time you have requested.

A copy of the Notice of Postponement and Reassignment is enclosed. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

A handwritten signature in black ink, reading "Theresa R. Shelton".

Theresa R. Shelton
Administrator

Enclosure

c: People's Counsel for Baltimore County



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

June 25, 2009

Maureen E. Murphy, Chair
County Board of Appeals
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: Elias Rizakos – Petitioner
09-051-SPHXA

RECEIVED
JUN 25 2009

**BALTIMORE COUNTY
BOARD OF APPEALS**

Dear Ms. Murphy :

I am writing to request a postponement of the hearing set for July 28, 2009 at 10:00 a.m. This case involves, in part, a sign variance issue. The parties have been constructively working towards the goal of an agreed proposed resolution of the controversy. We would then be in a position to present the proposal for review by the Board at an efficient hearing.

The file reflects an earlier request for postponement by Jason Vettori, attorney for petitioner, with which I concurred. While we are making progress, there is still work to be done to flesh out the specifics of the hoped-for revised proposal. Therefore, we are requesting another postponement.

It does not appear that a postponement would be prejudicial to petitioner or to the public interest. I have spoken with Mr. Vettori, and it is my understanding that he is in agreement.

If things go as hoped, we would be able to present a proposal at a relatively expedited 9 A.M. hearing, the usual practice for an agreed proposal. In order to keep the parties' feet somewhat to the fire, I ask that the matter not be postponed indefinitely, be rather be put in for a one-hour hearing at a 9 A.M. in September (after Labor Day, and some time before September 22, because of my schedule, and also convenient to petitioner).

Respectfully,

A handwritten signature in cursive script that reads "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Jason T. Vettori Esquire



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

April 21, 2009

NOTICE OF POSTPONEMENT AND RE-ASSIGNMENT

CASE #: 09-051-SPHXA **IN THE MATTER OF: Elias Rizakos / LO /Petitioner**
67 Main Street
4th Election District; 3rd Councilmanic District

RE: SPH – Modified parking plan - Sec. 409.12B of the BCZR;
SPX - Class A Animal Boarding place – Sec. 230.13 and 421 BCZR;
Living quarters in a commercial building – Sec 230.13 BCZR
VAR – setbacks for windows, distance between windows; open space ratio; signs, etc.

11/25/08 –DZC decision that Petition for Special Exception GRANTED; Petition for Special Hearing – GRANTED; Petition for Variances – GRANTED with restrictions.

This matter was scheduled for Thursday, May 7, 2007 and a postponement has been granted by agreement between the parties. The matter has been reassigned for the following:

RE-ASSIGNED FOR: TUESDAY, JULY 28, 2009, AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Appellants

: Peter Max Zimmerman
Carole S. Demilio
People's Counsel for Baltimore County

Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner

: Jason T. Vettori, Esquire
: Elias Rizakos

Valerie Shaffer
Kenneth Wells
William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM

9/8 PP to
on 9:00 at
the record



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 1, 2009

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Re: *In the Matter of: Elias Rizakos / LO*
Case No. 09-051-SPHXA

Dear Mr. Zimmerman:

This letter acknowledges receipt of your letter dated June 25, 2009 requesting a postponement of the above referenced case. Your request has been reviewed by the Board and has been granted.

The hearing scheduled on July 28, 2009 has been postponed and re-assigned in consideration with the timeframe requested in your letter. The re-assigned date is September 8, 2009. The hearing will be an expedited hearing to present a proposed resolution to the Board. The hearing will convene promptly at 9:00 a.m.

A copy of the Notice of Postponement and Reassignment is enclosed. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Theresa R. Shelton".

Theresa R. Shelton
Administrator

Encl.: Postponement and Re-Assignment Notice

c(w/Encl.): Jason T. Vettori, Esquire
Elias Rizakos



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

July 1, 2009

SECOND NOTICE OF POSTPONEMENT AND RE-ASSIGNMENT

CASE #: 09-051-SPHXA **IN THE MATTER OF: Elias Rizakos / LO /Petitioner**
67 Main Street
4th Election District; 3rd Councilmanic District

RE: SPH – Modified parking plan - Sec. 409.12B of the BCZR;
SPX - Class A Animal Boarding place – Sec. 230.13 and 421 BCZR;
Living quarters in a commercial building – Sec 230.13 BCZR
VAR – setbacks for windows, distance between windows; open space ratio; signs, etc.

11/25/08 –DZC decision that Petition for Special Exception GRANTED; Petition for Special Hearing – GRANTED; Petition for Variances – GRANTED with restrictions.

This matter was scheduled for July 28, 2009 and a postponement has been granted by agreement between the parties. The matter has been reassigned for for an expedited hearing to present a proposed resolution to the following date and time:

RE-ASSIGNED FOR: TUESDAY, SEPTEMBER 8, 2009, AT 9:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

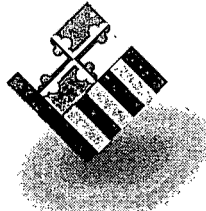
c: Appellants

: Peter Max Zimmerman
Carole S. Demilio
People's Counsel for Baltimore County

Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner

: Jason T. Vettori, Esquire
: Elias Rizakos

Valerie Shaffer
Kenneth Wells
William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM



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

October 1, 2008

Jason T. Vettori
Gildea & Schmidt, LLC
600 Washington Ave. # 200
Towson, MD 21204

Dear: Jason T. Vettori

RE: Case Number 2009-0051-SPHXA, 67 Main St.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 22, 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 black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Elias Rizakos, 1011 Berrymans Ln., Reisterstown, MD 21136

TB 10/8
9 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 1, 2008

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

RECEIVED
OCT 02 2008

BY:

SUBJECT: Zoning Advisory Petition(s): Case(s) 09-051- Special Hearing, Special Exception, Variance

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

- Be detrimental to the health, safety or general welfare of the locality involved.
- Create congestion in roads, streets or alleys therein
- Create potential hazard from fire panic or other danger
- Tend to overcrowd land and cause undue concentration of population
- Tend to overcrowd schools, parks, water, sewerage transportation or other public requirement, conveniences or improvement.
- Be inconsistent with the spirit and intent of these Zoning Regulations;

The subject building and use thereof is an existing condition and has been for quite some time. It is a reasonable service to the community and surrounding area.

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:

Candis Murray

Division Chief:
CM/LL

Lynn Tarkenton

TB

10-8-08

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED**
SEP 30 2008

BY:.....

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 30, 2008
SUBJECT: Case Number: 09-051-SPHXA
Address 67 Main Street
(Rizakos Property)

Zoning Advisory Committee Meeting of September 2, 2008

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

There are extensive non-tidal wetlands adjacent to a Use III trout stream onsite. Any future development activities requiring development plan or permit approval will be subject to the above referenced regulations.

Reviewer: Glenn Shaffer

Date: August 29, 2008

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 28, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For September 9, 2008
Item Nos. ~~09-0051~~, 0052, 0053, 0054,
0055, 0056, 0057

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

DAK:CEN:lrk
cc: File
ZAC-08282008-NO COMMENTS



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

State Highway
Administration

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

Maryland Department of Transportation

Date: SEPT. 8, 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. 2009-0051-SPHXA
67 MANN STREET
MD 140
RIZAKOS PROPERTY
VARIANCE, SPECIAL HEARING,
SPECIAL EXCEPTION

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 9/5. A field inspection and internal review reveals that the existing entrance onto MD 140 is consistent with current State Highway Administration requirements. Therefore, this office has no objection to 2009-0051-SPHXA, Case Number approval.

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

Very truly yours,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION & VARIANCE * ZONING COMMISSIONER
67 Main Street; W/S Main Street, 225' N *
of c/line E Chadsworth Avenue * FOR
4th Election & 3rd Councilmanic Districts *
Legal Owner(s): Elias Rizakos *
Petitioner(s) * BALTIMORE COUNTY
* 09-051-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

SEP 09 2008

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

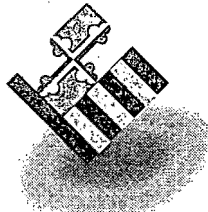
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of September, 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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
February 5, 2009
*Department of Permits and
Development Management*

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

Dear Mr. Vettori:

RE: Case 2009-0051-SPHXA, 67 Main Street

Please be advised that an appeal of the above-referenced case was filed in this office on December 11, 2008 by the Office of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Valerie Shaffer, 1540 Bennett Road, Eldersburg 21784
Kenneth Wells, KJ Wells, Inc., 7403 New Cut Road, Kingsville 21087
Elias Rizakos, 1011 Berryman's Lane, Reisterstown 21136



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

December 11, 2008

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE
W/S Main Street, 225' N of c/l of East Chadsworth Avenue
(67 Main Street)
4th Election District; 3rd Councilmanic District
Elias Rizakos- Petitioner
Case No.: 09-051-SPHXA

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated November 25, 2008 by the Baltimore County Deputy Zoning Commissioner in the above-entitled case

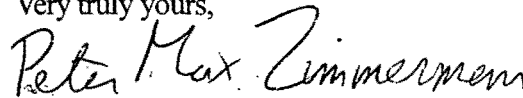
Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

RECEIVED

DEC 11 2008



Very truly yours,


Peter Max Zimmerman
People's Counsel for Baltimore County


Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Jason T. Vettori Esquire

APPEAL

Petition for Special Hearing, Special Exception & Variance
67 Main Street
W/S Main Street, 225' N of c/l East Chadsworth Avenue
4th Election District – 3rd Councilmanic District
Legal Owners: Elias Rizakos

Case No.: 2009-0051-SPHXA

Petition for Special Hearing & Special Exception & Variance (August 22, 2008)

Zoning Description of Property

Notice of Zoning Hearing (September 16, 2008)

Certification of Publication (The Jeffersonian – September 23, 2008)

Certificate of Posting (September 23, 2008) by Robert Black

Entry of Appearance by People's Counsel (September 9, 2008)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - None

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan

Protestants' Exhibits - None

Miscellaneous (Not Marked as Exhibit)

1. Maryland Historical Trust (Isaac Dickinson House)

Deputy Zoning Commissioner's Order (GRANTED – November 25, 2008)

Notice of Appeal received on December 11, 2008 from People's Counsel

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
See Attached Letter

date sent February 5, 2009, klm

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF:

Elias Rizakos

09-051-SPHXA

DATE: September 8, 2009

BOARD/PANEL: Wendell Grier
Andrew Belt
Robert Witt

RECORDED BY: Sunny Cannington/Legal Secretary

Background: This matter comes before the Board on appeal of filed by Office of People's Counsel, from a decision of the Deputy Zoning Commissioner dated November 25, 2008, in which the subject request for relief was granted with conditions.

ISSUE: Jason Vettori, Esquire, on behalf of Petitioner, and Peter M. Zimmerman, Esquire, on behalf of Office of People's Counsel, presented a Joint Motion for Remand to the Board on the record at the September 8, 2009, hearing.

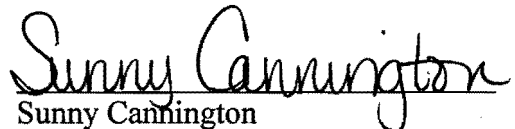
Action: The Board discussed the law, facts, testimony and evidence presented in this matter. The Board discussed Counsel's Motion for Remand. Counsel indicated that there are changes that need to be made to the plan. These changes may satisfy the appeal of the Office of People's Counsel. Counsel is optimistic that they can come to a reasonable agreement that can be guided by the Zoning Commissioner.

Vote: The Board unanimously determined that it is in the best interests of judicial economy to remand this matter to the Zoning Commissioner for further proceedings.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the Joint Motion for Remand and REMAND this matter to the Zoning Commissioner.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: January 26, 2010

TO: Timothy Kotroco, Director
Permits & Development Management

FROM: Sunny Cannington, Legal Secretary
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES/CASES DISMISSED**

The following is a list of cases that are closed as of today.

<u>Case Number</u>	<u>Name</u>	<u>Address</u>
09-051-SPHXA	Elias Rizakos	67 Main Street

Please be advised that the Board Remanded this matter to the Zoning Commissioner. The Zoning Commissioner's Order on Remand was issued on December 1, 2009 and no further appeals have been taken in this matter. This file is, therefore, being returned to you for storage.

Isaac Dickson House
Reisterstown , Baltimore County, BA-1278
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2009-0051-SPHXA

BA 1278

8/78

Isaac Dickson House

Reisterstown, Maryland

Private Access

67-69 MAIN STREET together comprises one of the earliest and one of the most sophisticated and visible historic structures in Reisterstown. 67 MAIN STREET, the northerly section, corresponds to a log structure identified in the 1798 Federal Direct Tax. Structures this old are rare; rarer still are log structures. 69 MAIN STREET is of traditional form but its great depth, matched brick facade, its great number of large windows and its entrance feature with carved consoles marks it as a structure of substance and sophistication. With a large parking lot for the commercial structure to the south, 69 MAIN STREET has become one of the most visible of Reisterstown's historic structures.

BA 1278

MARYLAND HISTORICAL TRUST

INVENTORY FORM FOR STATE HISTORIC SITES SURVEY

1 NAME				
HISTORIC <u>Isaac Dickson House</u>				
AND/OR COMMON				
2 LOCATION				
STREET & NUMBER <u>67-69 Main Street</u> <u>6th</u>				
CITY, TOWN <u>Reisterstown</u> VICINITY OF <u>CONGRESSIONAL DISTRICT</u>				
STATE <u>Maryland</u> COUNTY <u>Baltimore County</u>				
3 CLASSIFICATION				
CATEGORY	OWNERSHIP	STATUS	PRESENT USE	
☐ DISTRICT	☐ PUBLIC	☒ OCCUPIED	☐ AGRICULTURE	☐ MUSEUM
☒ BUILDING(S)	☒ PRIVATE	☐ UNOCCUPIED	☒ COMMERCIAL	☐ PARK
☐ STRUCTURE	☐ BOTH	☐ WORK IN PROGRESS	☐ EDUCATIONAL	☒ PRIVATE RESIDENCE
☐ SITE	☐ PUBLIC ACQUISITION	☐ ACCESSIBLE	☐ ENTERTAINMENT	☐ RELIGIOUS
☐ OBJECT	☐ IN PROCESS	☐ YES - RESTRICTED	☐ GOVERNMENT	☐ SCIENTIFIC
	☐ BEING CONSIDERED	☐ YES - UNRESTRICTED	☐ INDUSTRIAL	☐ TRANSPORTATION
		☒ NO	☐ MILITARY	☐ OTHER
4 OWNER OF PROPERTY				
NAME <u>Mrs. D.D. Caples</u> Telephone #: <u>833-4699</u>				
STREET & NUMBER <u>Nicodemus Road</u>				
CITY, TOWN <u>Reisterstown</u> VICINITY OF <u>STATE, zip code</u> <u>Maryland, 21136</u>				
5 LOCATION OF LEGAL DESCRIPTION				
COURTHOUSE, REGISTRY OF DEEDS, ETC. <u>Liber #: 3031</u> <u>Folio #: 288</u>				
STREET & NUMBER				
CITY, TOWN STATE				
6 REPRESENTATION IN EXISTING SURVEYS				
TITLE				
DATE				
☐ FEDERAL ☐ STATE ☐ COUNTY ☐ LOCAL				
DEPOSITORY FOR SURVEY RECORDS				
CITY, TOWN STATE				

7 DESCRIPTION

6A-1278

CONDITION		CHECK ONE	CHECK ONE
☐ EXCELLENT	☐ DETERIORATED	☐ UNALTERED	☒ ORIGINAL SITE
☒ GOOD	☐ RUINS	☒ ALTERED	☐ MOVED DATE _____
☐ FAIR	☐ UNEXPOSED		

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

67-69 MAIN STREET is a structure of two distinct sections, two distinct periods. The interior was not accessible for inspection.

67 MAIN STREET is the elder; it is of log and/or frame, two storeys in height, three bays in length and it appears to date from the late eighteenth century, corresponding to the structure recorded in the 1798 Direct Federal Tax as a two storey log structure, 24 by 16. The width of this structure, across the west front, facing the street, is 24 feet; its present depth is 41 feet, obviously the result of additions, indicated by the asymmetrical roof profile and chimney placement. The rear or easterly slope of the roof extends to an eave but one and one-half low storeys high; an internal end chimney is approximately midway down that slope. Another internal end chimney is just forward or west of the ridge. Assuming the front chimney to mark the original ridge of a symmetrical roof, the depth of this structure would be 16 feet, corresponding to the 1798 Tax record.

The principal entrance is in the middle bay; it is surrounded by a wide architrave having an apilled backband and it is topped by a frieze and cornice, possibly early. First storey windows are considerably taller than second storey windows and all have architrave surrounds with applied backbands. The 2/2 sash date from the late 19th century. The weatherboards are of random widths.

69 MAIN STREET is a taller two storeys in height, three bays in length, of brick, dating from ca. 1850-1865. Bricks of the all-stretcher west or street-front facade are matched for uniformity in size and color, laid with very tight joints. Bricks of the end and rear are slightly more random in size and color. Gauged jack arches above the front windows are greater than four courses in height and have an exaggerated splay. Jack arches above side and rear windows are typical unbonded jack arches three courses in height. The principal entrance is in the northerly bay; it consists of a door with transom and sidelights, a wide plain surround having carved consoles supporting a cornice; dentils are in the bedmoulding between the consoles. The door jambs, between the door leaf and the sidelights, are square columns supporting an architrave functioning as the transom bar. Windows are 4/4 with louvred blinds; first storey windows are somewhat taller than second storey windows.

A pair of flush chimneys rises above the south gable and windows flank each chimney in the first and second storeys. In the attic storey is a pair of small windows between the chimneys aligned above the middle windows of the lower two storeys.

A one-storey hipped-roof porch extends across the rear facade and the rear or east facade is expressed as two bays, an entrance being in the northerly.

CONTINUE ON SEPARATE SHEET IF NECESSARY

BA-1278

8 SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW				
PREHISTORIC	ARCHAEOLOGY-PREHISTORIC	COMMUNITY PLANNING	LANDSCAPE ARCHITECTURE	RELIGION	
1400-1499	ARCHAEOLOGY-HISTORIC	CONSERVATION	LAW	SCIENCE	
1500-1599	AGRICULTURE	ECONOMICS	LITERATURE	SCULPTURE	
1600-1699	ARCHITECTURE	EDUCATION	MILITARY	SOCIAL/HUMANITARIAN	
X 1700-1799	ART	ENGINEERING	MUSIC	THEATER	
X 1800-1899	COMMERCE	EXPLORATION/SETTLEMENT	PHILOSOPHY	TRANSPORTATION	
1900-	COMMUNICATIONS	INDUSTRY	POLITICS/GOVERNMENT	X OTHER (SPECIFY)	
		INVENTION		local history	

SPECIFIC DATES

BUILDER/ARCHITECT

STATEMENT OF SIGNIFICANCE

Part of this building, the frame part was standing as of 1797 when it was occupied by John Parrish, nephew of John Reister II. Parrish had purchased the land Lots #119 and 137 from Richard Clark and Jacob Medairy (BC Deeds WG No. XX:377 and 319) in 1796, the same year that he married Elisabeth Yohn. (1) (Marks. op. cit., p. 171)

The Parrishes sold the house and acreage almost immediately to Major Isaac Dickson whose descendants kept the house well into the 20th century. (WG 58:381) Major Dickson was an officer in the Maryland Militia, appointed May 23, 1799 as aide-de-camp to Brig. Gen. Charles Ridgely (Md. Militia Appointment Bk #1, 1794-1804, BC, p.4., HR). He bought the house and lot around 1797, which he enlarged, establishing a store there during the War of 1812. He prospered; for he eventually owned considerable acreage in Baltimore County. Federal Assessment of 1798 lists him as owner of 265 Acres value \$670.00 as well as:

No. 3363, Isaac Dickson, Owner. Pt. of Spring Garden 80 Perches...One new'd Log Dwelling House two story, 24 x 16...

As an upstanding citizen he was appointed a Justice of the Peace for Baltimore County. He built a handsome brick addition to the Parrish log building c. 1812. He had 10 children. He died in 1840 and his obituary was carried in the Sun May 27, 1840. (Marks. p. 146 and 208)

Two sons of the Major became doctors in Reisterstown: Dr. Louis Larsh Dickson who practiced in the town until 1852 and died a year later. Then Isaac Newton Dickson, who after the death of his first wife, returned from a practice in Talbot County and subsequently practiced in the town from 1852-1894. He was "a man and physician of quiet habits and tastes who had a wide acquaintance with medical men in the state and was highly respected by them all" (Dickson, Forward). His office was at 67 Main. In 1857, Isaac Dickson eventually acquired for \$1610 the "property commonly known as the residence or homestead of the late Dr. Louis Dickson containing 6 acres of land with the improvement of a two story dwelling and one stone house thereon" (HMF 19/545) (Marks. op.cit., p. 146-147)

Mrs. Marks notes in her book, that it is upon Dr. Dickson's manuscript "Early Days of Reisterstown and Vicinity" that more recent histories of the town have been based.

CONTINUE ON SEPARATE SHEET IF NECESSARY

BA-1278

Continuation Sheet Isaac Dickson House
67-69 Main Street
Reisterstown, Maryland
Baltimore County

8 Significance Continued

From 1869 to 1934, the Dickson property stayed more or less in tact and Dickson descendants for the most part occupied the house. Blanche Hopkins Dickson 1863-1955 an unmarried daughter of the 2nd marriage lived there and a married daughter Fanny Virginia Thomas 1860-1883 also.

In 1934 Isaac Cockey Dickson, son of a third marriage and his sister Blanche Hopkins Dickson became the last Dickson heirs to own the property. In 1956, the house and 6.729 acres were sold to Dr. D.D. Caples (GLB 3031/288) an appropriate occurrence for Dr. Caples was as esteemed and loved by the citizenry of Reisterstown as was Dr. Isaac N. Dickson. Both served their community's health well and with great devotion.

Upon Dr. Caples death in 1975, the property remained in the hands of his widow.

67-69 Main together comprise one of the earliest and one of the most sophisticated and visible historic structures in Reisterstown. 67 Main, the northerly section, corresponds to a log structure identified in the 1798 Federal Direct Tax. Structures this old are rare; rarer still are log structures. 69 Main is of a traditional form but its great depth, matched brick facade, its great number of large windows and its entrance feature with carved consoles marks it as a structure of substance and sophistication. With a large parking lot for the commercial structure to the south, 69 Main has become one of the most visible of Reisterstown's historic structures.

BA-1278

9 MAJOR BIBLIOGRAPHICAL REFERENCES

Lillian B. Marks, Reisters Desire (Baltimore, 1975)
 Land Records, Baltimore County Courthouse, Towson, Md

CONTINUE ON SEPARATE SHEET IF NECESSARY

10 GEOGRAPHICAL DATAACREAGE OF NOMINATED PROPERTY 6.729 acres

VERBAL BOUNDARY DESCRIPTION

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE _____ COUNTY _____

STATE _____ COUNTY _____

11 FORM PREPARED BY James T. Wollon, Jr A.I.A.NAME/TITLE Cornelia M. Ives, Project CoordinatorORGANIZATION Historic Reisterstown, Md Inc

DATE

August, 1978STREET & NUMBER 430 Main Street

TELEPHONE

833-3078 (Ms Ives)CITY OR TOWN Reisterstown,

STATE

Md 21136

The Maryland Historic Sites Inventory was officially created by an Act of the Maryland Legislature, to be found in the Annotated Code of Maryland, Article 41, Section 181 KA, 1974 Supplement.

The Survey and Inventory are being prepared for information and record purposes only and do not constitute any infringement of individual property rights.

RETURN TO: Maryland Historical Trust
 The Shaw House, 21 State Circle
 Annapolis, Maryland 21401
 (301) 267-1438

PS-1108

Isaac Dickson House
Reisterstown , Baltimore County, BA-1278
Page 7 of 8 available pages
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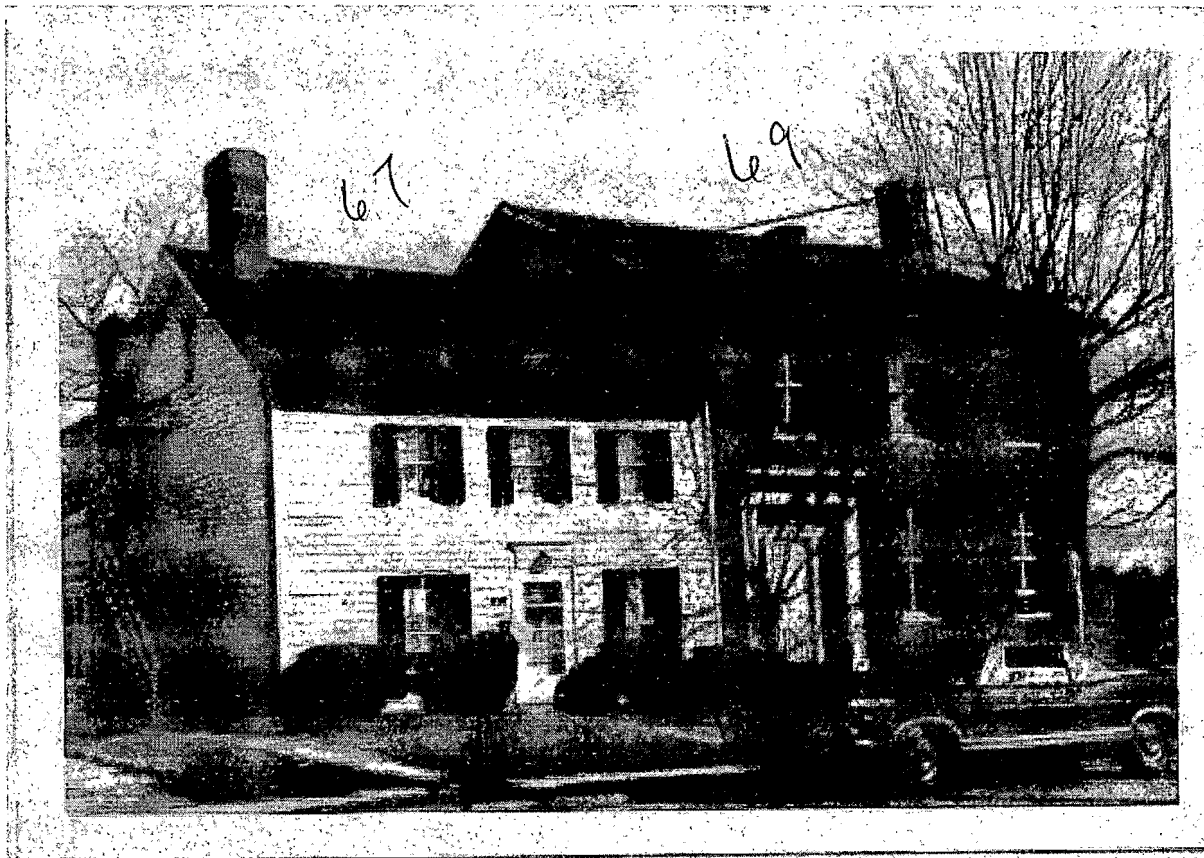
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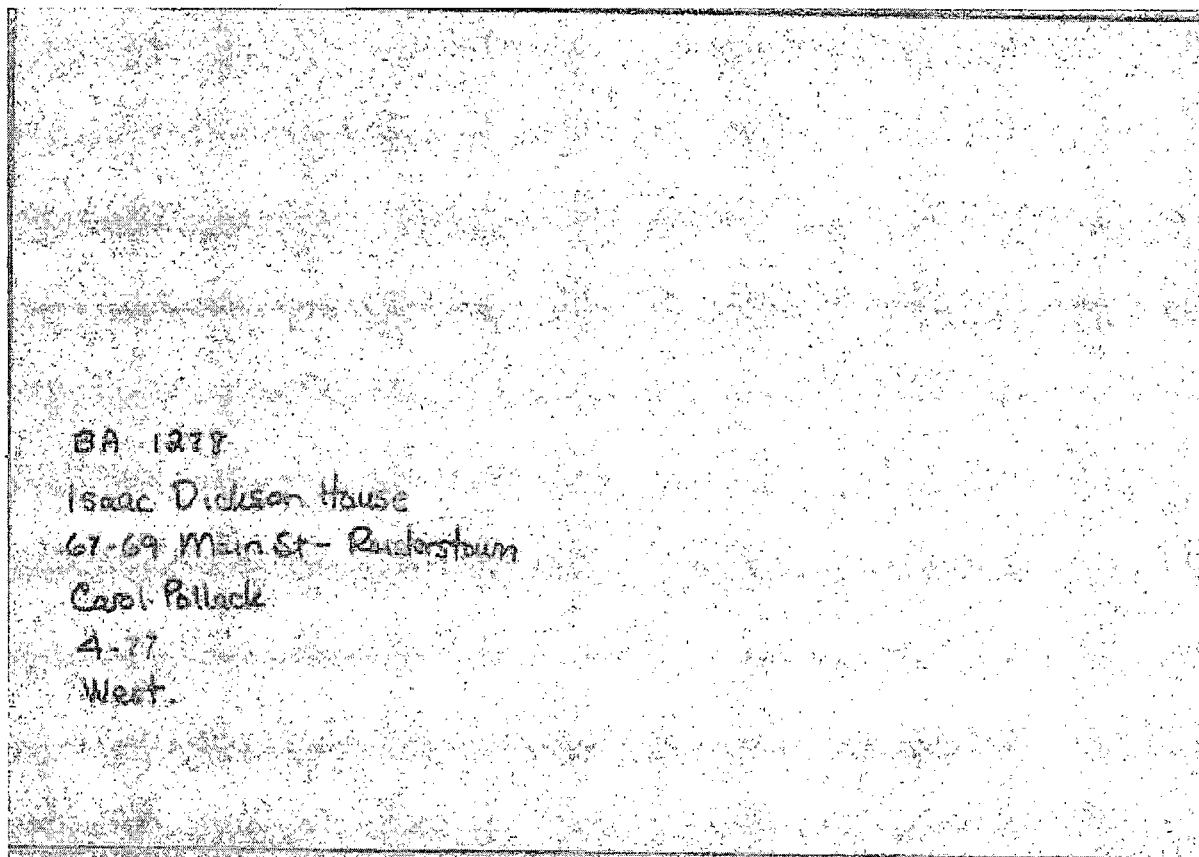
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Reisterstown, Baltimore County, BA-1278
Page 8 of 8 available pages
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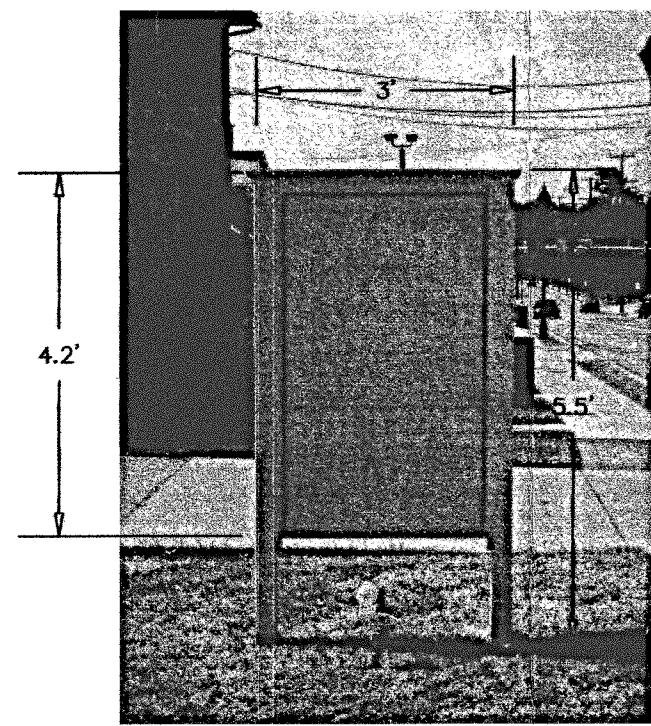
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SITE DATA:

- OWNER: ELIAS RIZAKOS & DIMITRIOS VANGELAKOS
- OWNER'S: 1011 BERRYMAN'S LANE
REISTERSTOWN, MARYLAND 21136
- DEED REFERENCE: 11556/647
- APPLICANT'S NAME: VALERIE SHAFFER
- APPLICANT'S ADDRESS: 67 MAIN STREET
REISTERSTOWN, MARYLAND 21136
- TAX MAP: 48 GRID 11 PARCEL 182
- TAX ID: 0403000732
- PREVIOUS ZONING HEARINGS: NONE
- NOT IN THE CBZA
- THE SITE IS LOCATED WITHIN A NATIONAL HISTORICAL REGISTERED DISTRICT AND ON THE COUNTY HISTORIC PROPERTIES INVENTORY NO. 1278.
- GROSS SITE AREA: 6.6915 ACRES
- ZONING: BL-CCC (1.2 ACRES ±) DR-3.5 (5.5 ACRES ±)
- ZONING MAP: 04802
- PUBLIC WATER AND SEWER
- PERVIOUS COMMERCIAL PERMIT: NONE
- F.A.R.:
PERMITTED: 4.0
ACTUAL: 6,196/291,482 = 0.02
- AMENITY OPEN SPACE:
PERMITTED: 0.2
ADJUSTED OPEN SPACE = 291,482 - 19,218 = 272,264
ACTUAL: 6,196/272,264 = 0.02
- PARKING:
REQUIRED:
OFFICE: 3,420 SF/1000x3.5 = 12 SPACES
APARTMENTS: 3 (2 EACH) = 6 SPACES
SNOWBALL STAND: 2 SPACES
TOTAL REQUIRED: 20 SPACES
PROPOSED: 23 PARKING SPACES
- OPEN SPACE FOR APARTMENTS:
REQUIRE: 6,000 SFx3 = 18,000 SF
PROPOSED: 18,000 SF
- ANIMAL RIGHTS HOURS OF OPERATION:
MONDAY - WEDNESDAY: CLOSED
THURSDAY AND FRIDAY: 3pm - 7pm
SATURDAY: 10:30am - 5pm
SUNDAY: 12 noon - 5pm
CLOSED HOLIDAYS
- A REQUEST TO CHANGE THE CURRENT ZONING FROM BL-CCC AND DR-3.5 TO BL-CCC WAS MADE IN THE 2008 CZMP (ISSUE NO. 3-42). THE REQUEST WAS DENIED.



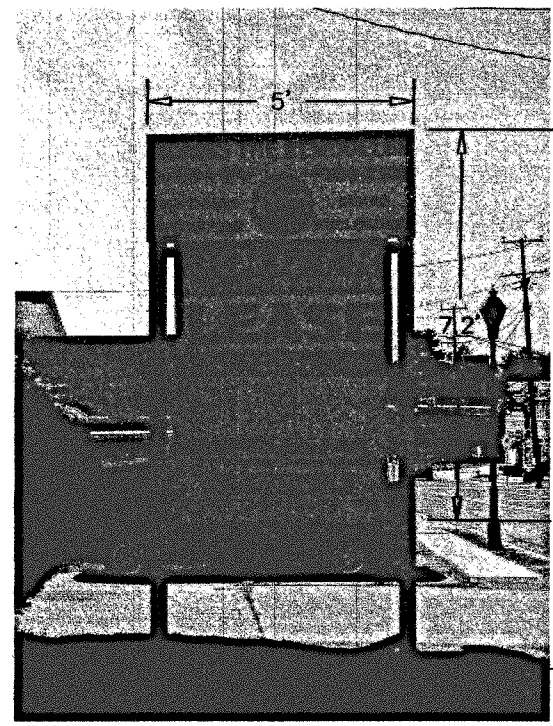
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FREESTANDING ILLUMINATED DOUBLE SIDED
13 SQUARE FEET EACH SIDE
TO BE REMOVED
(AT 2 STORY FRAME W/APT.)



EXISTING SIGN NO. 2
FREESTANDING ILLUMINATED DOUBLE SIDED
9 SQUARE FEET EACH SIDE
(AT 2 STORY FRAME BLDG. W/APT.)



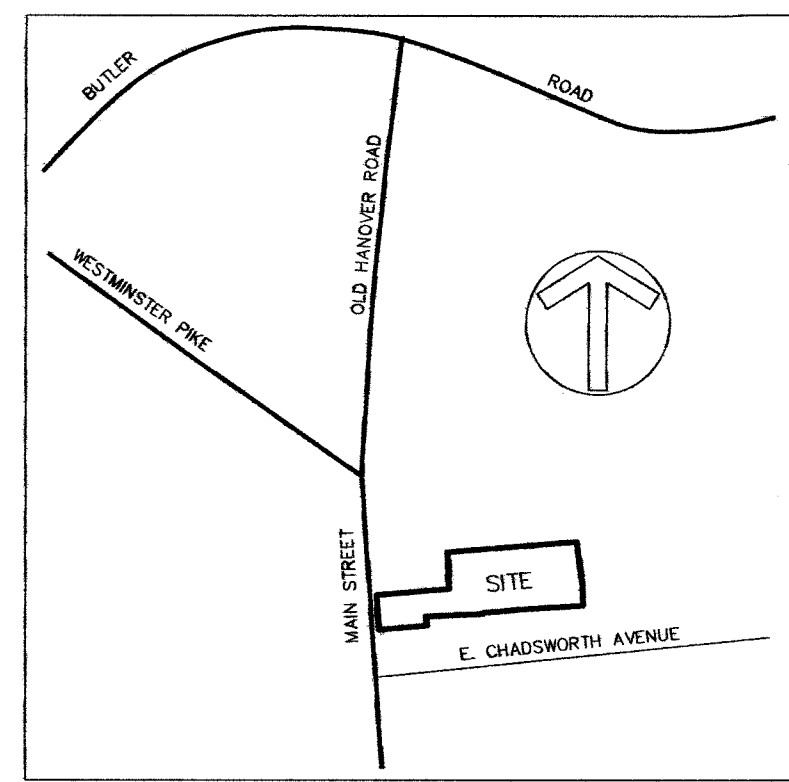
EXISTING SIGN NO. 3
ILLUMINATED WALL MOUNTED
38 SQUARE FEET
BUILDING WIDTH = 24.5 FEET
(AT 2 STORY FRAME BLDG. W/APT.)



EXISTING SIGN NO. 4
FREESTANDING ILLUMINATED DOUBLE SIDED
36 SQUARE FEET EACH SIDE
TO BE REMOVED
(AT 2 1/2 STORY BRICK BLDG.)



PROPOSED SIGN NO. 4 (TO REPLACE EXISTING SIGN NO. 4)
FREESTANDING ILLUMINATED DOUBLE SIDED
15 SQUARE FEET EACH SIDE
(AT 2 1/2 STORY BRICK BLDG.)



Vicinity Map
SCALE: 1" = 1000'

REVISED REQUESTS:

SPECIAL EXCEPTION:

- A CLASS A ANIMAL BOARDING PLACE PURSUANT TO SECTIONS 230.3 AND 421 OF THE BCZR, SUBJECT TO NOTE 1 BELOW;
- LIVING QUARTERS IN A COMMERCIAL BUILDING, PURSUANT TO SECTION 230.3 OF THE BCZR; AND
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

SPECIAL HEARING:

- A MODIFIED PARKING PLAN, IN ACCORDANCE WITH SECTION 409.12 OF THE BCZR;
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

VARIANCES:

- BCZR § 232A.2 TO PERMIT AN APARTMENT TO RETAIN AN EXISTING SETBACK FOR A WINDOW FACING A PROPERTY LINE OTHER THAN A STREET LINE OF 3 FEET IN LIEU OF THE MINIMUM REQUIRED 25 FEET;
- BCZR § 232A.2 TO PERMIT A DISTANCE OF 32.5 FEET BETWEEN WINDOWS OF DIFFERENT APARTMENTS ON THE SAME LOT WHICH FACE ONE ANOTHER IN LIEU OF THE MINIMUM REQUIRED DISTANCE OF 50 FEET;
- BCZR § 421.2 TO PERMIT ANY PART OF THE CLASS A ANIMAL BOARDING PLACE WITHIN 0 FEET OF THE NEAREST PROPERTY LINE OR LEASE LINE IN LIEU OF THE MINIMUM REQUIRED 200 FEET OF THE NEAREST PROPERTY LINE OR LEASE LINE;
- BCZR § 232A.4 TO PERMIT A MINIMUM AMENITY OPEN SPACE RATIO OF 0.02 IN LIEU OF THE REQUIRED MINIMUM PERMITTED AMENITY OPEN SPACE RATIO OF 0.2; AND
- AS REVISED, BCZR § 450.4.5(b)(v) TO PERMIT TWO (2) EXISTING FREESTANDING ENTERPRISE SIGNS IN LIEU OF THE MAXIMUM NUMBER PERMITTED OF ONE (1) FREESTANDING ENTERPRISE SIGN; AND
- DELETED.
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

NOTES:

- A CLASS 'A' ANIMAL BOARDING PLACE IS PERMITTED BY SPECIAL EXCEPTION IN THE B.L. ZONE, BCZR SECTION 230.3. THE ADOPT-A-PET CENTER LIES IN THE B.L. ZONE, CLASS 'A' ANIMAL BOARDING PLACES ARE FURTHER REGULATED BY BCZR SECTION 421, WHICH SUBJECTS THE INSTANT USE TO SETBACK REQUIREMENTS FROM WHICH THE ADOPT-A-PET CENTER NECESSITATES A VARIANCE. AS NOTED BY THE PROPERTY OWNER AND ADOPT-A-PET CENTER, THE REQUEST FOR VARIANCE RELIEF FROM SECTION 421.2 OF THE BCZR TO PERMIT ANY PART OF A CLASS 'A' ANIMAL BOARDING PLACE WITHIN ZERO FEET OF THE NEAREST PROPERTY LINE OR LEASE LINE IN LIEU OF THE MINIMUM REQUIRED 200 FEET OF THE NEAREST PROPERTY LINE OR LEASE LINE IS FOR THE CURRENT OPERATOR OR A FUTURE OPERATOR WHOSE USE WOULD BE LIMITED IN CHARACTER, SIZE AND INTENSITY TO ADOPT-A-PET CENTER'S USE. THE PROPERTY OWNER LEASES TO MORE THAN ONE TENANT, AS A RESULT, THE SETBACK FROM THE LEASE LINE IS ZERO FEET. SIMILARLY, THE SPECIAL EXCEPTION RELIEF IS BEING GRANTED FOR THE EXISTING OPERATOR'S USE, SO LONG AS IT REMAINS CONSISTENT WITH THE CHARACTER, SIZE AND INTENSITY OF THE CURRENT USE, OR A FUTURE OPERATOR WHOSE USE WOULD BE LIMITED IN CHARACTER, SIZE AND INTENSITY TO THE ADOPT-A-PET CENTER'S USE. ANY MATERIAL INCREASE TO THE CHARACTER, SIZE AND INTENSITY OF THE CURRENT USE OF THE SITE AS AN ANIMAL RESCUE WOULD BE SUBJECT TO NEW PETITIONS FOR VARIANCE AND SPECIAL HEARING.
- ALL PARKING SPACES SHALL BE PERMANENTLY STRIPED AS SHOWN HEREON.
- THE TYPICAL PARKING SPACE SIZE IS 8.5'x18' FOR PERPENDICULAR PARKING AND 7.5'x21' FOR PARALLEL PARKING.
- ORIGINAL SIGN VARIANCE REQUEST NO. 5 HAS BEEN REVISED TO REQUEST RELIEF FROM BCZR SECTION 450.4.5(b)(v) TO PERMIT TWO (2) FREESTANDING ENTERPRISE SIGNS IN LIEU OF THE MAXIMUM NUMBER PERMITTED OF ONE (1) FREESTANDING ENTERPRISE SIGN (AS OPPOSED TO THREE (3) SIGNS THAT WERE ORIGINALLY REQUESTED).
- ORIGINAL SIGN VARIANCE REQUEST NO. 6 HAS BEEN REMOVED AS IT IS moot. THE REQUESTED RELIEF IS NO LONGER NEEDED AS EXISTING SIGN NO'S. 1 AND 4 ARE TO BE REMOVED AND THE COMBINED FACE AREA OF BOTH EXISTING SIGN NO. 2 (9 SQUARE FEET EACH SIDE) AND THE PROPOSED SIGN NO. 4 (15 SQUARE FEET EACH SIDE) DOES NOT EXCEED THE MAXIMUM PERMITTED 75 SQUARE FEET OF FACE AREA (BCZR SECTION 450.4.5(b)(v)).
- THE REMOVAL OF EXISTING SIGN NO. 1 IS WITHOUT PREJUDICE TO A FUTURE REQUEST FOR VARIANCE RELIEF FROM ANOTHER SIGN SUBJECT TO BCZR SECTION 450.

GRAPHIC SCALE



(IN FEET)
1 inch = 50'

PETITIONER'S

EXHIBIT NO.

1A

LEGEND:

- TRAFFIC FLOW INDICATOR
- EX. IMPROVEMENTS
- PROP. PAINT STRIPPING
- EX. WOODS LINE
- STORM DRAIN MANHOLE
- SANITARY SEWER MANHOLE
- LIGHT POLE
- WATER METER
- FIRE HYDRANT

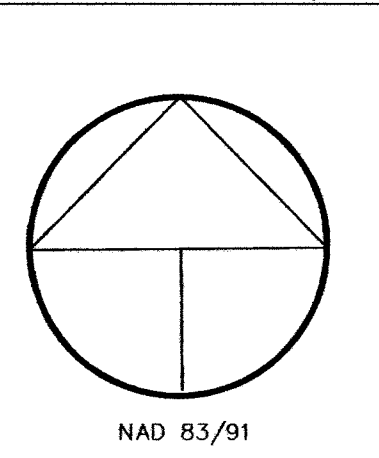
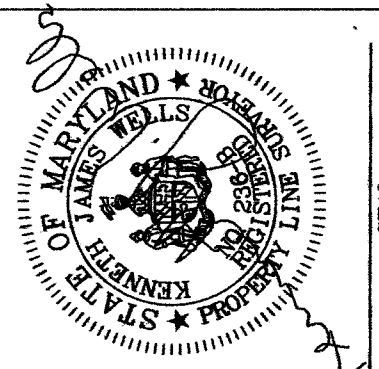
Revised Plan to Accompany a Petition For a Special Exception, Special Hearing and Variance Hearing 67 and 69 Main Street

DRAWN BY: CV/KJW
CHECKED BY: KJW
DATE: 6/25/2008

PROJECT NO.:
2008-012

SHEET 1 OF 1

Land Surveying & Site Planning



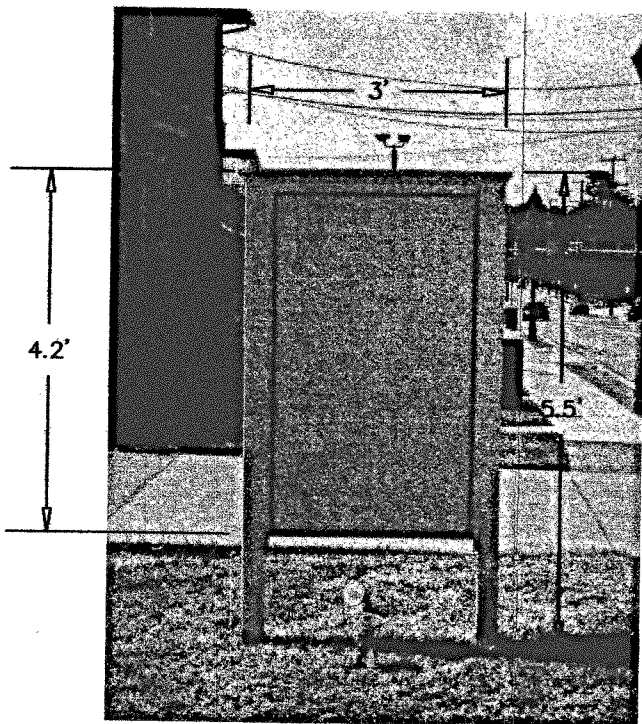
REVISIONS:
NO. DATE

1 10/14/2009

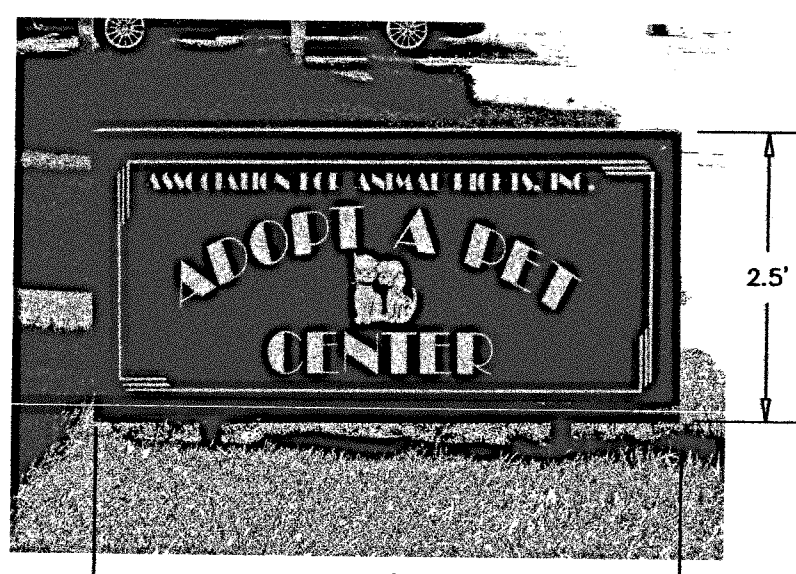
BALTIMORE COUNTY, MARYLAND
4th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

SITE DATA:

- 1) OWNER: ELIAS RIZAKOS & DIMITRIOS VANGELAKOS
- 2) OWNER'S: 1011 BERRYMAN'S LANE
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- 3) DEED REFERENCE: 11556/647
- 4) APPLICANT'S NAME: VALERIE SHAFFER
- 5) APPLICANT'S ADDRESS: 67 MAIN STREET
REISTERSTOWN, MARYLAND 21136
- 6) TAX MAP: 48 GRID 11 PARCEL 182
- 7) TAX ID: 0403000732
- 8) PREVIOUS ZONING HEARINGS: NONE
- 9) NOT IN THE CBCA.
- 10) THE SITE IS LOCATED WITHIN A NATIONAL HISTORICAL REGISTERED DISTRICT AND ON THE COUNTY HISTORIC PROPERTIES INVENTORY NO. 1278.
- 11) GROSS SITE AREA: 6.6915 ACRES
- 12) ZONING: BL-COC (1.2 ACRES ±) DR-3.5 (5.5 ACRES ±)
- 13) ZONING MAP: 048C2
- 14) PUBLIC WATER AND SEWER
- 15) PVIOUS COMMERCIAL PERMIT: NONE
- 16) F.A.R.:
PERMITTED: 4.0
ACTUAL: 6,196/291,482= 0.02
- 17) AMENITY OPEN SPACE:
PERMITTED: 0.2
ADJUSTED OPEN SPACE= 291,482-19,218= 272,264
ACTUAL: 6,196/272,264= 0.02
- 18) PARKING:
REQUIRED:
OFFICE: 3,420 SF/1000x3.5= 12 SPACES
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THURSDAY AND FRIDAY: 3pm - 7pm
SATURDAY: 10:30am - 5pm
SUNDAY: 12 noon - 5pm
CLOSED HOLIDAYS



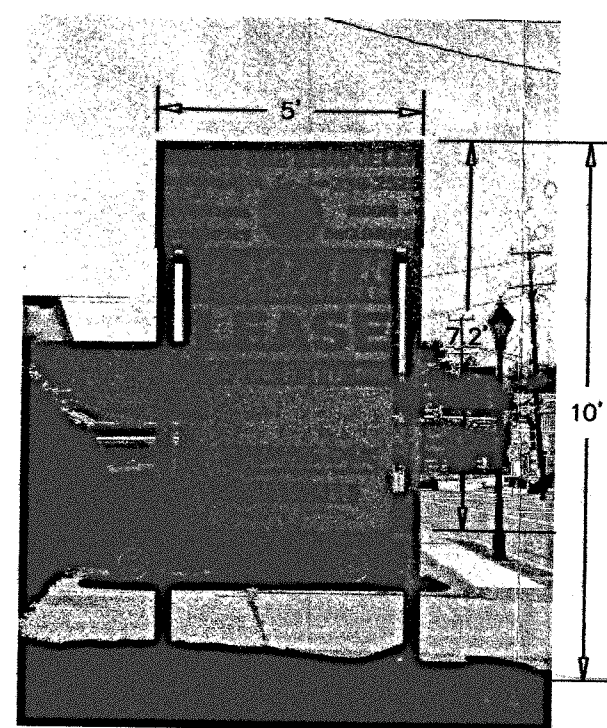
SIGN NO. 1
FREESTANDING ILLUMINATED DOUBLE SIDED
13 SQUARE FEET EACH SIDE



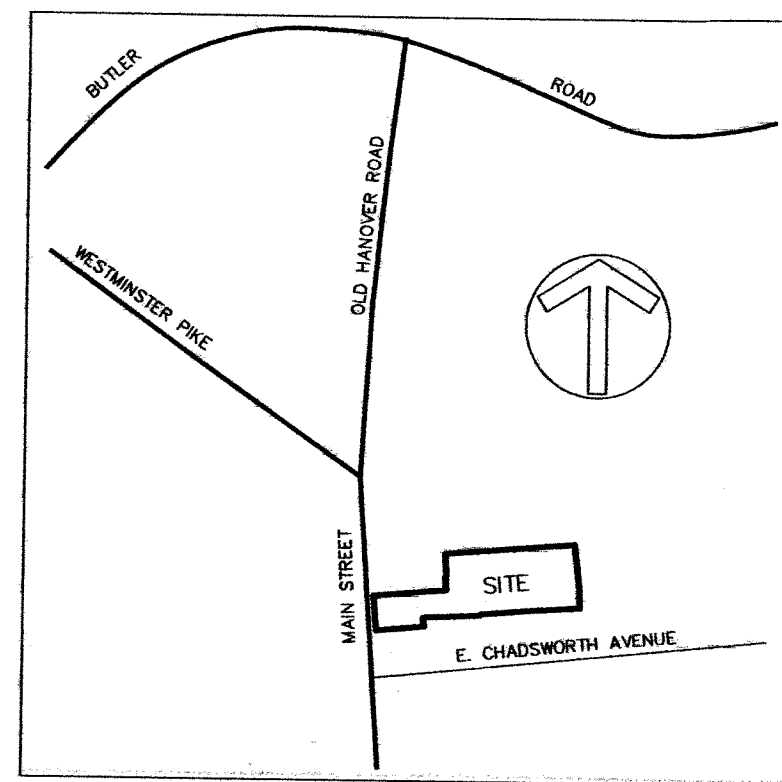
SIGN NO. 2
FREESTANDING ILLUMINATED DOUBLE SIDED
10 SQUARE FEET EACH SIDE



SIGN NO. 3
ILLUMINATED WALL MOUNTED
38 SQUARE FEET
BUILDING WIDTH = 24.5 FEET



SIGN NO. 4
FREESTANDING ILLUMINATED DOUBLE SIDED
36 SQUARE FEET EACH SIDE



Vicinity Map
SCALE: 1" = 1000'

NOTES:

- 1) A REQUEST TO CHANGE THE CURRENT ZONING FROM BL-COC AND DR-3.5 TO BL-COC WAS MADE AND IS IDENTIFIED AS CZIP ISSUE 3-42.
- 2) ALL PARKING SPACES SHALL BE PERMANENTLY STRIPPED AS SHOWN HEREON.
- 3) THE TYPICAL PARKING SPACE SIZE IS 8.5'x18' FOR PREPENDICULAR PARKING AND 7.5'x21' FOR PARALLEL PARKING.

REQUESTS:

SPECIAL EXCEPTION:

1. A CLASS A ANIMAL BOARDING PLACE PURSUANT TO SECTIONS 230.13 AND 421 OF THE BCZR
2. LIVING QUARTERS IN A COMMERCIAL BUILDING, PURSUANT TO SECTION 230.13 OF THE BCZR; AND
3. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

SPECIAL HEARING:

1. A MODIFIED PARKING PLAN, IN ACCORDANCE WITH SECTION 409.12 OF THE BCZR;
2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY.

VARIANCES:

1. BCZR § 232A.2 TO PERMIT AN APARTMENT TO RETAIN AN EXISTING SETBACK FOR A WINDOW FACING A PROPERTY LINE OTHER THAN A STREET LINE OF 3 FEET IN LIEU OF THE MINIMUM REQUIRED 25 FEET;
2. BCZR § 232A.2 TO PERMIT A DISTANCE OF 32.5 FEET BETWEEN WINDOWS OF DIFFERENT APARTMENTS ON THE SAME LOT WHICH FACE ONE ANOTHER IN LIEU OF THE MINIMUM REQUIRED DISTANCE OF 50 FEET;
3. BCZR § 421.2 TO PERMIT ANY PART OF THE CLASS A ANIMAL BOARDING PLACE WITHIN 0 FEET OF THE NEAREST PROPERTY LINE OR LEASE LINE IN LIEU OF THE MINIMUM REQUIRED 200 FEET OF THE NEAREST PROPERTY LINE OR LEASE LINE;
4. BCZR § 232A.2 TO PERMIT A MINIMUM AMENITY OPEN SPACE RATIO OF 0.02 IN LIEU OF THE REQUIRED MINIMUM PERMITTED AMENITY OPEN SPACE RATIO OF 0.2; AND
5. BCZR § 450.4.5(B)(V) TO PERMIT THREE (3) EXISTING FREESTANDING ENTERPRISE SIGNS IN LIEU OF THE MAXIMUM NUMBER PERMITTED OF ONE (1) FREESTANDING ENTERPRISE SIGN; AND
6. BCZR § 450.4.5(B)(V) TO PERMIT 174 SQUARE FEET OF FACE AREA FOR THE THREE EXISTING FREESTANDING ENTERPRISE SIGNS IN LIEU OF THE MAXIMUM PERMITTED 75 SQUARE FEET OF FACE AREA; AND
7. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ZONING COMMISSIONER BY BALTIMORE COUNTY.

PETITIONER'S

EXHIBIT NO. 1

GRAPHIC SCALE



LEGEND:

- TRAFFIC FLOW INDICATOR
- EX. IMPROVEMENTS
- PROP. PAINT STRIPPING
- EX. WOODS LINE
- STORM DRAIN MANHOLE
- SANITARY SEWER MANHOLE
- LIGHT POLE
- WATER METER
- FIRE HYDRANT

Plan to Accompany a Petition For a
Special Exception, Special Hearing and Varince Hearing
67 and 69 Main Street

DRAWN BY: CV/KJW

CHECKED BY: KJW

DATE: 6/25/2008

PROJECT NO.:

2008-012

SHEET 1 OF 1