

IN RE: **PETITION FOR VARIANCE**
W/S Main Street, (MD Rte. 140),
148' N of Woodley Avenue
(452 Main Street)
4th Election District
3rd Council District

Ronald S. Deutsch, et al
Petitioners

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*
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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0078-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Ronald S. Deutsch and Sam A. Leopar. As originally filed, the Petitioners requested variance relief from Section 409.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a driveway for two-way traffic with a width of 10 feet in lieu of the minimum required 20 feet.¹ The subject property and requested relief are more fully described on the amended redlined site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were property owners, Ronald S. Deutsch and Sam A. Leopar, accompanied by Richard (Rik) Stouffer with NTT Associates, Inc., the consultant who prepared the site plan for the Petitioners. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 21,780 square feet of land that is primarily zoned D.R.3.5 with a thin strip of R-O along the western edge of the property. The property is located west of Reisterstown Road between Woodley and Shirley Avenues in the historic Reisterstown area of

¹ As will be explained in greater detail, the Petitioners revised their site plan at the public hearing to lessen the size of the requested variance. Since the revised petition involved the same regulations and decreased the relief that was being requested, the Petitioners were permitted to proceed.

RECEIVED FOR FILING
Date 11-21-08
By [Signature]

the County and is improved with three (3) existing structures. Petitioners are proposing to enter and exit the property off of Reisterstown Road through a ten-foot wide driveway. The driveway would first lead past an existing two-story frame building with a porch that faces east towards Reisterstown Road. The access way would then lead in a western direction passing the two-story structure and ending in a parking area in the center of the property containing eight (8) parking spaces. An existing concrete walk then extends to the western side of the property where two existing structures, a three-car frame garage and storage shed are located and accessed from Dean Avenue that borders the rear of the property.

Further evidence demonstrated that the Petitioners wish to lease the two-story building to a small business and have had discussions with an after school activity center that has expressed an interest in the property. This use is consistent with many properties in the surrounding area, which are reserved for general office use. However, since the Petitioners are proposing to enter and exit the property through a 10-foot wide driveway off of Reisterstown Road, the Petitioners are in need of a variance from B.C.Z.R. Section 409.4, which requires a minimum width of 20 feet for two-way movements accessing parking spaces. The Petitioners also presented an access and curb cut permit from the State Highway Administration (SHA), which was marked and accepted into evidence as Petitioners' Exhibit 2. Thus, the only remaining approval lies in the Petition for Variance currently before this Commission.

After the Petitioners explained their request to maintain the 10-foot wide driveway, I inquired as to whether the Petitioners were capable of either widening the proposed driveway to decrease the severity of the requested variance or developing plans to access the property from a different point. (See Stephen E. Weber, Chief of Traffic Engineering's Zoning Advisory Committee [ZAC] comment in this regard). The Petitioners took several minutes to discuss this

matter and returned with a redlined version of the site plan, which had previously been marked and accepted into evidence as Petitioners' Exhibit 1.

As indicated on the redlined site plan, the Petitioners agreed to widen the proposed access way from 10 to 18 feet for the first 50 feet of the property. The width of the driveway will then narrow to 15 feet for approximately 40 feet in length before widening to reach the parking area. The Petitioners testified that the proposed access way is surrounded by a steep hill where the land quickly drops off on both sides of the paved road. Thus, while the Petitioners agreed that they could widen the access way to 18 feet, they testified that the site's topography constraints prevent them from reaching the 20-foot width that is required by Section 409.4 of the B.C.Z.R. Any further widening would weaken the foundation of the two-story building and compromise the supports for the large porch, thereby negating any added safety benefits from maintaining a larger access road.

The ZAC comment received from the Office of Planning dated October 8, 2008 indicates that the Department does not oppose the Petitioners' request. The comment indicated that there are many businesses in the historic Main Street area of Reisterstown that have similar constraints due to narrow lot widths and the fact that the buildings were at one time residential dwellings. Therefore, the subject request is not out character with the surrounding businesses and community.

Considering all of the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. While the shape of the property is rectangular, as the Office of Planning noted, this property has an unusually narrow lot width. The property is also constrained by the steep grade surrounding the proposed access way. Since the topography essentially makes meeting the

CASE FILED FOR FILING
Date 11-21-08
By 1937

requirements of Section 409.4 of the B.C.Z.R. an impossible task, I find that the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district.

I further find that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Many properties in the historic Main Street area of Reisterstown maintain businesses on similarly sized lots with undersized access roads. The Petitioners have done everything in their power, including revising this Petition during the public hearing, to address safety concerns and minimize their request for variance. Thus, I find that denial of this petition would result in unreasonable hardship. The State Highway Administration has already issued an access and curb cut permit and there were no Protestants or interested citizens in attendance at the hearing. These factors have convinced me that the requested variance relief 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. The request meets the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of November 2008 that the Petition for Variance seeking relief from Section 409.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a two-way driveway as indicated on the redlined site plan that is 18 feet wide for the first 50 feet of the property, 15 feet for the next approximately 40 feet in length before widening to reach the

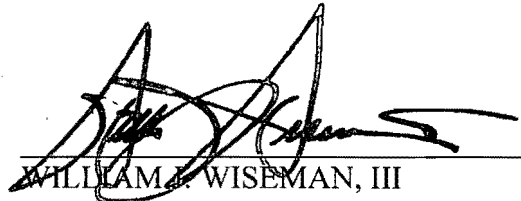
COPIES RECEIVED FOR FILING
Date 11-21-08
By [Signature]

parking area, all in lieu of the minimum required 20 foot width, in accordance with Petitioners'

Exhibit 1, be and is hereby GRANTED, subject to the following:

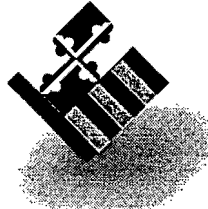
1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners must construct an access way that conforms to the dimensions indicated on the redlined site plan admitted into evidence as Petitioners' Exhibit 1.

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


WILLIAM A. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

RECEIVED FOR FILING
Date 11-21-08
By 103



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 21, 2008

Ronald S. Deutsch
1302 St. Paul's Way
Crownsville, MD 21032

RE: PETITION FOR VARIANCE
W/S Main Street, (MD Rte. 140), 148' N of Woodley Avenue
(452 Main Street)
4th Election District - 3rd Council District
Ronald S. Deutsch, et al – Petitioners
Case No. 2009-0078-A

Dear Mr. Deutsch:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'William J. Wiseman III', written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Sam Leopar, 4502 Old Court Road, Pikesville, MD 21208
Richard (Rik) Stouffer, NTT Associates, Inc., 25 Bonbon Court,
Reisterstown, MD 21136
Steven D. Foster, Chief, Engineering Access Permits Division, SHA, Maryland Department of
Transportation, 707 North Calvert Street, Baltimore, MD 21202
People's Counsel; DEPRM; Office of Planning; Bureau of Traffic Engineering;
Bureau of Development Plans Review; File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 452 MAIN ST

which is presently zoned RO / DR 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) 409.4 TO ALLOW A DRIVEWAY FOR TWO WAY TRAFFIC WITH A WIDTH OF 10 FEET IN LIEU OF THE REQUIRED 20 FEET

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

Driveway width to comply with 20' requirement and size of land available for such driveway renders this either impossible or impracticable to construct. As such the requirement causes an unreasonable hardship and the property not to be viable.

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:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

RONALD S. DEUTSCH

Name - Type or Print _____

Signature [Signature] _____

Name - Type or Print _____

Signature _____

1302 St. Paul's Way 410 296-2550

Address _____ Telephone No. 23030

Crownsville MD 21032

City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

Case No. 2009-0078-A

REV 9/15/98 Date 11-21-08

By [Signature]

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

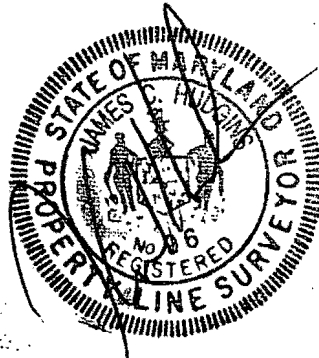
Reviewed By CM Date 9/18/09

ZONING DESCRIPTION

452 MAIN STREET

BEGINNING at a point on the west side of Main Street also known as Reisterstown Road which is 66 feet wide and approximately 148 feet northerly from the center line of Woodley Avenue, which is 33 feet wide. Thence with the following courses and distances with the west side of Main Street:

- 1) N. 10° W. 66'; thence leaving Main Street
- 2) S. 86° 30' W. 303' to the east side of Dean Avenue, which is 33 feet wide; thence with the east side of Dean Avenue
- 3) S. 10° E. 66'; thence leaving Dean Avenue
- 4) N. 86° 30' E. 303' to the place of beginning as recorded in deed Liber 22798 Folio 453.



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: #2009-0078-A

452 Main Street
W/side of Main Street, 148 feet
north of Woodley Avenue
4th Election District

3rd Councilmanic District
Legal Owner(s): Ronald Deutsch

Variance: to allow a driveway
for two-way traffic with a width
of 10 feet in lieu of the required
20 feet.

Hearing: Wednesday, No-
vember 18, 2008 at 10:00
a.m. in Room 104, Jefferson
Building, 105 West Chesa-
peake 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 concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

JT 11/7/18 Nov. 18 188939

CERTIFICATE OF PUBLICATION

11/20/, 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 11/18/, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

NOTICES

B SECTION

Notice to Bidders

Gunpowder Falls State Park is now accepting sealed bids for the following agriculture property: The former Hoover Property -- 29 acres. Information pertaining to the property may be obtained from the park office November 10th through November 21st. Bids will be opened December 1st at 1 P.M. at the park headquarters at 2813 Jerusalem Road, Kingsville, MD. No crop damage permits will be granted. For further information call 410-592-2897.

JT/J/11/679 Nov 11, 13, 18, 20 188496

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: #2009-0078-A

452 Main Street
W/side of Main Street, 148 feet north of Woodley Avenue
4th Election District
3rd Councilmanic District
Legal Owner(s): Ronald Deutsch
Variance: to allow a driveway for two-way traffic with a width of 10 feet in lieu of the required 20 feet.

Hearing: Wednesday, November 19, 2008 at 10:00 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 11/718 Nov. 18 188939

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: #2009-0092-X

11905 Market Way
W/side of MD Route 43, 133.7 feet west of centerline of Crossroads Circle
15th Election District
6th Councilmanic District
Legal Owner(s): BC Area 3, Lot 1, LLC, by Edward St. John
Lessee: Wawa, Inc.

Special Exception: for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet and carry-out restaurant.

Hearing: Wednesday, December 3, 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 11/695 Nov. 18 188811

**Patuxent
Classifieds**

Call 410-321-0247

Law Offices of Jeffrey Nadel
4041 Powder Mill Road, Suite 415
Calverton, Maryland 20705
240-473-5000

SUBSTITUTE TRUSTEES' SALE

Missing

*Jeffersonian
notice*

*11-12 Per Kristen -
not done / via
via Jeffersonian*

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **26594**

Date: **9-18-08**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 9/19/2008 9/18/2008 10:32:12 2

REG 0302 MAIL JWA JEE
 >>> RECEIPT # 604161 9/18/2008 0013

5. 320 ZIPPING VERIFICATION

OR NO. 026594

Recpt Tot: 625.00

\$325.00 DR 1.00 CR

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Dept Obj	BS Acct	Amount
001				6150				325.00

Total: **325.00**

Rec From:

R. Devlin

For:

452 Main St

KEISTERS TOWN MD 21136

2009-0078-A

VARIABLE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 2009-0078-A

Petitioner/Developer: _____

Ronald Deutsch

Date of Hearing/Closing: Nov 13, 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: _____

452 Main Street

The sign(s) were posted on Oct 29, 08
(Month, Day, Year)

Sincerely,

Robert Black Nov 3, 08
(Signature of Sign Poster) (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 # 2009-0078-A

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

Room 104, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE. TOWSON

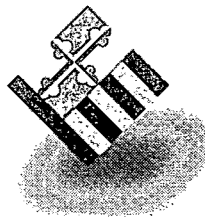
DATE AND TIME: THURSDAY, NOVEMBER 13, 2008 AT 9:00 A.M.

REQUEST: VARIANCE TO ALLOW A DRIVEWAY FOR TWO-WAY
TRAFFIC WITH A WIDTH OF 10 FEET IN LIEU OF THE REQUIRED 20 FEET

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

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

HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

October 7, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2009-0078-A

452 Main Street

W/side of Main Street, 148 feet north of Woodley Avenue

4th Election District – 3rd Councilmanic District

Legal Owners: Ronald Deutsch

Variance to allow a driveway for two-way traffic with a width of 10 feet in lieu of the required 20 feet.

Hearing: Thursday, November 13, 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: Ronald Deutsch, 1302 St. Pauls Way, Crownsville 21032

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., OCTOBER 29, 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.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

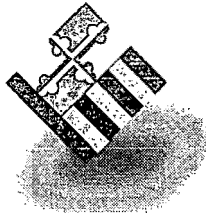
For Newspaper Advertising:

Item Number or Case Number: 2009- 0078 - A
Petitioner: R DEUTSCH
Address or Location: 452 MAIN ST 21236

PLEASE FORWARD ADVERTISING BILL TO:

Name: RONALD DEUTSCH
Address: 1302 ST. PAUL'S WAY
COLUMBIA MD 21032

Telephone Number: 410-296-2550 ex 3030



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
November 5, 2008

Ronald Deutsch
1302 St. Pauls Way
Crownsville, MD 21032

Dear: Ronald Deutsch

RE: Case Number 2009-0078-A, 1302 St. Pauls Way

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 18, 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 that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

September 30, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: September 29, 2008

Item No.: 2009-0069-A, ~~2009-0078-A~~, 2009-0079-SPHA, 2009-0080-XA,
2009-0081-A, 2009-0082-A, and 2009-0083-A.

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Don W. Muddiman, Acting Lieutenant
Fire Marshal's Office
(Office) 410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 2, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For October 6, 2008
Item No. 2009-0078-A

It appears that the 10 foot-wide driveway is proposed, not existing. It also appears that there are no obstructions to providing the required 20-foot width. Also, the proposed aisle width of 13 feet is substandard. It should be 22 feet. The reduced aisle width would have little or no effect on public safety, but the reduced driveway width would. We therefore recommend that the requested variance be denied. There are two alternatives: Enter into an agreement with the adjacent property owner to extend their parking to access Woodley Avenue, or provide a 20-foot wide driveway for at least the first 50 feet off of Main Street.

DAK:CEN:lrk

cc: File

ZAC-ITEM NO 2009-0078-A-10022008

BW 11/13
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 9, 2008

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

SUBJECT: 452 Main street

INFORMATION:

Item Number: 9-078

Petitioner: Ronald S. Deutsch

Zoning: RO and DR 3.5

Requested Action: Variance

RECEIVED
OCT 15 2008

BY: _____

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The Office of Planning does not oppose the requested variance from Section 409.4 of the BCZR to allow a driveway for two-way traffic with a width of 10 feet in lieu of the required 20 feet. There are many businesses in the historic Main Street area of Reisterstown that have similar constraints due to narrow lot widths and the fact that the buildings were at one time residential dwellings. Therefore the subject request is not out of character with the surrounding businesses and community.

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

Reviewed by:

Curtis Murray

Division Chief:
AFK/LL: CM

Lynne Sanborn



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: OCT. 1, 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. 2009-0078A
MD 140
432 MAIN STREET
DEUTSCH PROPERTY
VARIANCE

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 09/28. A field inspection and internal review reveals that an entrance onto MD 140 ^{is not} consistent with current State Highway Administration guidelines is required. As a condition of approval for 432 Main St, Case Number 2009-0078A the applicant must contact the State Highway Administration to obtain an entrance permit.

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 Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

My telephone number/toll-free number is _____

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

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



BW 11/13
9 am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
OCT 17 2008

BY:

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: October 17, 2008
SUBJECT: Zoning Item #09-078-A
Address: 452 Main Street
(Deutsch Property)

Zoning Advisory Committee Meeting of September 29, 2008

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

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

- _____ 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).
- _____ 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:

Reviewer: J. Livingston

Date: 10/17/2008

RE: PETITION FOR VARIANCE
452 Main Street; W/S Main Street,
148' N of Woodley Avenue
4th Election & 3rd Councilmanic Districts
Legal Owner(s): Ronald S. Deutsch
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 09-078-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

RECEIVED

SEP 29 2008

.....

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 29th day of September, 2008, a copy of the foregoing Entry of Appearance was mailed to Ronald Deutsch, 1302 St. Paul Way, Crownsville, MD 21032, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
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

October 15, 2008

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

RECEIVED
OCT 15 2008

BY:

Re: PETITION FOR SPECIAL HEARING AND VARIANCE
Ronald S. Deutsch- Petitioners
Case No: 09-078-A

Dear Mr. Wiseman,

Because this case appeared to involve traffic issues, we asked Stephen E. Weber, Chief of Traffic Engineering, to review the site plan for the proposed Class A Office building. As a result, he sent us the enclosed e-mail dated October 8, 2008. I am forwarding it to you for your consideration, along with Dennis A. Kennedy's October 2, 2008 comment. Mr. Weber and Mr. Kennedy both identify problems relating to the proposed substandard driveway and aisle width. We understand that a hearing date of November 13, 2008 has been set.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Enclosures

cc: Ronald S. Deutsch, Petitioner
Stephen Weber, Chief
Dennis Kennedy, PDM

BW
11/13
9am

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy
Date: 10/08/2008 6:09 PM
Subject: Case No. 09-78-A, 452 Main Street

Mr. Zimmerman:

We have reviewed the subject plan and do not find any additional comments necessary beyond those presented by Dennis Kennedy in the Bureau of Development Plans Review. Those comments are dated October 2, 2008 to Timothy Kotroco as part of the ZAC comments. (Those comments primarily indicate that the proposed driveway onto Main Street is shown as a substandard 10-foot width and needs to be increased to 20 feet and that the 13-foot aisle width is also substandard from the required 22 feet.)

The petitioner is arguing that providing a 20-foot wide driveway is "either impossible or impracticable", however there is 28 feet of space between the building and the property line. We would agree with Mr. Kennedy that a 20-foot wide driveway needs to be provided into the site a minimum of 50 feet back from Main Street or they need to see if it is possible to enter into a use-in-common access agreement with #456 and 458 to gain direct access to Woodley Ave. A 10-foot driveway off of a major arterial highway like Main Street would pose definite safety hazards and it is also extremely unlikely that the State Highway Administration would even grant an access permit for a driveway of this substandard width. (Be advised that access to the rear of the property is currently provided by County-maintained Dean Avenue which ends just north of the subject property. While it may also be legal to provide access into the site from Dean Avenue instead, from a planning standpoint it would be undesirable to force commercial traffic thru a residentially zoned area in order to provide access to the rear of a commercial site. However, that may still be an option.) In addition, the proposed 13-foot aisle width adjacent to the perpendicular parking area will make it essentially impossible to get into these parking spaces without encroaching onto adjacent non-paved areas, particularly if many of the spaces have vehicles parked in them.

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

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 2, 2008

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

SIGNED: Dennis A. Kennedy

SUBJECT: Zoning Advisory Committee Meeting
For October 6, 2008
Item No. 2009-0078-A

It appears that the 10 foot-wide driveway is proposed, not existing. It also appears that there are no obstructions to providing the required 20-foot width. Also, the proposed aisle width of 13 feet is substandard. It should be 22 feet. The reduced aisle width would have little or no effect on public safety, but the reduced driveway width would. We therefore recommend that the requested variance be denied. There are two alternatives: Enter into an agreement with the adjacent property owner to extend their parking to access Woodley Avenue, or provide a 20-foot wide driveway for at least the first 50 feet off of Main Street.

Post-it® Fax Note	7671	Date	10/15/08	# of pages	2
To	Rebecca Wheatley	From	Carol Brown		
Co./Dept.		Co.	DPR		
Phone #	2188	Phone #	3751		
Fax #	823-4236	Fax #	2877		

DAK: CEN:rk

cc: File

ZAC-ITEM NO 2009-0078-A-10022008



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

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

Account Identifier: District - 04 Account Number - 0402023420

Owner Information

Owner Name: DEUTSCH RONALD S **Use:** RESIDENTIAL
Mailing Address: STE 208 **Principal Residence:** NO
 600 BALTIMORE AVE **Deed Reference:** 1) /22798/ 453
 TOWSON MD 21204-4084 2)

Location & Structure Information

Premises Address **Legal Description**
 452 MAIN ST 452 MAIN ST WS
 135 N WOODLEY AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
48	17	900						2	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	2,294 SF	21,780.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2008	07/01/2009
Land	152,700	189,200		
Improvements:	63,000	156,000		
Total:	215,700	345,200	258,866	302,032
Preferential Land:	0	0	0	0

Transfer Information

Seller: BISSETT DAVID L	Date: 10/26/2005	Price: \$103,430
Type: IMPROVED ARMS-LENGTH	Deed1: /22798/ 453	Deed2:
Seller: BENEDICT HAZEL R	Date: 03/30/1987	Price: \$110,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 7467/ 340	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

PLEASE PRINT CLEARLY

CASE NAME Deutsch
CASE NUMBER 2009-0078-1A
DATE 11-13-08

PETITIONER'S SIGN-IN SHEET

[illegible]

0419034140

0423075475

0420030312

0404036020

0418047200

0402023420

0407048140

434

438

444

448

456

458

CASE # 1953-2750

0420080150

CASE # 2001-0056

0403048475

0402020125

0419007175

0404050741

CASE # 1974-0137

CASE # 1975-0034

RO

NW 15-K

NW 15-J

Flood Zone X

SITE

REISTERSTOWN RD

WOODLEY AVE

WOODLEY AVE

DR 3.5

BL

BM

2000001008

500

2000001007

Pt. Bk. 52 Folio 79

4-ED
048C3
3-CD

DEAN AVE

DEAN AVE

0419007775

Case No.: 2009-0078-A 452 Main Street

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Amend R2A LINED SITE PLAN	
No. 2	Permit From SIA	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

MARYLAND

DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY ADMINISTRATION

No. Ba-4-004-2006

It is agreed and understood by the acceptance of this permit that where entrances or approaches are involved, their approved location is not to be accepted by inference that a cross-over will be constructed and/or allowed through a median or grass plot in the event this highway should be developed and/or constructed as a dual highway or divided highway.

The installation of this service shall in no way change the grade and/or alignment of any existing drainage ditches or structures and in the event same are damaged or destroyed, they shall be replaced to the satisfaction of the State Highway Administration.

In the event future road improvements require the removal and/or adjustment of this service, the cost shall be borne by the permittee.

It is agreed and understood that any deviation from the plans submitted, that are out of the ordinary shall be reported to the State Highway Administration, District Engineer's Office, and a revised plan showing such changes made shall be submitted to the State Highway Administration Engineer for approval.

The permittee shall absolve the State Highway Administration from any claims or damage arising from any condition caused by the construction outlined in this permit.

The relocation and/or adjustment of any public or private utility shall be the responsibility of the permittee.

The State Highway Administration right of way affected by this permit will be left in a neat and clean condition and no excess material will be permitted to remain on or adjacent to the State Highway Administration right of way.

SIGNS: No signs or lights will be permitted on or to overhang the State Highway Administration right of way.

The necessary lights, signs, barricades, etc., shall be maintained by the permittee throughout this operation for the protection of traffic and pedestrians.

Said work to be completed within 365 days from the date hereof. (05/24/07)

Permission, when granted, to place a utility or structure within the limits of the right of way of a bridge or highway is revocable by the State Highway Administration.

The work hereby permitted shall be done under the supervision and to the satisfaction of the State Highway Administration, said State Highway Administration reserving full control over said roads or highways and the subject matter of the permit.

STATE HIGHWAY ADMINISTRATION

Neil Pedersen
Administrator

Doug Rose
**Deputy Administrator /
Engineer for Operations**

By 
David J. Malkowski
**Metropolitan District Engineer
Baltimore and Harford Counties**

PETITIONER' S

EXHIBIT NO. 2

