

IN RE: **PETITIONS FOR SPECIAL EXCEPTION, ***

VARIANCE and SPECIAL VARIANCE

S/E Side of Joppa Road, 60' SW of c/line of *
Quentin Avenue

(1807 East Joppa Road) *

9th Election District

5^h Council District *

Jennifer M. Hitt

Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0080-XSA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception, Variance and Special Variance filed by Jennifer M. Hitt, the owner of the subject property, through her attorney, Edward J. Gilliss, Esquire. The Petitioner requests a special exception to allow the conversion of an existing Class A Office Building to a Class B Office Building in an R-O (Residential – Office) Zone, pursuant to Section 204.3.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is requested from the B.C.Z.R. as follows: **(1)** from Section 409.4.A to permit a drive aisle with a width of 7.2 feet in lieu of the required 20 feet; **(2)** from Section 409.4.C to permit a travel lane with a width of 19 feet in lieu of the required 22 feet; **(3)** from Section 409.8.A.5 to permit a dead end parking bay without backup area; **(4)** from Section 204.4.C.4 to permit an 8 foot side yard setback for an addition in lieu of the required 10 feet; and lastly **(5)** for a special variance from Section 4A02.4.G to permit a proposed addition to 1807 East Joppa Road that is within the Loch Raven Boulevard/Joppa Road traffic shed. The subject property and requested relief are more particularly described on the redlined site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request(s) on behalf of the property owner, Jennifer Hitt, were her husband, Matthew B. Hitt, who has for fifteen (15) years operated his accounting business at the subject location; Bernadette L. Moskunas with Site Rite

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1-12-09

Date

By

Surveying, Inc., the consultant who prepared the site plan for this property, and Edward J. Gilliss, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case and at the onset of the hearing, the Petitioner amended the Petition and site plan in response to comments submitted by Mr. Zimmerman and Stephen E. Weber, Chief of Traffic Engineering, who had reviewed the initial site plan. The amended plan provides signage and traffic circulation detail.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel (50' wide x 160' deep) located on the southeast side of East Joppa Road between Quentin Avenue and Oakleigh Road, near the Baltimore Beltway (I-695) Overpass in Parkville. The property contains a gross area of 9,250 square feet or 0.212 acres, more or less, zoned R-O and is improved with a 1 1/2-story frame bungalow and a paved accessory parking area in the rear portion of the lot. The Petitioner purchased the site in 2002 after leasing the property and improvements for some ten (10) years prior and now proposes a rear addition to accommodate the growing CPA (Certified Public Accountant) business. As shown on the site plan, the existing building is 32' wide x 31' deep and contains approximately 1,018 square feet of office space. The Petitioner proposes the construction of a two-story addition, 25' x 30' in dimension, to the rear of the structure to provide an additional 750 square feet of commercial space. Mr. Hitt stated the basement and second floor area would be dedicated to needed storage space. The addition's first floor will serve as a desperately needed conference room and provide organizational space. These improvements and uses are more particularly shown on building elevation drawings submitted into evidence as Petitioner's Exhibit 5.

Special Exception relief is necessary to reflect the proposed expansion of the current use from a Class A Office building to a Class B Office building. A Class B office building is defined in Section 101 of the B.C.Z.R. as "A principle building used for offices and which is not a Class A Building." A Class B Office Building is permitted in the R-O zone by special exception. In this regard, the building has been used by Matthew Hitt for the past 15 years and

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has worked well without any complaint, zoning violation, or incident. The term "Office" is defined in the regulations as "A building or portion of a building used for conducting the affairs of a business, *profession*, service, industry, or government, including a medical office." Surely, this structure falls within that definition. For the Petitioner, the building is suitable and economically feasible for use at this site. The proposed 0.27 floor area ratio is appropriate and the seven (7) off-street parking spaces are adequate for the no more than five (5) office workers on premises at any one time. Mr. Hitt testified that the CPA's business primarily involves off-site visits to their client's place of business. It was further indicated that there will be no new employees, no new bathroom, no new vehicles, and, as stated above, storage will be dedicated to the basement and second floor areas with the remaining first floor for needed work space and conference room. Mr. Hitt stated that he anticipates staying at this location for at least the next thirteen (13) years and hopes to purchase 1805 East Joppa Road when the Odette's retire and close their insurance agency.

Based upon the testimony and evidence presented, I am persuaded that special exception relief should be granted. In my judgment, the proposal complies with the requirements of Section 502.1 of the B.C.Z.R. and will not cause detrimental impacts to the health, safety and general welfare of the locale.

Turning next to the variance requests, the Petitioner originally requested four (4) variances, three (3) relating to B.C.Z.R. Section 409 requirements for driveways (7.2 feet instead of 20 feet), travel lanes (19 feet instead of 22 feet), and dead-end parking (without back-up area) and one (1) from B.C.Z.R. Section 204.4.C.4 for a building side yard setback (8 feet instead of 10 feet). This Section states in pertinent part: "Minimum side yard setbacks: 10 feet, *except if the adjacent property is predominantly residentially zoned, residentially used or is adjacent to a residential street, in which case the setback shall be 20 feet*".¹ Although the adjacent properties are zoned R-O, they are used commercially and not residentially. Accordingly, the Office of

¹ In January 2005, the County Council rewrote the definitional section of the B.C.Z.R. to include the R-O zone as being within the "residential zone".

Zoning Review determined the applicable side yard setback in this case to be 10 feet. I agree. As illustrated on the site plan adjacent side-by-side properties are used commercially. Neighboring 1801 East Joppa Road is in the B.L.R. (Business Local Restricted) Zone. There is not a dissimilar use between the properties to lend support for a 20-foot side yard buffer. As to the appropriateness of this variance to permit a side yard setback of 8 feet, the 1-½ story bungalow is already built and located on the lot 7.2 feet (east side) from the property line. The setback has therefore already been established and has existed since 1951. This is corroborated by the Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning. Within the comment the Director states:

“This office supports the special exception request to expand the existing office. *The office addition is in line with and to the rear of the existing building.* The driveway servicing the building exists. The variances requested do not appear to place a burden on the existing adjacent residential uses or have negative impacts on the general vicinity.”

Due to the architectural and structural characteristics possessed by this property, not shared by other properties in the area, the requested setback relief of 8 feet in lieu of the 10 feet is in order to comply with the spirit and intent of the regulations.

Addressing the Section 409 variances, Mr. Hitt stated that the driveway on the subject property provides for a total width of 10.5 feet (8.5 feet on the subject property plus a 2 foot encroachment of the driveway onto the adjacent property to the east). This driveway/configuration has existed on the site since 1951, well before the amended zoning regulations of 1955; however, current regulations require a minimum driveway width of 20 feet.

As suggested by Steve Weber, who reviewed the plan at the request of Office of People's Counsel, Petitioner submitted Exhibit 3 - (Driveway Use Agreement), to address concerns of encroachment. This Agreement, dating back to 1984, provides for the right of the Petitioner, her heirs, and assigns, to use, for as long as it is used as a driveway, the piece of ground 2'-6" wide to

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By [Signature]

the east of the boundary line between 1809 and 1807 East Joppa Road and running 120' parallel with the western boundary of 1809 East Joppa Road. The Petitioner next requests approval to permit a travel lane with a width of 19 feet in lieu of the required 22 feet from 409.4.C. As also suggested by Stephen Weber, Petitioner submitted Exhibit 6 – (Joint Use Driveway Agreement) that states in pertinent part:

“WHEREFORE, Odette and Hitt agree that the owners, tenants, employees and customers of the aforesaid properties and the business users of those properties shall be permitted to use each other’s driveways, so that the driveway on the east edge of the properties (1805 E. Joppa Road) shall be used for ingress to the parking areas and the driveway on the far west of the properties (1807 E. Joppa Road) shall be used for egress from the parking areas. Odette and Hitt agree to instruct tenants and/or employees to use the driveways as aforesaid”.

This agreement, to pair the driveways, is demonstrated on the revised site plan (Exhibit 1) and addresses to the extent possible the substandard entrance and driveway issues.

In addition, Mr. Hitt testified from his personal knowledge of the workings of the property that surprisingly, given Mr. Weber’s comments, that there are no parking lot problems on site today. He believed this was because the Odette’s property (1805 East Joppa Road) and Hitt’s property (1807 East Joppa Road) sit side-by-side with driveways on either side of the adjoining properties with parking located behind the structures. Because both properties were formerly residences before being converted to commercial use, the driveways are narrower than if they had originally been constructed for commercial use. As noted above, Petitioner purchased 1807 East Joppa Road from Odette and intends to purchase 1805 East Joppa Road from Odette when they desire to sell. The Hitt’s intend to merge the two (2) properties once they are under common ownership. See Petitioner’s Exhibit 6. Mr. Gilliss opined that the use-in-common parking lot and access with the adjacent property qualified for relief to be granted for a

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modified parking plan pursuant to B.C.Z.R. Section 409.12. To provide compliance with current regulations, he argues would be an undue hardship on the Petitioner for reasons given. I accept the fact that there is currently no room on the nonconforming property to rectify the drive aisle deficiencies. As such, I find the property unique. I also find that the Petitioner would suffer a practical difficulty if the regulations were strictly enforced.

In regard to parking, Ms. Moskunas supplemented Mr. Hitt's testimony by noting that ordinarily adding a new addition would require more parking. However, the subject addition will be used by the existing CPA business employees; therefore, the seven (7) spaces will provide more than adequate parking. People's Counsel correctly points out that B.C.Z.R. Section 204.4.C.6 and 9 requires Class B Office buildings to provide amenity open space in the interior portion of the parking lot in addition to buffer area requirements. Ms. Moskunas noted that a retaining wall runs along the parking area at the boundary between the subject property and 1809 East Joppa Road. *See* Photographic Exhibits 4B-9 through 4B-16. There is existing planting provided with existing mulch areas that runs perpendicular (east to west) across the parking area with 1805 East Joppa Road. Additionally, a 7-foot wood-on-wood board privacy fence runs across the entire rear property line separating the R-O from the D.R.5.5 residential uses to the rear. As evidenced on Petitioner's Exhibit 1 - General Note 13, the Petitioner shall submit for review and approval a landscape plan to Avery Harden, the County's Landscape Architect, at the time of building permit application. To require the Petitioner to provide additional amenity open space in the parking lot given these facts would be inconsistent with other commercial uses in the vicinity.

In addition, special variance relief is requested in order to proceed with the proposed development, the ZAC comments issued by reviewing agencies as a result of their respective

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review of the site alerted Petitioner to the fact that the subject property is located within the shed of a failing intersection as well as an "Area of Special Concern" for sewer. The "F" level traffic shed identified is Loch Raven and Joppa Roads. This intersection has been assigned an "F" level of service pursuant to the current Basic Service Map for transportation. Thus, and as will be explained in more detail below, the instant Petition for Special Variance was filed.

Pursuant to Section 4A00.1 of the B.C.Z.R., the purpose and intent of Article 4A, entitled "Growth Management," is to generally "implement the objectives of the County-wide Master Plan and to adopt standards and guidelines relative to new development." Additionally, the growth management regulations seek to encourage development patterns that are consistent with the preservation of the quality of life in existing neighborhoods, to ensure the adequacy of public facilities and infrastructure, the preservation of the natural, agricultural and environmental resources and to promote appropriate new growth and development. The purpose and intent of the Basic Services Maps of the growth management regulations is set forth in Section 4A02.1 of the B.C.Z.R. Therein, it is provided that Basic Service Maps are to be annually prepared by the County to ensure that public facilities are in place to adequately serve proposed development. Additionally, Section 4A02.2 of the B.C.Z.R. states that in the event of any conflict between the growth management regulations and any other provision of the B.C.Z.R., the provisions of the growth management regulations control. Thus, the Petition for Special Variance requested in this case is governed by the requirements in Article 4A and, hence, the variance provisions of Section 307 of the B.C.Z.R. are not applicable.

Mr. Gilliss demonstrated that the only ingress and egress to the subject site is by way of the eastbound lanes of Joppa Road. He discussed several factors that mitigate against any anticipated impacts at the subject intersection. First, Joppa Road's eastbound and westbound

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traffic lanes are separated by a concrete median as depicted on the photographs submitted. *See* Petitioner's Exhibit 4B-1 through 4B-6. Traffic exiting 1807 East Joppa Road must therefore proceed east on Joppa Road away from the failing intersection. Secondly, there will be no increased traffic as a result of the proposed addition in as much as the employees will remain the same. This testimony is substantiated by Stephen Weber, who in his correspondence to the Office of People's Counsel dated October 19, 2008, states in pertinent part:

"Based on the relatively small size of the addition, the distance of this site from the critical intersection, and recognizing that the eastern border of the moratorium area only lies 200 feet to the east at the Beltway, we would find that the additional traffic impacts from this site on the critical intersection would be nearly imperceptible and therefore we would have no objection to the granting of a Special Variance for this proposal".

Based upon the foregoing, I find that the testimony and evidence that has been offered is sufficient to comply with the special variance standard set forth in Section 4A03.4.G of the B.C.Z.R. Thus, the Petition for Special Variance shall be granted and relief approved so that the proposed improvement may be approved and building permits issued for this addition notwithstanding its location within the shed of a failing intersection. It is clear that there will be no impact on the "F" intersection.

After due consideration of all of the testimony and evidence presented, a review of the provisions contained within Petitioner's Deed (Exhibit 2) and Agreement(s) – (Exhibits 3 and 6), I am persuaded to grant the special exception and variance requests. The testimony and amended site plan presented by Ms. Moskunas and the fact that the CPA business has been operating for 15 years without incident is persuasive to a finding that the proposed use meets the special exception requirements set forth in Section 502.1 of the B.C.Z.R. as well as Section 307 and *Cromwell v. Ward* 102 Md. App. 691 (1995) and will not be detrimental to the health, safety or general welfare of the surrounding locale. I further find that the proposed use is consistent with and will complement the other businesses in the vicinity, and that sufficient parking exists to support the use.

FILED
Date 1-12-09
By [Signature]

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of January 2009 that the Petition for Special Exception, pursuant to Section 204.3.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a Class B office building in an R-O zone, be and is hereby GRANTED; and,

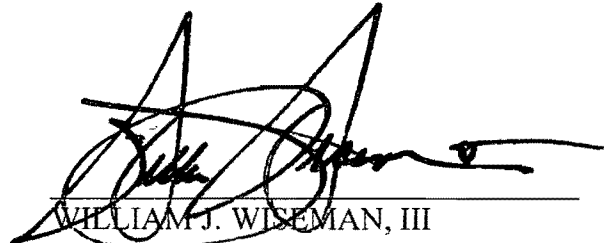
IT IS FURTHER ORDERED that the Petition for Variance, seeking relief from the B.C.Z.R. as follows: (1) from Section 409.4.A to permit a drive aisle with a width of 7.2 feet in lieu of the required 20 feet; (2) from Section 409.4.C to permit a travel lane with a width of 19 feet in lieu of the required 22 feet; (3) from Section 409.8.A.5 to permit a dead end parking bay without backup area, and (4) from Section 204.4.C.4 to permit an 8 foot side yard setback for an addition in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Variance seeking relief from Section 4A02.4.G of the B.C.Z.R. to permit the construction of a proposed addition to 1807 East Joppa Road within the Loch Raven Boulevard/Joppa Road traffic shed and a finding that such improvements will not adversely impact the traffic shed in which this property is located, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed addition shall be constructed substantially in accordance with the building elevation drawings accepted and marked as Petitioner's Exhibit 5.

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- 3) Prior to the issuance of any permits, the Petitioner shall submit a landscape plan for review and approval by Avery Harden, the County's Landscape Architect.
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

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Date 1-12-09
By 193



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 12, 2009

WILLIAM J. WISEMAN III
Zoning Commissioner

Edward J. Gilliss, Esquire
Royston, Mueller, McLean & Reid, LLP
102 West Pennsylvania Avenue, Suite 600
Towson, Maryland 21204

IN RE: PETITIONS FOR SPECIAL EXCEPTION, VARIANCE and SPECIAL VARIANCE
S/E Side of Joppa Road, 60' SW of c/line of Quentin Avenue
(1807 East Joppa Road)
9th Election District - 5^h Council District
Jennifer M. Hitt – Petitioner
Case No. 2009-0080-XSA

Dear Mr. Gilliss:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception, Variance and Special Variance have been granted with restrictions, in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'William J. Wiseman III', written over a large, stylized circular mark.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Jennifer and Matthew B. Hitt, 1807 East Joppa Road, Baltimore, MD 21234
Bernadette L. Moskunus, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101,
Towson, MD 21286
People's Counsel; Office of Planning; Stephen E. Weber, Chief of Traffic Engineering;
Avery Harden, County's Landscape Architect, DPDM; File



TAX. ACCOUNT # 906572430

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1807 E. Joppa Road
which is presently zoned RO

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.A; BCZP To permit a drive aisle with a width of 7.2 ft in lieu of the required 20 ft.; 409.4.C. To permit a travel lane with a width of 19 ft. in lieu of the required 22 ft.; 409.8.A.5. To permit a dead end parking bay without back up area and 204.4.C.4. to permit an 8 ft. sideyard setback for an addition in lieu of the required 10 ft.

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

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:

EDWARD GREGG GILLISS
Name - Type or Print

Signature

ROYSTON MUELLER MCLEAN + REID
Company

102 W PENNSYLVANIA AVE SUITE 600
Address Telephone No.

TOWSON MD 21204
City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

1008 COWPER'S RD 410 825-5655
Address Telephone No.

TOWSON MD 21286
City State Zip Code

Representative to be Contacted:

MARTHA ELLIOTT / CAM CONSTRUCTION
Name

108 W. TIMONIUM RD SUITE 201
Address Telephone No.

TIMONIUM MD 21093
City State Zip Code

OFFICE USE ONLY

Case No. 2009-0080-XSA

ESTIMATED LENGTH OF HEARING _____

REV 9/15/98

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Date 1-12-09

By [Signature]

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 7-19-08



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1807 E. Joppa Rd 21234
which is presently zoned RD

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 CLASS B OFFICE BUILDING (204.B.2; BC2R).

A XSA

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:

Name - Type or Print EDWARD GILLES

Signature [Signature]

Company ROYSTON MARIAN McLEAN - REGIO

Address 102 W. PENNSYLVANIA AVE SUITE 600 Telephone No. 410 823-1800

City TOWSON State MD Zip Code 21204

Legal Owner(s):

Name - Type or Print JENNIFER HITT

Signature [Signature]

Name - Type or Print _____

Signature _____

Address 1008 COWPENS RD 410 825-5055

City TOWSON State MD Zip Code 21286

Representative to be Contacted:

Name MARTHA ELLIOTT / CAM CONSTRUCTION

Address 108 W. TIMONIUM RD SUITE 201 Telephone No. 410 500 2828

City TIMONIUM State MD Zip Code 21093

OFFICE USE ONLY

Case No. 2009-0080-XSA

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

REV 09/15/98

ORDER RECEIVED FOR FILING
Date 1-12-09
By [Signature]

Reviewed By [Signature] Date 9-19-08



TAX. ACCOUNT #

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Petition for Variance SA

to the Zoning Commissioner of Baltimore County

for the property located at 1807 East Joppa Roadwhich is presently zoned RO

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) 4A01, et seq., Basic Services Maps, so as to establish that the proposed addition to 1807 East Joppa Road will not adversely impact the traffic shed in which this property is located.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) There will be no increased traffic as a result of the proposed addition inasmuch as the number of employees will remain the same and, further, the traffic exiting 1807 East Joppa Road must proceed east on Joppa Road, away from the failing intersection.

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:

Edward J. Gilliss

Name - Type or Print

Signature

Royston, Mueller, McLean & Reid, LLP
Company

102 W. Pennsylvania Avenue, Suite 600

Address

Telephone No.

Towson, MD 21204

410-823-1800

City

State

Zip Code

Legal Owner(s):

Jennifer Hitt

Name - Type or Print

Signature

Name - Type or Print

Signature

1008 Cowpens Road

410-661-5537

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

Representative to be Contacted:

Matthew B. Hitt

Name

1807 East Joppa Road

410-661-5537

Address

Telephone No.

Baltimore

MD

21234

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Date 10-9-08Case No. 2009-0080-4SA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

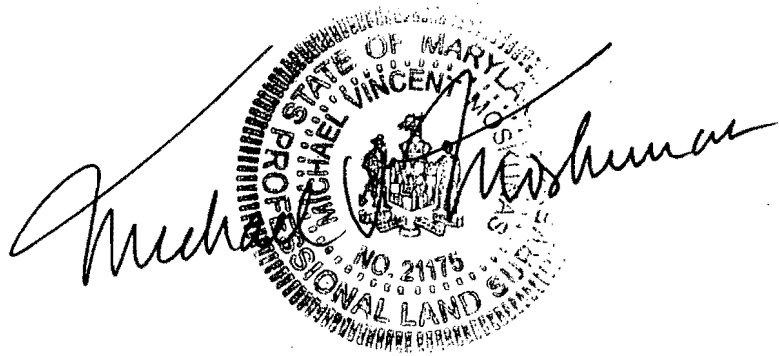
1-12-09

By

[Signature]

**ZONING DESCRIPTION
#1807 EAST JOPPA ROAD**

BEGINNING at a point on the southeast side of East Joppa Road which is 60 feet wide at the distance of 60 feet southwest of the center line of Quentin Avenue which is 40 feet wide. Being part of Lot 114 in the subdivision of "Joppa Heights Little Farm" recorded in Baltimore County Plat Book No. 6, folio No. 166, containing 9,250 S.F. Also known as #1807 East Joppa Road and located in the 9th Election District, 5th Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

No. 23857
Date: 10-9-08

PAUL BRENN

[illegible]

Date: 10.9.08

Rev	Sub
Source/	Rev/

[illegible]

Total: 200. —

Rec
From: J. HITT

For: 2009-0080-4A (Revision fee)

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

**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: #2009-0080-XSA
1807 East Joppa Road
S/east side of Joppa Road, 60
feet s/west of centerline of
Quentin Avenue
9th Election District.

5th Councilmanic District
Legal Owner(s): Jennifer Hitt

Special Variance: for Basic
Service Maps, so as to estab-
lish that the proposed addition
to 1807 E. Joppa Road will not
adversely impact the traffic
shed in which this property is
located. **Special Exception:** for
a Class B office Building.

**Hearing: Friday, December
12, 2008 at 9:00 a.m. in
Room 104, Jefferson Build-
ing, 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 concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

JT/11/731 Nov. 25 189321

CERTIFICATE OF PUBLICATION

11/27, 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 11/25, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

**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: # 2009-0080-XSA
1807 East Joppa Road
S/east side of Joppa Road, 60 feet s/west of centerline of Quentin Avenue
9th Election District
5th Councilmanic District
Legal Owner(s): Jennifer Hitt
Special Variance: for Basic Service Maps, so as to establish that the proposed addition to 1807 E. Joppa road will not adversely impact the traffic shed in which this property is located. **Special Exception:** for a Class B office Building.
Hearing: Monday, January 5 2009 at 2:00 p.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.
12/205 Dec. 18 190799

CERTIFICATE OF PUBLICATION

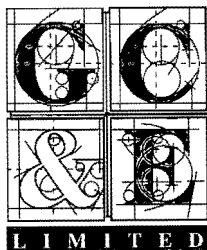
12/18/, 2008

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 12/18/, 2008.

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

S. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 2009-0080-XSA

OWNER/DEVELOPER: Jennifer Hitt

PETITIONER:

CONTRACT PURCHASER:

DATE OF HEARING: January 5, 2009

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: 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

(see page 2 for full size photo)

LOCATION:

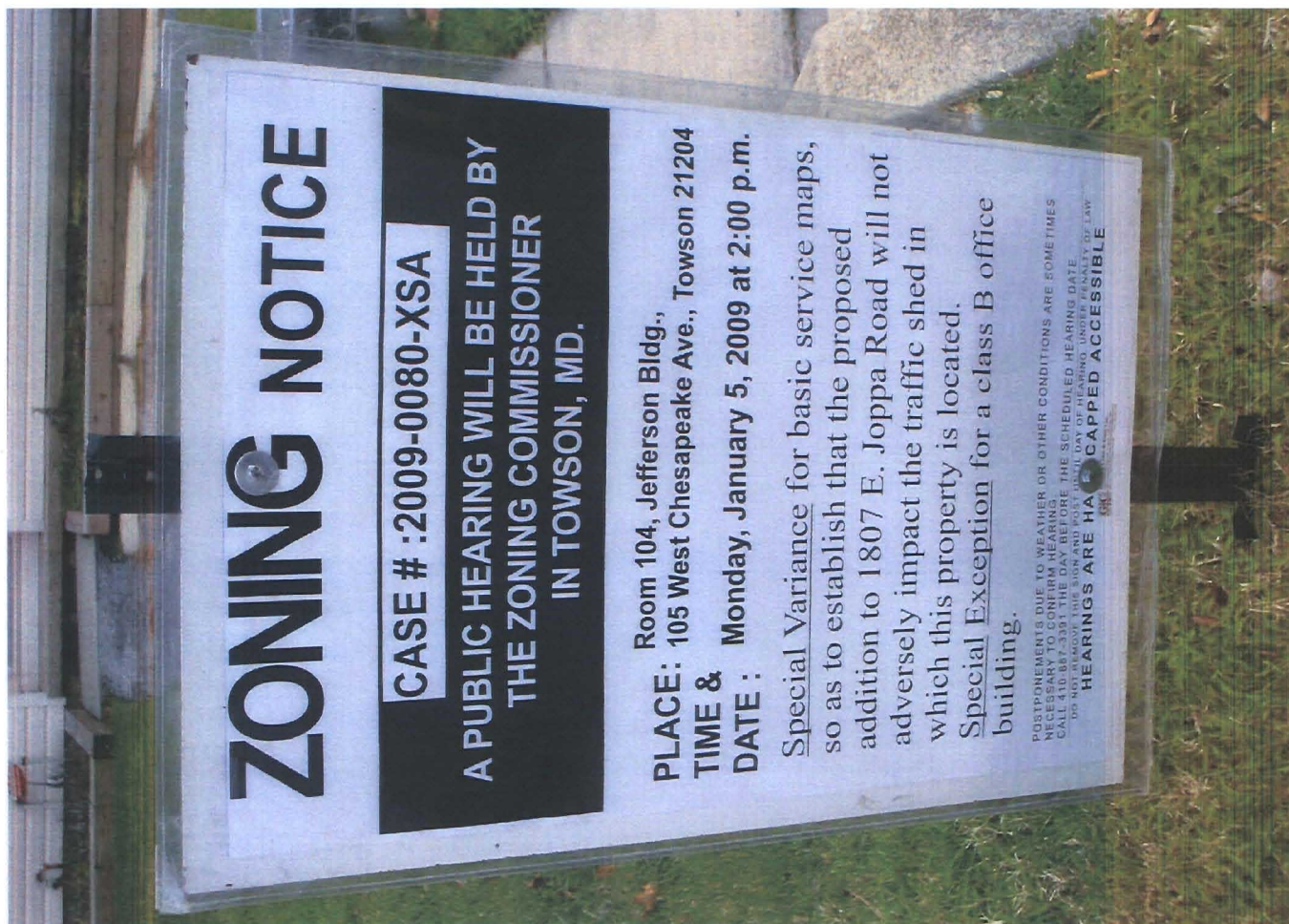
1807 East Joppa Road

SIGNATURE OF SIGN POSTER

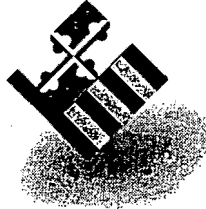
Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: December 18, 2008







BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 10, 2008
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NEW NOTICE OF ZONING HEARING

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1807 East Joppa Road

S/east side of Joppa Road, 60 feet s/west of centerline of Quentin Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Jennifer Hitt

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Hearing: Monday, January 5, 2009 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Edward Gillis, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
Jennifer Hitt, 1008 Cowpens Road, Towson 21286
Matthew Hitt, 1807 E. Joppa Road, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., DECEMBER 20, 2008**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 25, 2008 Issue - Jeffersonian

Please forward billing to:

Jennifer Hitt
1008 Cowpens Road
Towson, MD 21286

410-661-5537

NOTICE OF ZONING HEARING

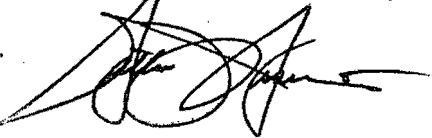
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1807 East Joppa Road
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9th Election District – 5th Councilmanic District
Legal Owners: Jennifer Hitt

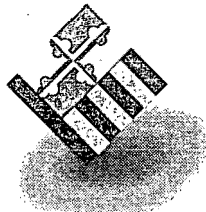
Special Variance for Basic Service Maps, so as to establish that the proposed addition to 1807 E. Joppa Road will not adversely impact the traffic shed in which this property is located.
Special Exception for a Class B office Building.

Hearing: Friday, December 12, 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
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

October 30, 2008
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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Hearing: Friday, December 12, 2008 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Edward Gillis, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
Jennifer Hitt, 1008 Cowpens Road, Towson 21286
Matthew Hitt, 1807 E. Joppa Road, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURS., NOVEMBER 27, 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.

was
12/12

now
1/5

2009-0080-XSA BW 1/5
2pm

R. J.
E. F.
WILL
TH
LAU
KEI
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EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD

LEANNE M. SCHRECEGOST
DAVID F. LUBY
JONATHAN M. HERBST
JAMES L. SHEA, JR.
MARTHA K. WHITE
ALICE L. ARCIERI

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600
THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800
FACSIMILE 410-828-7859
www.rmmr.com

OF COUNSEL
EUGENE W. CUNNINGHAM, JR., P.A.
H. EMSLIE PARKS*
BRADFORD G.Y. CARNEY
LISA J. McGRATH

COUNSEL EMERITUS
RICHARD A. REID

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

JOHN W. BROWNING
1963-2008

* ALSO ADMITTED IN D.C.

December 8, 2008

William J. Wiseman, Esquire
Zoning Commissioner
105 Jefferson Building, Suite 103
Towson, Maryland 21204

RECEIVED
DEC 09 2008

Re: 1807 East Joppa Road - Variance

BY:

Dear Mr. Wiseman:

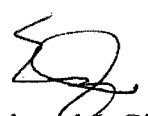
This letter follows my discovery of the fact that the above-captioned property was not posted as required in advance of the scheduled December 12, 2008 hearing.

Hence, I understand that a new hearing date must be set and that the Department of Permits and Development has re-set this matter for January 5, 2009 at 2:00 p.m.

The Petitioner will be prepared to proceed on January 5, 2009 at 2:00 p.m.

Thanks for your cooperation.

Very truly yours,



Edward J. Gilliss

EJG/ges

cc: Peter Max Zimmerman, Esquire

CLTIGATION SECCION 1807E Joppa Road Variance Wiseman 12/08/08

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmlr.com

December 8, 2008

OF COUNSEL

EUGENE W. CUNNINGHAM, JR., P.A.
H. EMSLIE PARKS*
BRADFORD G.Y. CARNEY
LISA J. McGRATH

COUNSEL EMERITUS

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1913-1991H. ANTHONY MUELLER
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1963-2008

* ALSO ADMITTED IN D.C.

R. TAYLOR McLEAN
E. HARRISON STONE
WILLIAM F. BLUE
THOMAS F. McDONOUGH
LAUREL PARETTA REESE*
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARDLEANNE M. SCHRECENGOST
DAVID E. LUBY
JONATHAN M. HERBST
JAMES L. SHEA, JR.
MARTHA K. WHITE
ALICE L. ARCIERIWilliam J. Wiseman, Esquire
Zoning Commissioner
105 Jefferson Building, Suite 103
Towson, Maryland 21204

RECEIVED

Re: 1807 East Joppa Road - Variance

BY:.....

Dear Mr. Wiseman:

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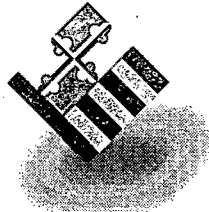


Edward J. Gilliss

EJG/ges

cc: Peter Max Zimmerman, Esquire

C:\G:\EN\SEC\1807\1807-Joppa Road Variance\Wiseman\2008\12-08-08.doc



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

December 10, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NEW NOTICE OF ZONING HEARING

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Timothy Kotroco
Director

TK:klm

C: Edward Gillis, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
Jennifer Hitt, 1008 Cowpens Road, Towson 21286
Matthew Hitt, 1807 E. Joppa Road, Baltimore 21234

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TO: PATUXENT PUBLISHING COMPANY
Thursday, December 18, 2008 Issue - Jeffersonian

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Jennifer Hitt
1008 Cowpens Road
Towson, MD 21286

410-661-5537

NOTICE OF ZONING HEARING

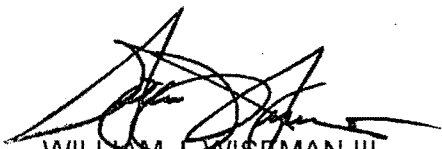
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WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) 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: 0080
Petitioner: Jennifer Hitt
Address or Location: 1807 East Joppa Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer Hitt
Address: 1008 Cowpens Road
Towson, MD 21286
Telephone Number: 410 825-5655

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 23, 2008

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

SUBJECT: 1807 East Joppa Road

INFORMATION:

Item Number: 9-080

Petitioner: Jennifer Hitt

Zoning: RO

Requested Action: Special Exception and Variance

The petitioner is seeking a special exception to allow a class B office building in a RO zone. The petitioner is also seeking a multiple variances to permit a drive aisle width of 7.2 feet in lieu of 22 feet, a travel lane width 19 feet in lieu of the required 22 feet, a dead-end parking bay without a back-up area and a side yard setback of 8 feet in lieu of the required 10 feet.

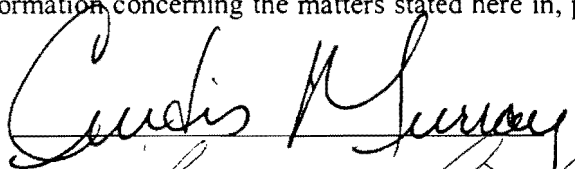
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following comments:

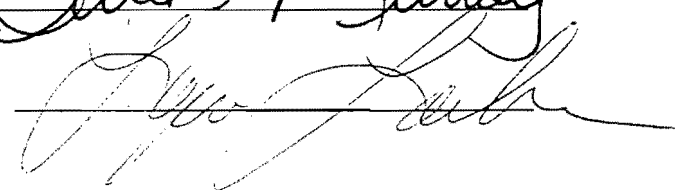
This office supports the special exception request to expand the existing office. The office addition is in line with and to the rear of the existing building. The driveway servicing the building exists. The variances requested do not appear to place a burden on the existing adjacent residential uses or have negative impacts on the general vicinity.

Advisory: the proposed building falls within an "F" level intersection traffic shed; a special variance to Section 4A02.4.G of the Baltimore County Zoning Regulations may be required for the impacts this proposal may place on the said intersection. It is the position of the Office of Planning that the minor nature of the proposed addition would indicate that the standard is not relevant to the development proposal.

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

Reviewed by: 

Division Chief:
AFK/LL: CM



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



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 2009-0080-XA
1008 COWPEN ROAD
HITT PROPERTY.
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. ~~2009-0080-XA~~.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael P. Bailey" or similar, written over the typed name of Steven D. Foster.

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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





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. 20, 2008

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

RE: Baltimore County

Item No. ~~2009-0080-XSA~~
1807 E. JOPPA ROAD
HITT PROPERTY
SPECIAL VARIANCE
SPECIAL EXCEPTION

Dear Ms. Matthews:

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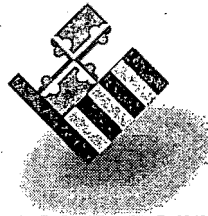
Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

October 21, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 20, 2008

Item Numbers: Item Number 0047 **0080** and 0090 through 0099

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
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, ^{Dart}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 6, 2008
Item No. 2009-0080-XA

It appears that this site has access through the adjacent property to the west, so the 7.2-foot-wide driveway could be made one-way entering the site. We would have no objection to that. If that is not feasible or is not workable, an alternative would be to widen the driveway to 16 feet from East Joppa Road (including the concrete apron) to a point 30' away from East Joppa Road. This would leave space for a car to enter the site when another car is leaving so that the entering car does not have to stop on East Joppa Road. We do not recommend granting the variance.

We have no objection to granting the travel-lane width, the missing back-up area or the setback variances.

Also, we note that this site is in an "Area of Special Concern," for sewer and is in an 'F' level traffic shed. No building permit can be issued without the Director of Public Works' permission for sewer. Relief from the Zoning Commissioner is required to obtain a building permit in the 'F' level traffic shed.

DAK:CEN:lrk

cc: File

ZAC-ITEM NO 2009-0080-XA-1022008

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 22, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For October 27, 2008
Item Nos. 09-047, ~~080~~ 091, 092, 093,
094, 095, 096, 097, 098 & 099

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

DAK:CEN:cab
cc: File
ZAC-10272008-NO COMMENTS

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE *
1807 E. Joppa Road; SE/S Joppa Road, * ZONING COMMISSIONER
60' SW c/line of Quentin Avenue *
9th Election & 5th Councilmanic Districts * FOR
Legal Owner(s): Jennifer Hitt *
Petitioner(s) * BALTIMORE COUNTY
* 09-080-XA

* * * * *

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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

SEP 29 2008

[Signature]

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 Martha Elliott, Cam Construction, 108 W. Timonium Road, Suite 201, Timonium, MD 21093 & Edward Gilliss, 102 W. Pennsylvania Avenue, Suite 600, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
 Real Property Data Search (2007 vw1.1)

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

Account Identifier: District - 09 Account Number - 0906572430

Owner Information

Owner Name: HITT JENNIFER M **Use:** COMMERCIAL
Mailing Address: 1008 COWPENS AVE **Principal Residence:** NO
 BALTIMORE MD 21286-1625 **Deed Reference:** 1) /16094/ 622
 2)

Location & Structure Information

Premises Address **Legal Description**
 1807 E JOPPA RD PT LT 114
 1807 E JOPPA RD
 JOPPA HEIGHTS LITTLE FA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
71	7	1094					114	2	Plat Ref: 6/ 166

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1951	1,257 SF	9,250.00 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	92,500	185,000			
Improvements:	80,900	90,000			
Total:	173,400	275,000	207,266	241,132	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: ODETTE LAWRENCE H	Date: 02/11/2002	Price: \$152,000
Type: IMPROVED ARMS-LENGTH	Deed1: /16094/ 622	Deed2:
Seller: WRIGHT SHIRLEY M	Date: 10/24/1988	Price: \$136,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8007/ 341	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 *



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 22, 2008

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

RECEIVED
BY: _____

Re: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION
Jennifer Hitt- Petitioner
1807 E. Joppa Road
Case No: 09-080-XA

Dear Mr. Wiseman,

As is our custom, because this case involves traffic issues, we asked Stephen E. Weber, Chief of Traffic Engineering, to review the site plan. He sent the enclosed e-mail report dated October 9, 2008, which we forward for your consideration. Our review also reveals zoning problems relating to landscape buffers and amenity open space. No hearing date has been set.

1807 Joppa Road is in an R.O. Zone. It is about one-fifth of an acre in size and 50 feet in width. There is an existing bungalow apparently converted from residential to general office use as a "Class A" office building. The proposal is for a substantial addition to the rear of the 1.5 story building. The tax records list the existing building as built in 1951 and having an area of 2200 square feet. The site plan lists it as 1,050 square feet, but that would appear to be the first floor only. The site plan shows the building is about 32 feet wide. The proposed substantial 2-story addition appears to be about 1500 square feet, 750 square feet for each story.

The expansion places the office building in the "Class B" category and requires a special exception (conditional use) under § 204.3.B.2. It involves four variances, three relating to BCZR § 409 requirements for driveways (7.2' instead of 20'), travel lanes (19' instead of 22'), and dead-end parking bay (without back-up area), and one for the BCZR § 204.4.C.4 R.O. Zone building sideyard setback (8' instead of 10' – actually 20' for R.O. residential zone.)

The petition omits other required variances. The law requires a minimum landscape buffer of 20 feet from any predominantly residential zone or use. BCZR § 204.4.C.9.c.(1). Here, there is a D.R. 5.5 zone to the rear and an R.O. Zone on each side. (An R.O. Zone is a residential zone under BCZR § 101). There is also a minimum 7% amenity open space for the interior of the parking lot, not including setback and buffer area requirements. BCZR § 204.4.C.6.

October 22, 2008

Page 2

As to traffic engineering, Mr. Weber identifies access problems at this narrow and constrained site. The two-way access from the south side of Joppa Road to the rear parking area is on the east side of the building. It is already substantially substandard under BCZR § 409.4.A, 7-8 feet wide instead of the minimum 20 feet. (It is substandard even for one-way movements). The 1945 zoning ordinance had minimal parking controls. These were amended in 1955 and again comprehensively in 1988. We do not know when the property was converted to office use, and what consideration was given to the parking requirements at that time.

Mr. Weber also describes an encroachment problem with 1809 Joppa Road for vehicles turning in the rear parking area, which the addition would appear to aggravate. There likewise appears to be an encroachment problem with 1809 at the very narrow entrance. It thus appears that the proposed addition would aggravate an already existing access problem.

Another concern is that the site plan lists five employees for this expanded office use. There are seven proposed parking spaces. This raises the question whether there are sufficient spaces for the employer(s), employees, and customers or clients --- whether for the existing accounting practice or potential other future general office uses.

Mr. Weber recommends, at the very least, that the driveway be widened to 16-20 feet at the Joppa Road entrance, for a minimum distance of 30 feet to the building. This will prevent or minimize the hazard of vehicles entering from Joppa Road having to come to a stop in the travel lane to wait for a vehicle to exit. It would represent an improvement of the existing situation.

Mr. Weber also identifies a practical concern about negotiation of the parking area behind the building. The proposed addition is almost as wide as the building. It leaves little room for maneuver on the east side. The parking space closest to the addition complicates this problem. There is also a constrained area for vehicles backing out of the proposed corner spaces.

Mr. Weber also suggests integration and pairing the driveway at 1807 with the 13-foot driveway at 1805 Joppa Road, which, while also substandard, is wider than at 1807. This would allow 1805 to serve as a one-way entrance only and 1807 as a one-way exit with room for two vehicles. It would necessitate agreement and coordination of the property owners, and an amended parking plan generally. This brings to mind the concern that the owner of 1805, currently an insurance office, may also wish to expand. This would further add to congestion in the rear parking lot. }

Please note, from the point of view of the law, that the existence of a nonconforming substandard access is not a "unique" situation or practical difficulty so as to justify a variance, especially for expansion of an existing use. When zoning law imposes new standards, it does not translate as a "disproportionate" property impact. Otherwise, every new zoning law would give every property owner affected an excuse to ask for a variance for any new project which fails to comply. This would effectively negate the zoning law and turn the process into a charade.

Under these circumstances, it is challenging to rationalize or justify a special exception and major variances for an addition on this narrow property, which already fails to meet

William J. Wiseman, III, Zoning Commissioner

October 22, 2008

Page 3

minimum standards. Attention must also be paid to Mr. Weber's report and the practical problems described above.

The failure to satisfy R.O. Zone landscape buffer and amenity open space requirements also weighs against expansion. The site plan has a superficial landscaping note 13, and makes no mention of the BCZR § 204.4.C.6 and 9 standards. Separately, Note 19 lists an existing illuminated double-faced sign, but does not provide any specifications. The site plan gives no indication if it meets the requirements of the sign law. This should be shown and verified.

We spoke preliminarily with Petitioner's attorney, Edward Gilliss, Esquire, before completing our review. We faxed him a copy of Mr. Weber's report. We look forward to his review of the report and the additional observations here. As to the report's additional note that a special variance is required, Petitioner's counsel has informed us that such a petition has recently been filed to go along with the initial petition.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter Max Zimmerman". The signature is fluid and cursive, with the first name "Peter" and last name "Zimmerman" clearly legible, and "Max" in the middle.

Peter Max Zimmerman

People's Counsel for Baltimore County

Enclosure

cc: Edward Gilliss, Esquire, Attorney for Petitioner
Stephen Weber, Chief
Dennis Kennedy, PDM

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy
Date: 10/09/2008 6:54 PM
Subject: Case No. 09-80-XA, 1807 E. Joppa Rd
Attachments: 1807E.JoppaRd-a.bmp; 1807E.JoppaRd.bmp

Mr. Zimmerman:

The subject site is an existing office building on RO zoned property which appears to share a use-in-common parking lot, and potentially access, with the property to the west at #1805 E. Joppa Rd. Attached is both an aerial photo of the site as well as a perspective aerial photo of the rear of the site. Both sites are essentially paved in the rear from the east to the west property lines and almost to the southern property lines as well. Likewise, the currently driveway running along the eastern side of the subject site appears to actually encroach about 3 feet onto the property to the east at #1809 E. Joppa Rd. There is no connection between the rear parking lots of #1807 & #1809.

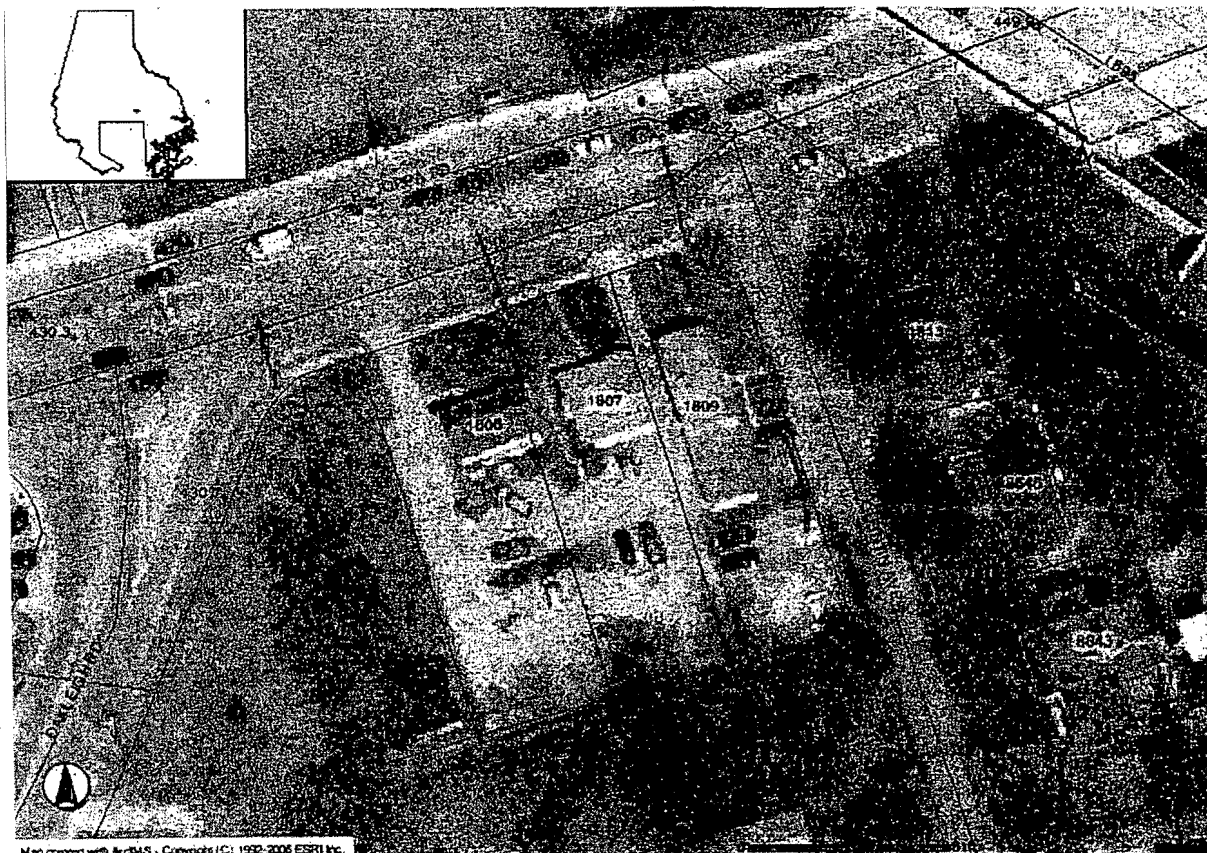
The proposed change is to build an addition to the rear of #1807 into what is now a paved parking lot. It shows this addition to only be 8 feet off the property line, leaving only an 8-foot wide driveway on the property, narrowing to 7.2 feet closer to Joppa Rd. Based on the turning template required to get a passenger car to negotiate the proposed area behind this building, the only way the driveway access can function is making the allowance that the vehicle has to encroach onto the neighboring property to the east at #1809. While this encroachment already exists, it is unclear whether this encroachment is knowingly occurring or whether there is any formalized agreement to allow it to occur now and continue into the future. ~~Should the next door property owner decide to deny future encroachment onto their property, access in and out of #1807 from Joppa Rd would be extremely difficult, especially with the proposed building addition and parking layout.~~

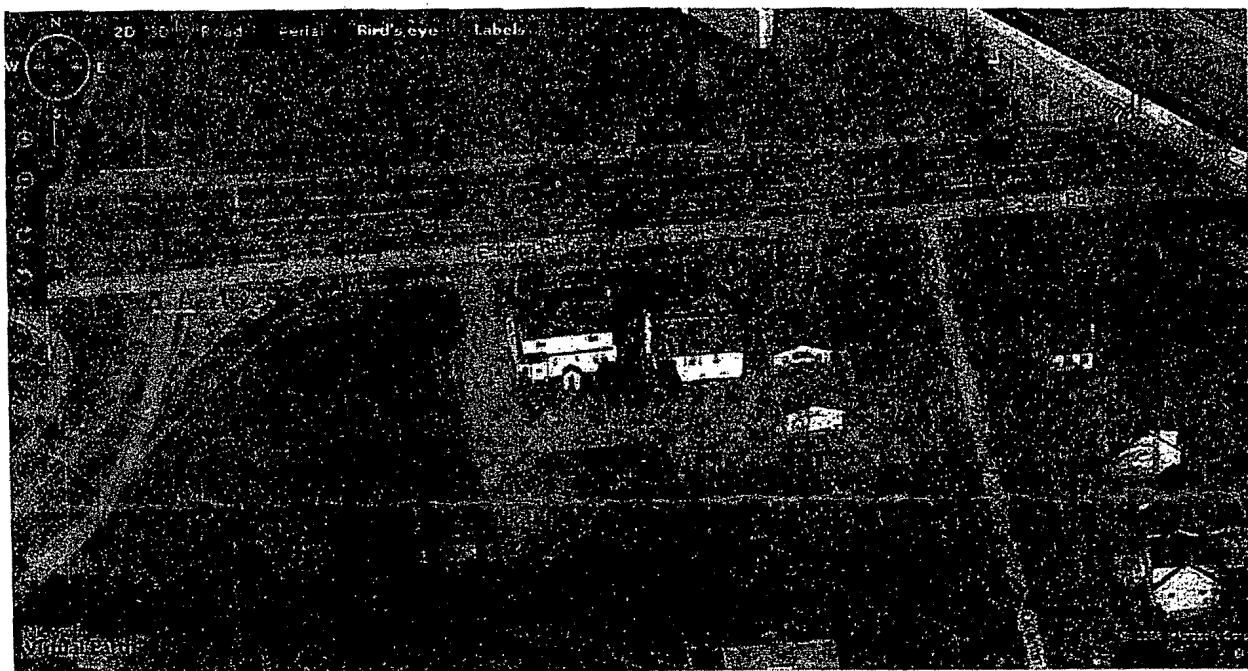
The site has a substandard entrance onto Joppa Rd, it being approximately 8.5 feet on the subject property plus a 2-foot ~~encroachment of the driveway onto the neighboring property to the east, providing a total 10.5.~~ (Again, it is not known if there is any formal agreement regarding this encroachment.) ~~At an absolute minimum it should be 16 feet wide approaching Joppa Rd, and desirably 20 feet wide, from the south side of Joppa Rd to a minimum of 30 feet away from Joppa Rd, and desirably 35 feet away.~~ Another option to address the substandard entrance would be to pair the driveway of #1805 E. Joppa Rd with #1807, to make one driveway one-way in and the other one-way out. (It should be noted that the driveway for #1805 E. Joppa Rd is also substandard, being approximately 13 feet wide.)

Also be advised that this property is within the traffic moratorium area defined on the County's Transportation Basic Services Maps, as caused by the level-of-service "F" intersection at E. Joppa Rd & Loch Raven Blvd. Therefore, the petitioner could not obtain a building permit for this office expansion unless the Zoning Commissioner also grants approval of a Special Variance from the Basic Services Legislation. However, in the petitions for variance in this case, I do not see any application for a Special Variance. Based on the relatively small size of the addition, the distance of this site from the critical intersection, and recognizing that the eastern border of the moratorium area only lies 200 feet to the east at the Beltway, we would find that the additional traffic impacts from this site on the critical intersection would be nearly imperceptible and therefore we would have no objection to the granting of a Special Variance for this proposal, provided the other deficiencies on the site plan can be addressed.

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





ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

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H. EMSLIE PARKS*

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LISA J. McGRATH

COUNSEL EMERITUS

RICHARD A. REID

CARROLL W. ROYSTON

1913-1991

H. ANTHONY MUELLER

1913-2000

JOHN W. BROWNING

1963-2008

* ALSO ADMITTED IN D.C.

R. TAYLOR McLEAN
E. HARRISON STONE
WILLIAM F. BLUE
THOMAS F. McDONOUGH
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LEANNE M. SCHRECEGOST
DAVID F. LUBY
JONATHAN M. HERBST
JAMES L. SHEA, JR.
MARTHA K. WHITE

October 9, 2008

VIA HAND-DELIVERY

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

Re: 1807 East Joppa Road - Variance

Dear Sir/Madam:

Enclosed please find a Petition for Variance which should be added to the documents previously filed with your office regarding the property known as 1807 East Joppa Road.

I have received from the People's Counsel an Entry of Appearance. A copy of that document is enclosed. I bring this matter to your attention because the caption incorrectly identifies the property address. Will you please change all filings to reflect that the property subject to the Petition is 1807 East Joppa Road. (The property owner's home address is 1008 Cowpens Road.)

Consistent with my October 6, 2008 discussions with Joe Merrey of your Office, I enclose with this letter three original Petitions for Variance (SA) concerning the need to add to the items to be heard the fact that the proposed addition is within a failing traffic shed.

Further, consistent with the Department's requirements, I enclose a check made payable to Baltimore County in the amount of \$200.00 to cover the cost of amending the compliment of matters to be heard by the Hearing Officer/Zoning Commissioner.

At your earliest convenience, please advise when this matter may be set for a hearing.

I thank you for your cooperation.

Very truly yours,

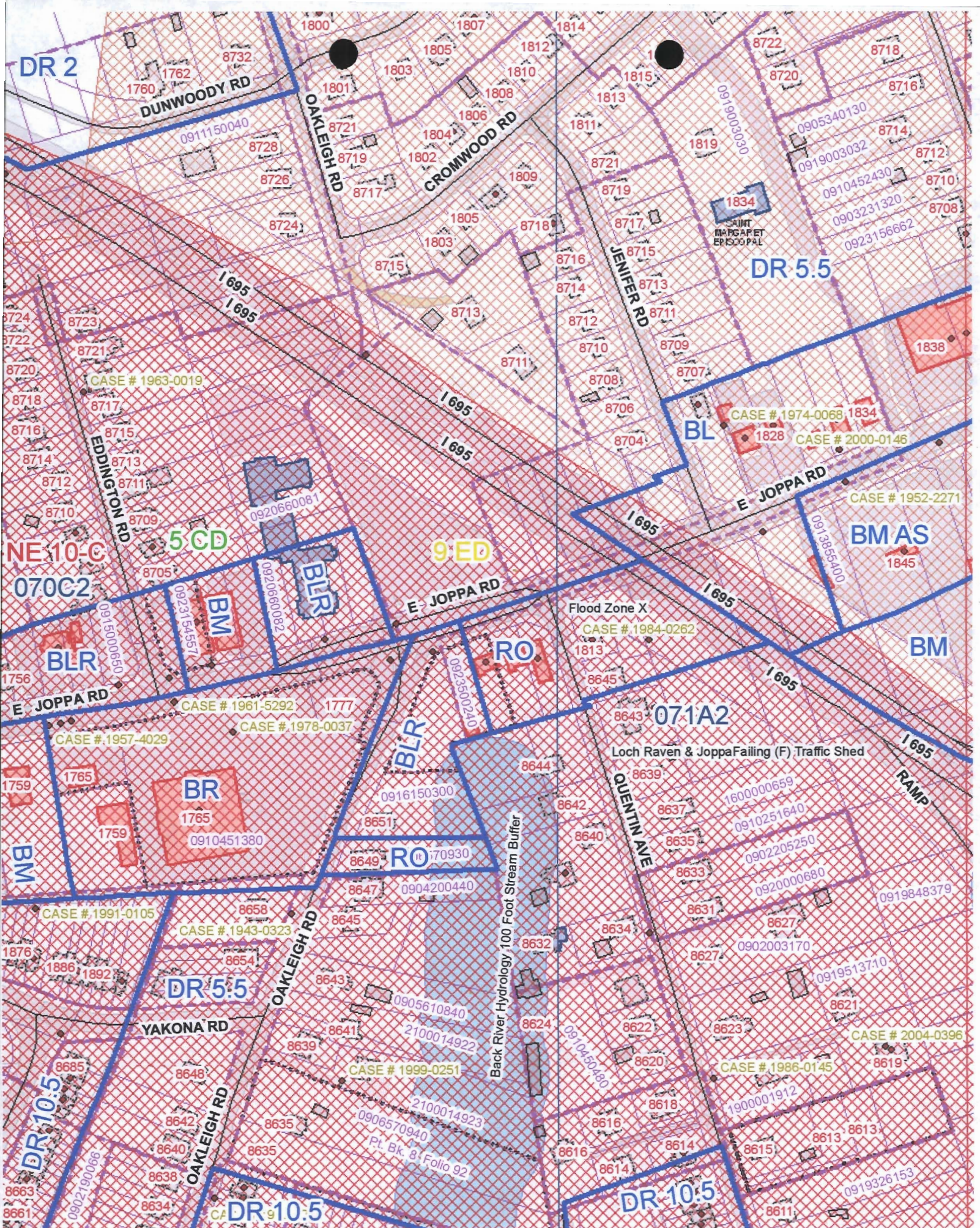
A handwritten signature in black ink, appearing to be 'EJG' with a stylized flourish.

Edward J. Gilliss

EJG/ges

Enclosures

cc: Mr. Matthew B. Hitt (w/encls.)
Timothy M. Kotroco, Director (w/o encls.)



Case No.: 2009-0080-XA (XSA) | 807 E. JOAA RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Red LINED SITE PLAN	
No. 2	PROPERTY DEED	
No. 3	DRIVEWAY USE AGREEMENT	
No. 4	4A PHOTO EXHIBIT PLAT 4B PHOTO'S EXISTING CONDITIONS AREA; SUBJECT PROPERTY	
No. 5	ADDITION ELEVATION DRAWINGS	
No. 6	Joint Use Driveway Agreement	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

File No. 0-1632

Return to: Michael T. Wyatt, Esquire
Marlow & Wyatt
404 Allegheny Avenue
Towson, MD 21204
410-821-1013

DEED

THIS DEED, Made this 30th day of January, in the year two thousand two, by and between LAWRENCE H. ODETTE and NANCY M. ODETTE, parties of the first part, Grantors, and JENNIFER M. HITT, party of the second part, Grantee.

WITNESSETH, that in consideration of the sum of ONE HUNDRED FIFTY-TWO THOUSAND DOLLARS U.S. (\$152,000.00), this day paid, the receipt and adequacy of which is hereby acknowledged, the said parties of the first part, do grant and convey to the said party of the second part, her personal representatives, heirs and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME on the southernmost side of Joppa Road as laid out 40 feet wide at a point distant 100 feet measured westerly along the southernmost side of the Joppa Road from the corner formed by the intersection of the southernmost side of the Joppa Road and the westernmost side of Quentin Avenue as laid down on the Plat of Joppa Heights Little Farms recorded among the Land Records of Baltimore County in Plat Book WPC No. 6, folio 166, said point of beginning being also at the end of the fourth line of that lot of ground which by a Deed dated November 18, 1937 and recorded among the Land Records in Liber CWBJr. No. 1014, folio 415 was conveyed by Ward B. Coe, et al. to Paul J. Wilson and wife, thence reversing said fourth line and running South 10 degrees 07 minutes East 185.08 feet, thence running North 79 degrees 51 minutes East 50 feet, thence running North 10 degrees 08 minutes West 185.08 feet, more or less, to intersect the southernmost side of the Joppa Road and running thence westerly binding on the southernmost side of the Joppa Road 50 feet to the place of beginning.

The improvements thereon being known as No. 1807 East Joppa Road.

CBIDJSDVJIDPVSUIMboeISIdpset *WNTBIDFI73.26: 5: TTN1271: 5-Iq/11733/Qgou e120130811: /P o r j o f 11401808116/

PETITIONER'S

EXHIBIT NO. 2

AGREEMENT

WHEREAS, it has become known that the driveway for the property known as 1807 East Joppa Road now lies partially within the bounds of the property known as 1809 East Joppa Road;

WHEREAS, Charles Gardner intends to purchase and build on 1809 East Joppa Road and the said driveway, in its present state, may interfere with that building;

WHEREAS, Charles Gardner and Shirley Wright intend to and hereby resolve the matter of the said driveway and all claims regarding it;

NOW THEREFORE, it is agreed that in consideration of Charles Gardner hereby granting to Shirley Wright, her heirs, personal representatives and assigns, to use, for as long as it is used as a driveway, a piece of ground two feet six inches wide to the east of the boundary line between 1809 and 1807 East Joppa Road and running one hundred and twenty feet parallel with the western boundary of 1809 East Joppa Road, Shirley Wright hereby waives any claim, including but not limited to, any claim to title by reason of adverse possession or an easement based on prescription she or her heirs, personal representatives or assigns might have regarding 1809 East Joppa Road against the former owner, current owner, and/or Charles Gardner, their heirs, personal representatives and assigns, on any matter arising out of or regarding the driveway for 1807 East Joppa Road which is partially on 1809 East Joppa Road.

C RC/F 12.00
LAURNT 0 M
CHK TR T 12.00
#14339 CUMI R02 109102
07/23/84

WITNESS the hands and seals of the said parties hereto:

Charles J. Wargo

Charles Gardner (SEAL)
Charles Gardner

Shirley Wright

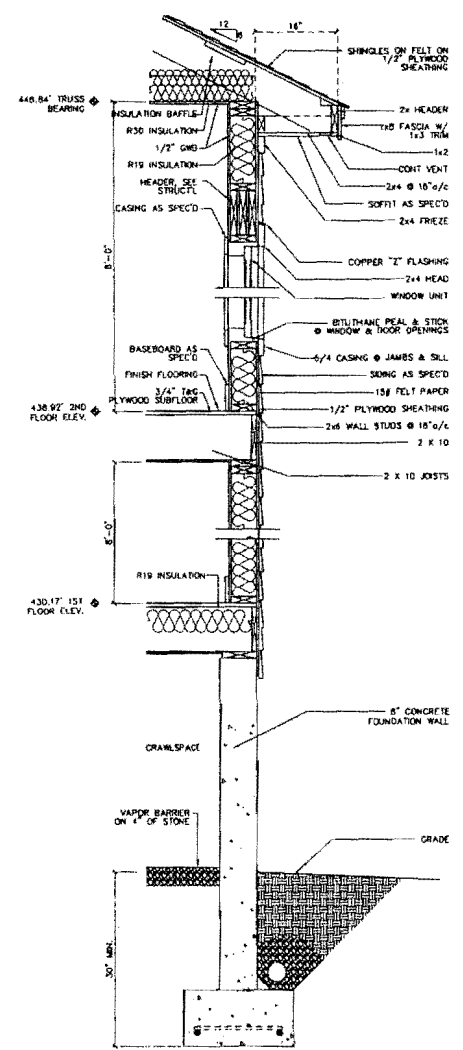
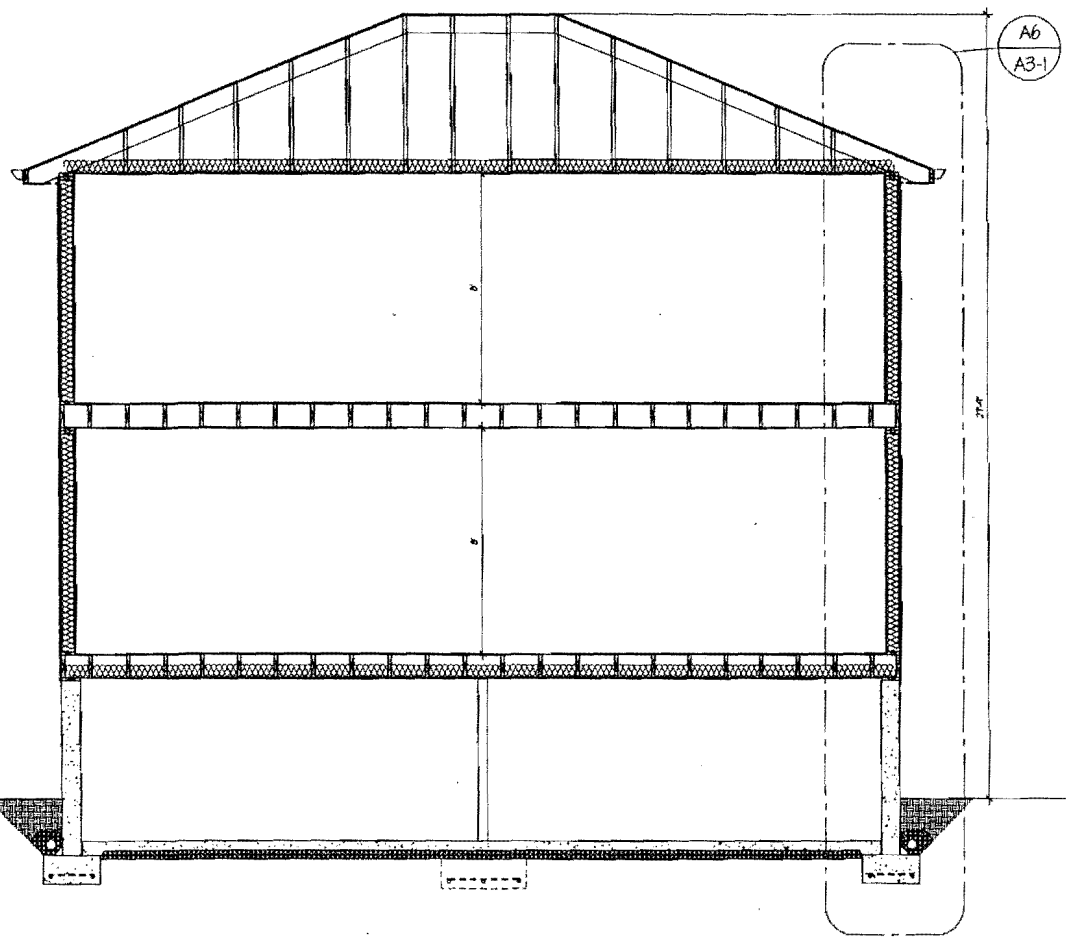
Shirley Wright (SEAL)
Shirley Wright

STATE OF MARYLAND

Notary G.

TO WIT:

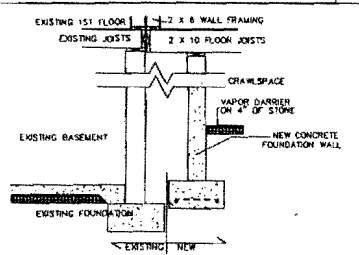
I hereby certify, that on this 18th day of July, 1984
before me a Notary Public of the State aforesaid appeared Charles Gardner



WOOD JOISTS, GYPSUM WALLBOARD

1/2" type X gypsum wallboard or veneer base applied at right angles to resilient tuning channels 24" o.c. with 1" Type S drywall screws 12" o.c. Wallboard and joints located midway between continuous channels and attached to additional pieces of channel 54" long with screws 12" o.c. Resilient tuning channels 24" o.c. attached with 1 1/4" Type W drywall screws to 2 x 10 wood joists 15" o.c. supporting 1" nominal T & G wood sub and finish floor, or 1/2" plywood finished floor with long edges T & G and 1/2" interior plywood with exterior glue subfloor perpendicular to joists with joints staggered.

Approx. Ceiling Weight: 3 c/sf
Fire Test: UL R1319-85, 11-16-84.
Design L314
Sound Test: CK 6512-6, 7, 4-15-85
IRC & Test: 39 (65) G & P1 CK 6512-6, 4-15-85



BUILDING SECTION SCALE: 1/4" = 1'-0" **C5**

DETAIL HERE ADDITION MEETS EXISTING STRUCTURE SCALE: 1/2" = 1'-0" **C6**

ADDITIONAL ALTERATIONS IMPROVEMENTS
FOR
1801 EAST JOPPA ROAD
BALTIMORE, MARYLAND 21204

THESE CHANGES ARE NOT PERMITTED TO BE MADE WITHOUT THE WRITTEN CONSENT OF SANDERS | DESIGNS ARCHITECTS PLANNERS

SANDERS | DESIGNS ARCHITECTS PLANNERS

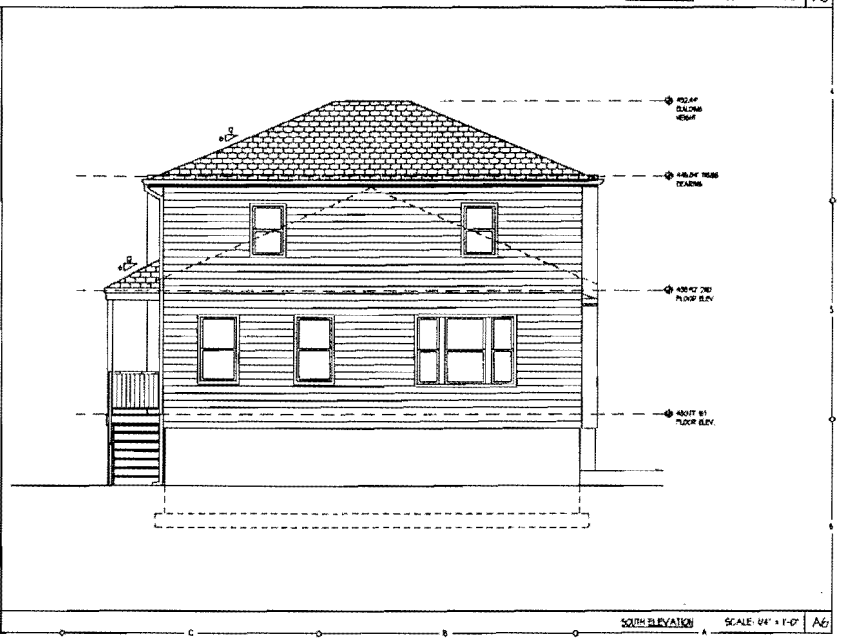
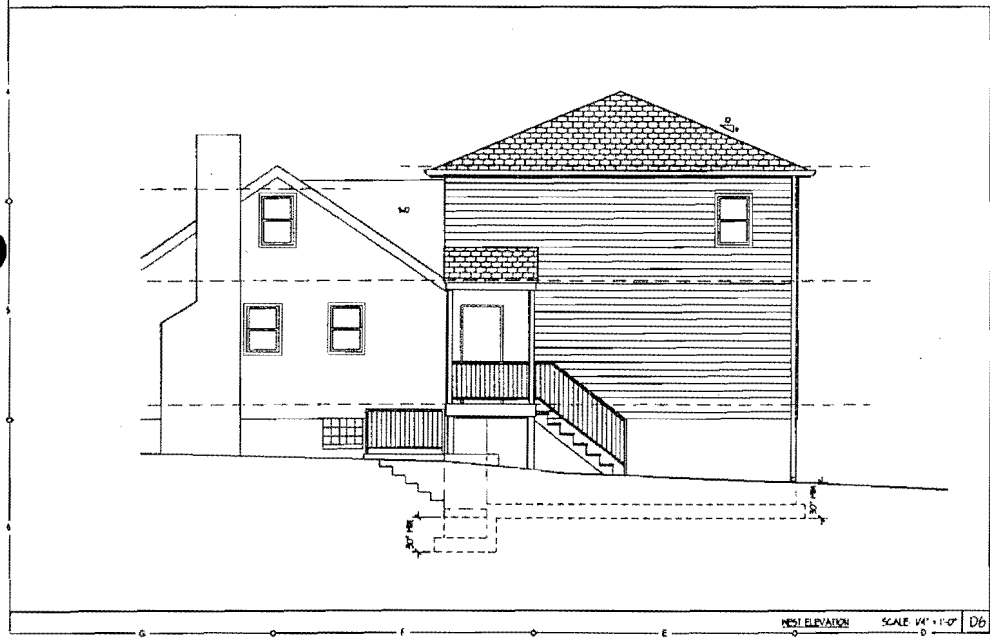
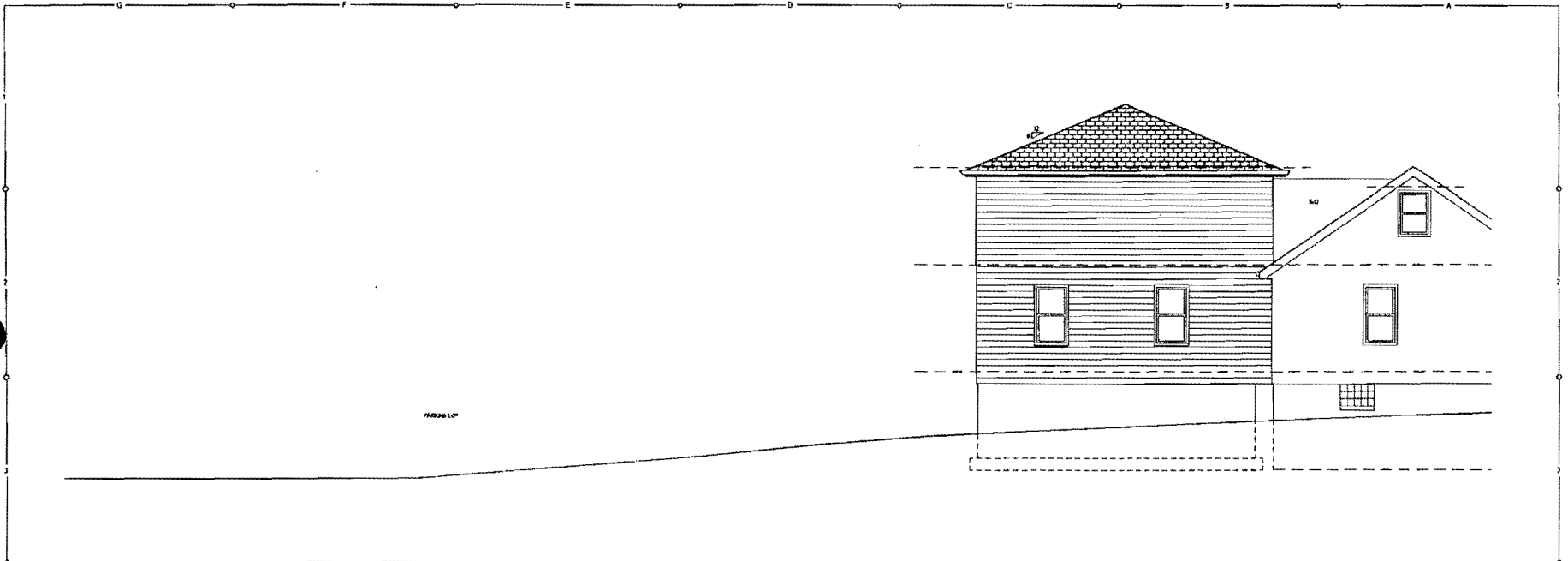
1444 KENNESAW DRIVE, SUITE 200
FARMERSBURGH, MD 21051-1400
TEL: 410-326-7770
FAX: 410-326-7771
WWW.SANDERSDESIGNS.COM

NO.	DATE	REVISION

Project No: 00-01
Date: 07/20/06
Scale: 1/2" = 1'-0"
Status: PERMIT SET
Drawing No: BUILDING SECTIONS
Drawing By: A3-1

PETITIONER'S

EXHIBIT NO. 5



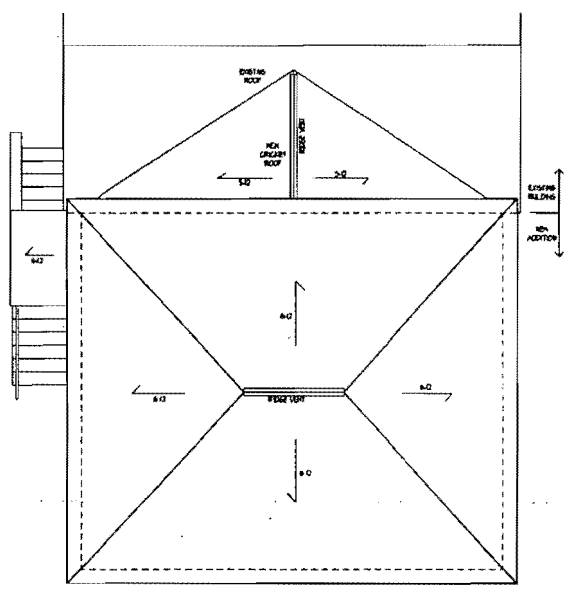
NOTATIONS, ALTERATIONS, IMPROVEMENTS
 FOR
 1801 EAST JOPPA ROAD
 BALTIMORE, MARYLAND 21241

THESE DRAWINGS ARE
 PREPARED FOR THE
 ARCHITECTURAL FIRM
 SANDERS ARCHITECTS
 PLANNERS

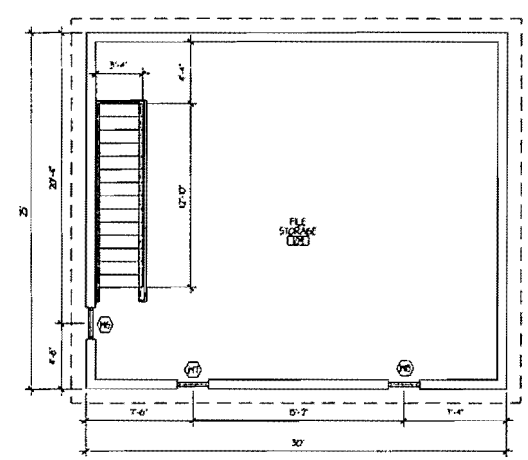
THE CONTRACTOR IS
 RESPONSIBLE FOR THE
 ACCURACY OF THE
 INFORMATION PROVIDED
 TO THE ARCHITECTURAL
 FIRM. THE ARCHITECTURAL
 FIRM IS NOT RESPONSIBLE
 FOR THE ACCURACY OF THE
 INFORMATION PROVIDED
 TO THE CONTRACTOR.

SANDERS ARCHITECTS
 PLANNERS
 1801 EAST JOPPA ROAD
 BALTIMORE, MARYLAND 21241
 410.555.1234
 WWW.SANDERSARCHITECTS.COM

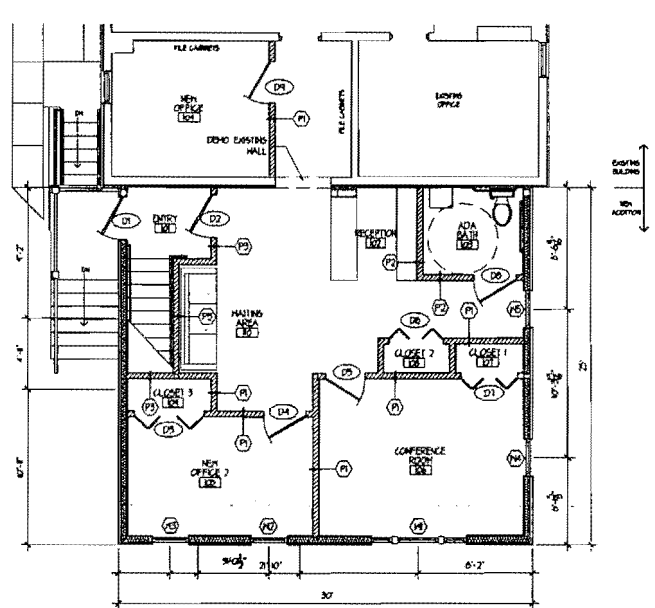
Project No. 02-04
 Date: 02/05/20
 Scale: 1/4\"/>



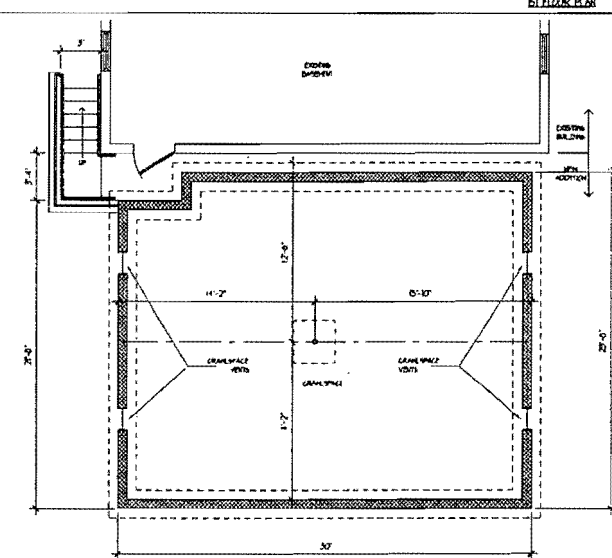
ROOF PLAN SCALE: 1/4" = 1'-0" D3



2ND FLOOR PLAN SCALE: 1/4" = 1'-0" D6



1ST FLOOR PLAN SCALE: 1/4" = 1'-0" A3



FOUNDATION PLAN SCALE: 1/4" = 1'-0" A6

ADDITIONAL ALTERATION PROPOSALS
100 EAST JOPLA ROAD
BALTIMORE, MARYLAND 21204

THESE CHANGES ARE
PROPOSED TO BE
MADE TO THE
ORIGINAL SET OF
DRAWINGS FOR THE
PROJECT. THE
CONTRACTOR SHALL
VERIFY THE
ACCURACY OF THE
CHANGES AND
THEIR LOCATION ON
THE
DRAWINGS.

SANDERS | DESIGNS
ARCHITECTS
PLANNERS

100 EAST JOPLA ROAD
BALTIMORE, MARYLAND 21204
WWW.SANDERSDESIGNS.COM
P: 410.588.8778
F: 410.588.8778

NO.	DATE	REVISION
1	07/26/00	06 34

Project No.: 06 34
Date: 07/26/00
Scale: 1/4" = 1'-0"
Drawing Title: SCHEMATIC DESIGN
Drawing Type: FLOOR PLANS
Drawing No.: A1-1

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmr.com

January 8, 2009

R. TAYLOR McLEAN
E. HARRISON STONE
WILLIAM F. BLUE
THOMAS F. McDONOUGH
LAUREL PARETTA REESE*
KEITH R. TRUFFER*
ROBERT S. HANDZO*
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ALICE L. ARCIERI

OF COUNSEL
EUGENE W. CUNNINGHAM, JR., P.A.
H. EMSLIE PARKS*
BRADFORD G.Y. CARNEY
LISA J. McGRATH

COUNSEL EMERITUS
RICHARD A. REID

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

JOHN W. BROWNING
1963-2008

* ALSO ADMITTED IN D.C.

VIA HAND-DELIVERY

William J. Wiseman, Esquire
Zoning Commissioner
105 Jefferson Building, Suite 103
Towson, Maryland 21204

Re: 1807 East Joppa Road - Variance

Dear Mr. Wiseman:

This letter follows the January 5, 2009 hearing regarding the above-captioned matter.

As promised, I now enclose with this letter the Joint Driveway Agreement signed by the owners of 1805 E. Joppa Road and the owner of 1807 E. Joppa road indicating their agreement to share their driveways and, in effect, have the 1805 E. Joppa Road driveway as an "entrance only" driveway and have the 1807 E. Joppa Road driveway as an "exit only" driveway.

Please contact me if you require additional information or if you have questions or concerns about this letter or its enclosure.

Very truly yours,



Edward J. Gilliss

EJG/ges

G:\LITIGATIONS\EJG\Clients\Hitt\1807 E Joppa Road Variance\Wiseman 01-08-09.doc

RECEIVED
JAN 9 2009

BY:

PETITIONER'S

EXHIBIT NO.

6

JOINT USE DRIVEWAY AGREEMENT

Lawrence H. Odette and Nancy McCormick Odette ("Odette") own 1805 E. Joppa Road, Baltimore, Maryland 21234. Jennifer M. Hitt ("Hitt") owns 1807 E. Joppa Road, Baltimore, Maryland 21234. Odette and Hitt desire to enter into a Joint Use Driveway Agreement.

Odette's property and Hitt's property sit side-by-side with driveways on either side of the adjoining properties. Parking for both properties is located behind the structures.

Because both properties were formerly residences before being converted to commercial use, the driveways are narrower than if they had originally been constructed for commercial use.

Hitt purchased 1807 E. Joppa Road from Odette. Hitt hopes to purchase 1805 E. Joppa Road from Odette should they desire to sell. Hitt intends to merge the two properties once they are under common ownership.

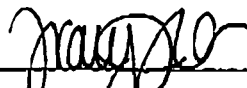
Odette and Hitt agree that adequate consideration for this Agreement is the use of each other's driveway.

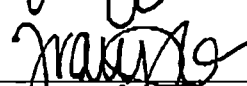
WHEREFORE, Odette and Hitt agree that the owners, tenants, employees and customers of the aforesaid properties and the business users of those properties shall be permitted to use each other's driveways, so that the driveway on the east edge of the properties (1805 E. Joppa Road) shall be used for ingress to the parking areas and the driveway on the far west of the properties (1807 E. Joppa Road) shall be used for egress from the parking areas. Odette and Hitt agree to instruct tenants and/or employees to use the driveways as aforesaid

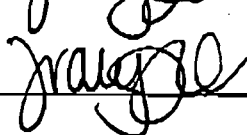
Odette and Hitt agree to erect signage, if permitted by Baltimore County sign regulations, to indicate entrance and exit from the shared driveways.

WHEREFORE, the parties set their hands and seals this ____ day of January, 2009.

WITNESS:

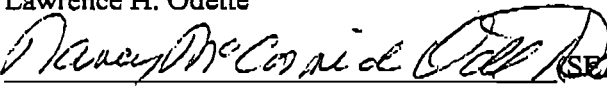




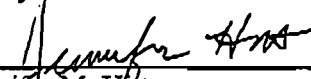




Lawrence H. Odette (SEAL)



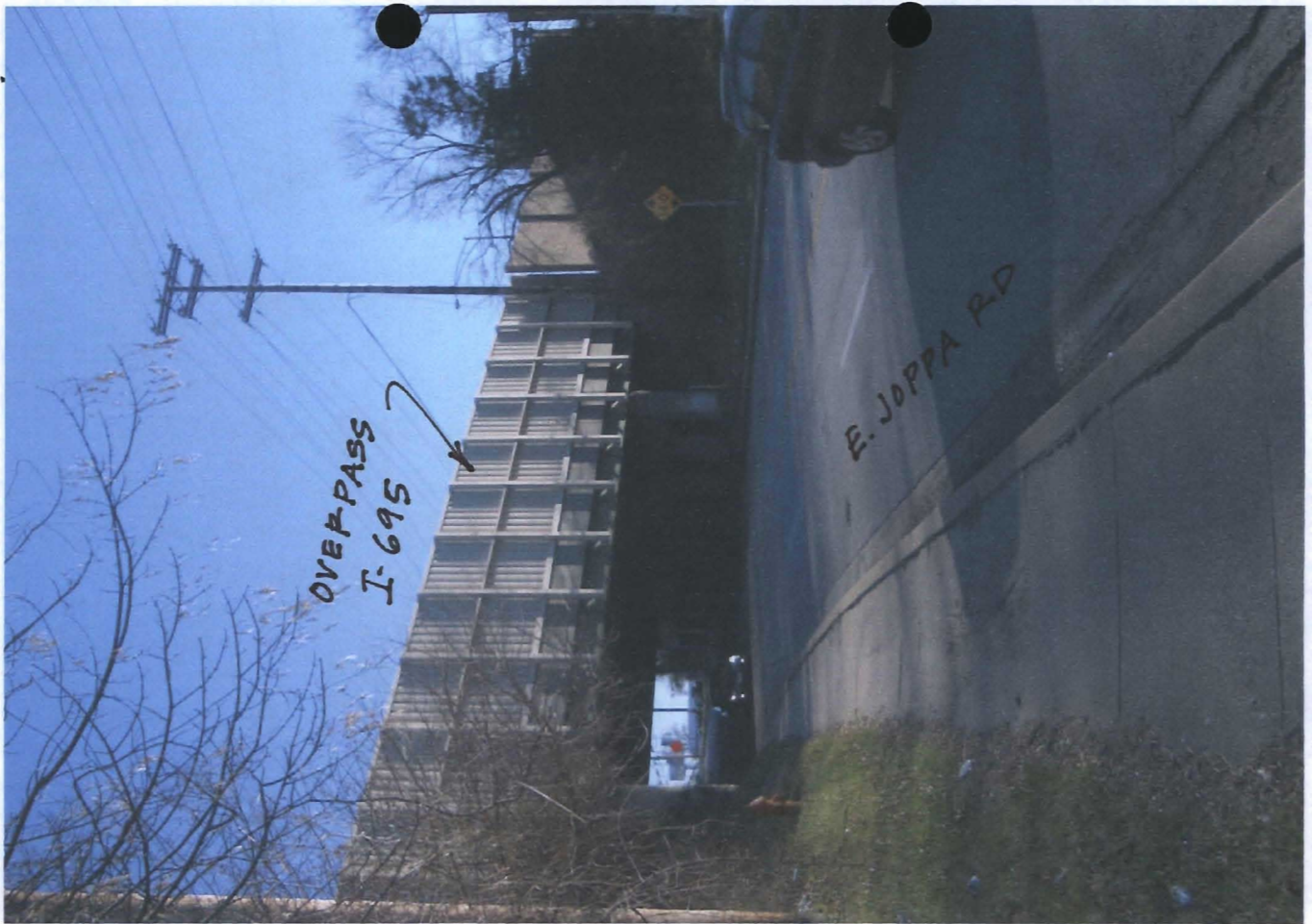
Nancy McCormick Odette (SEAL)



Jennifer M. Hitt (SEAL)



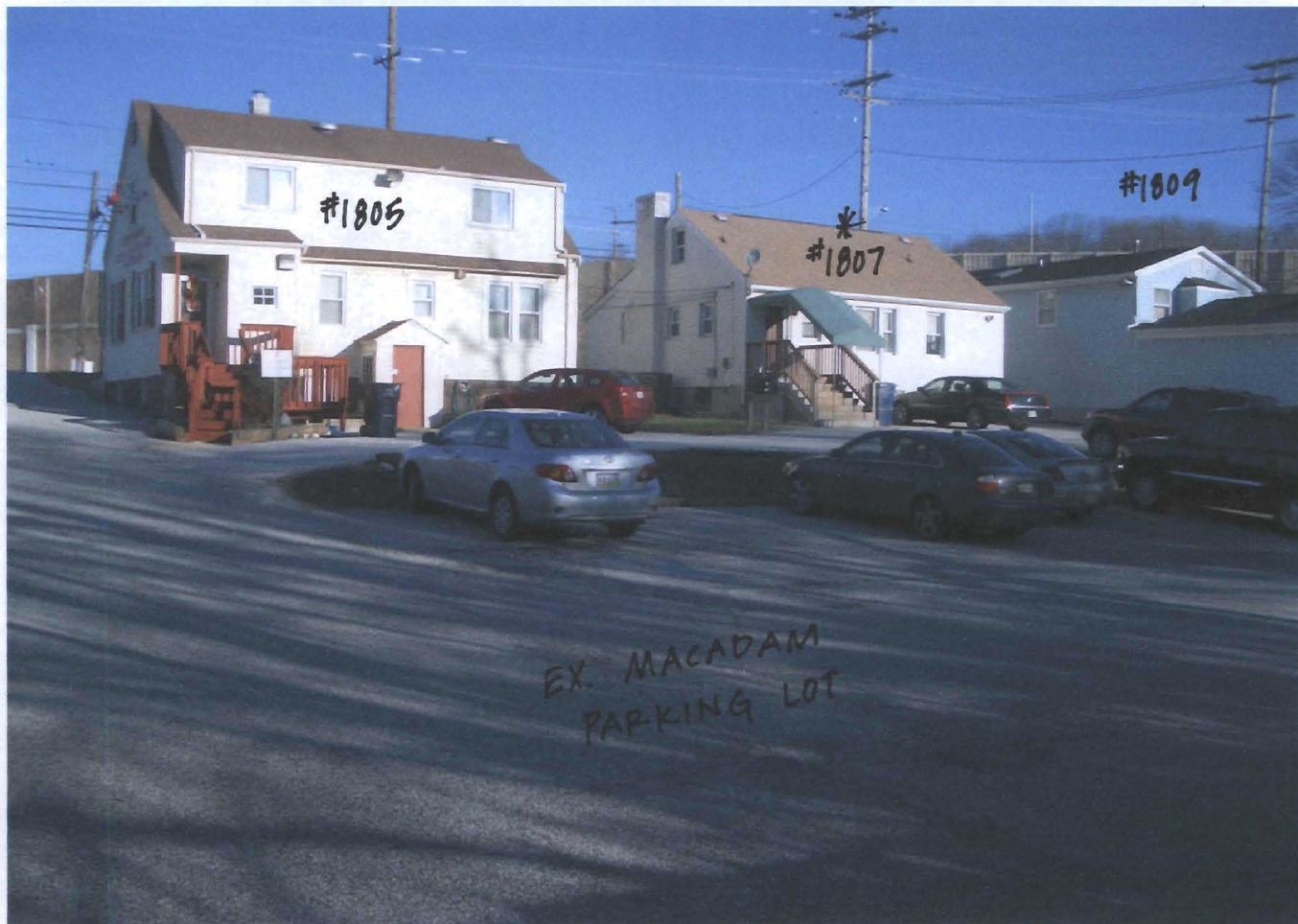




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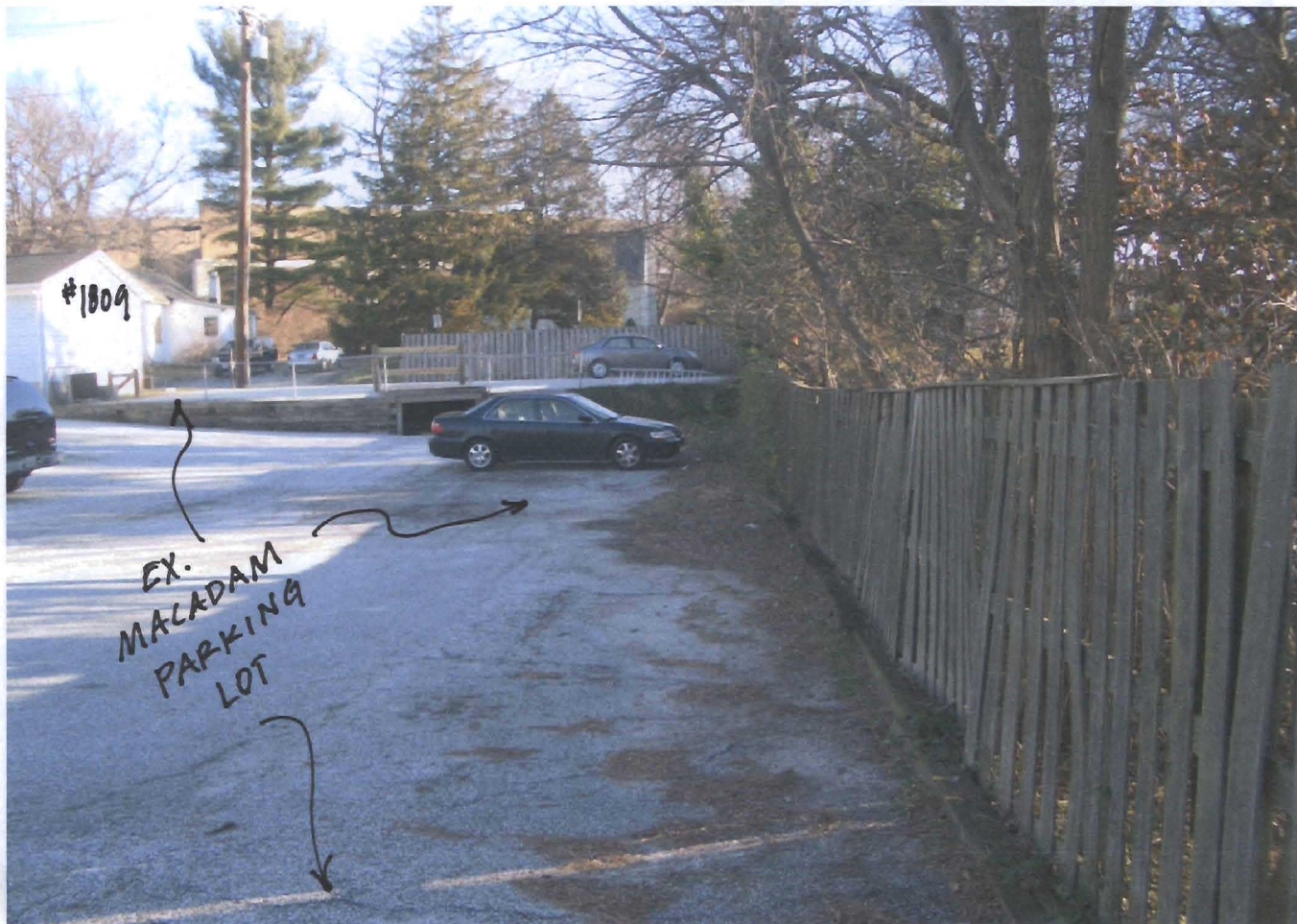
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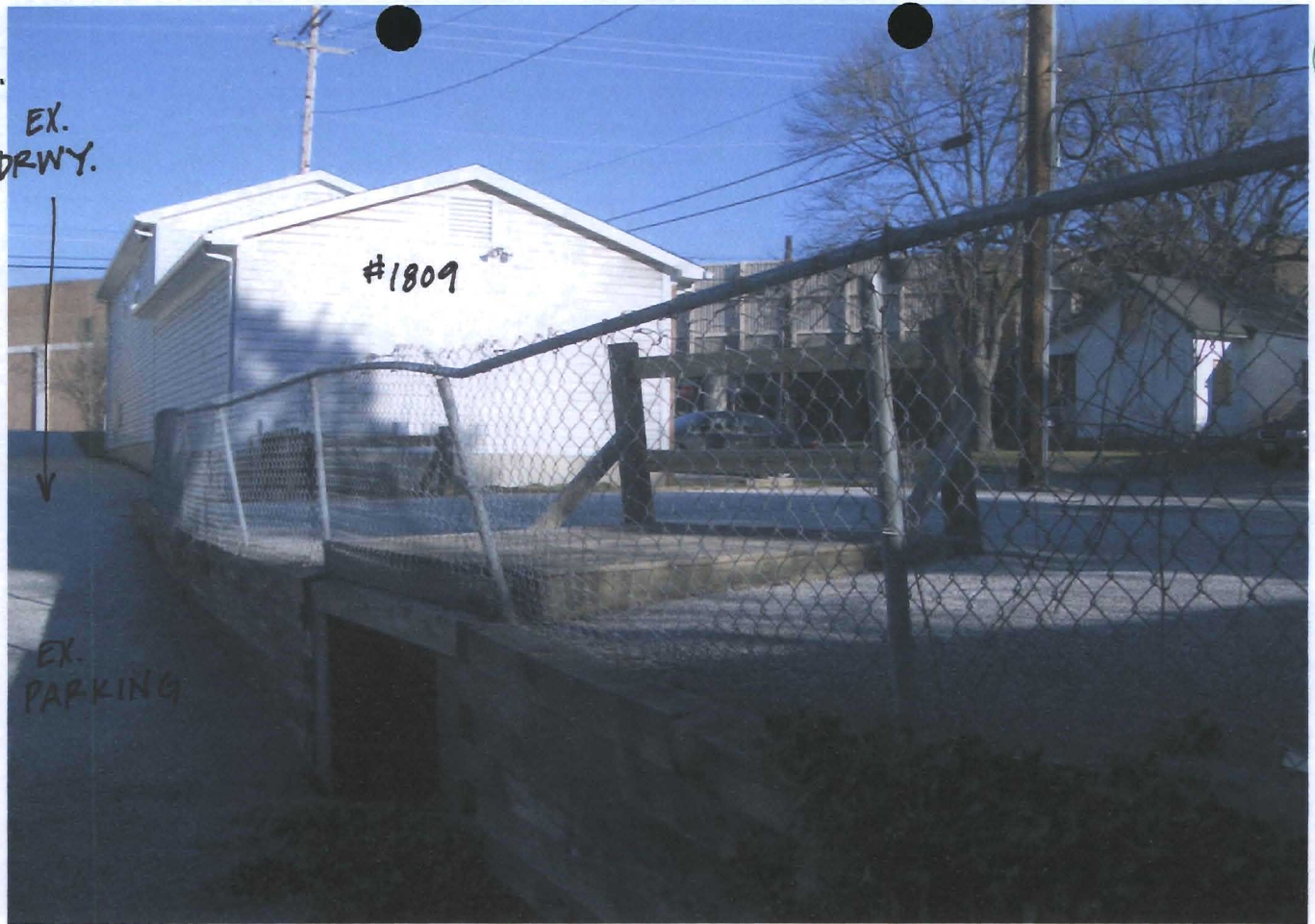


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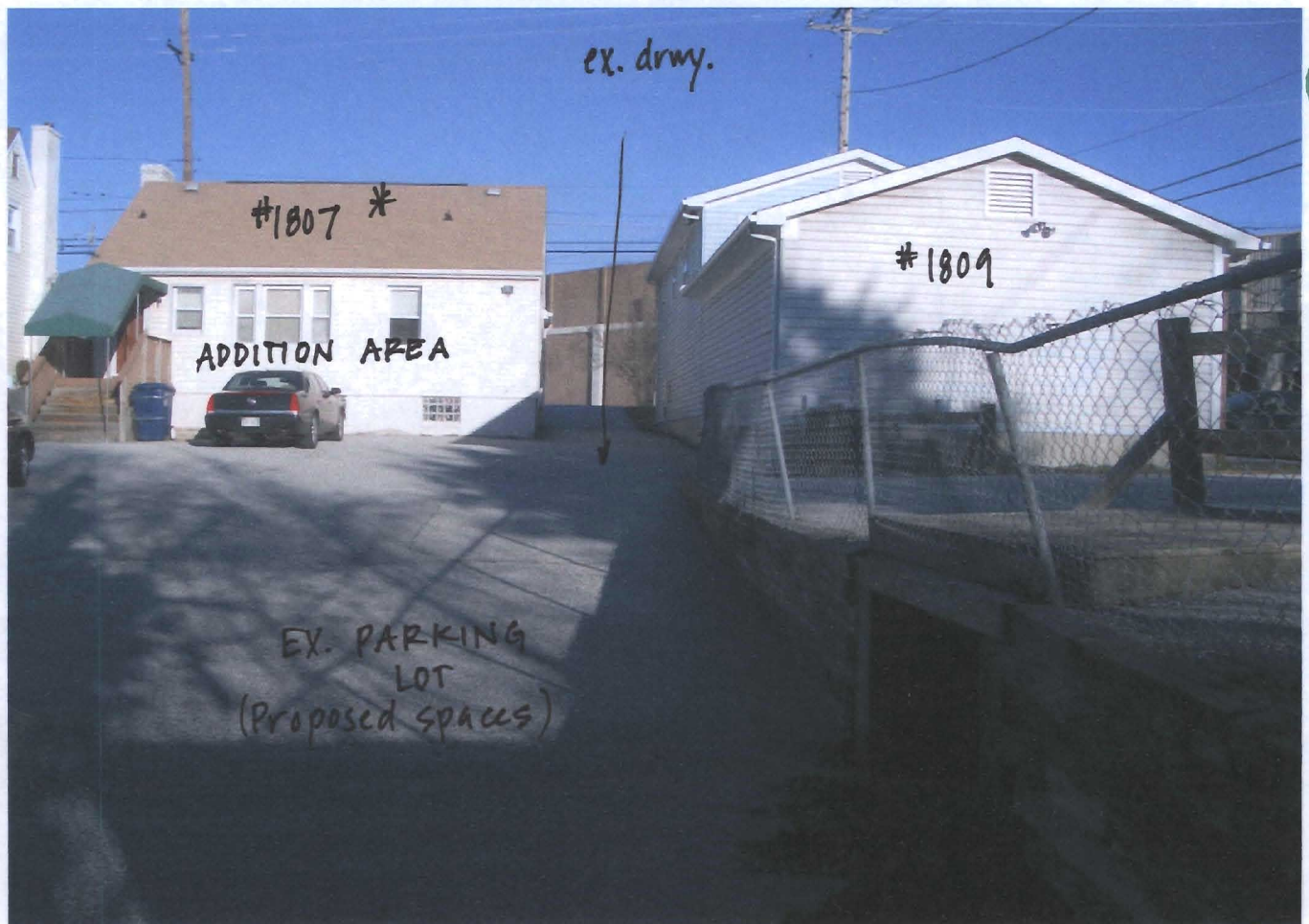


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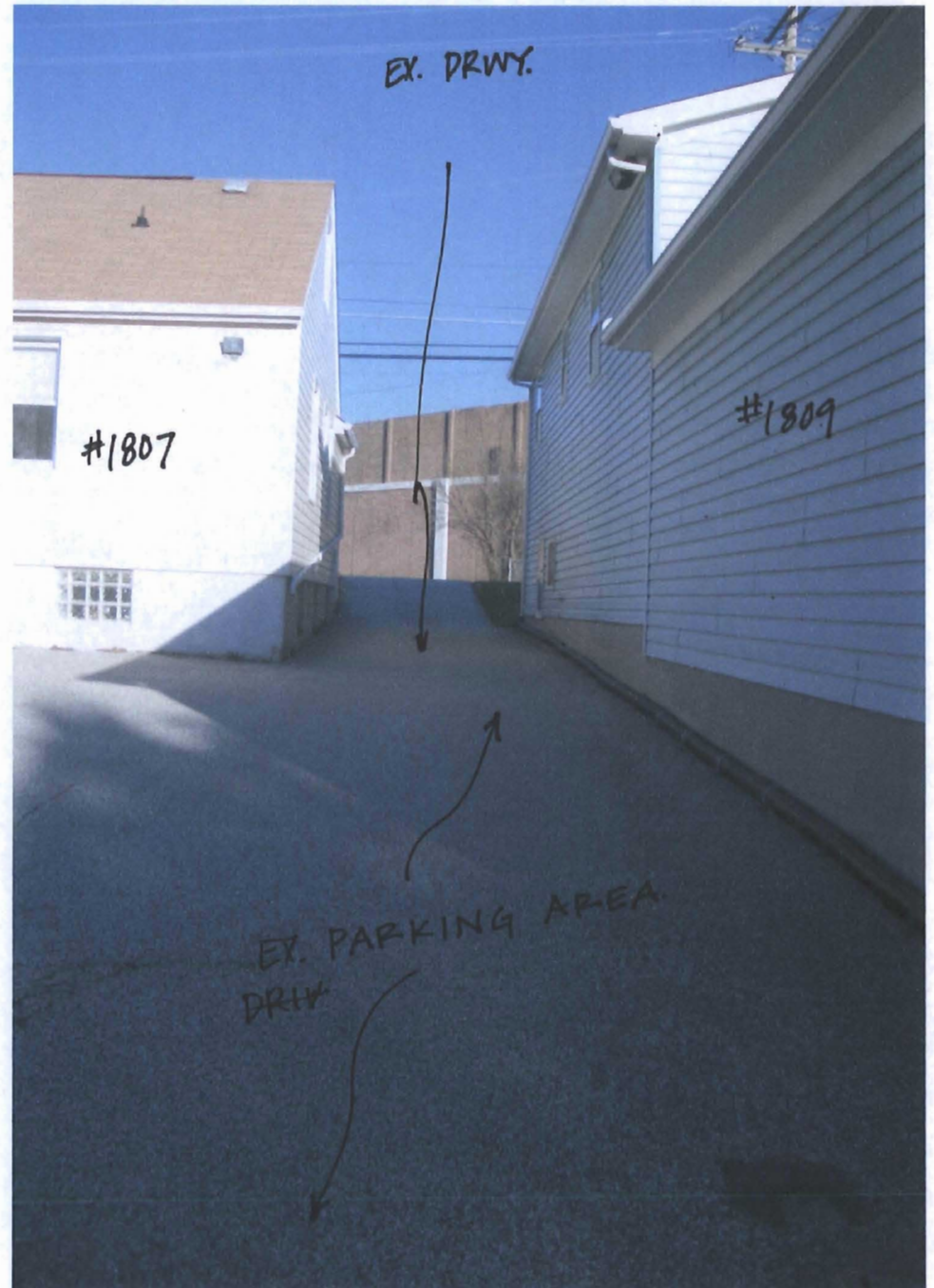


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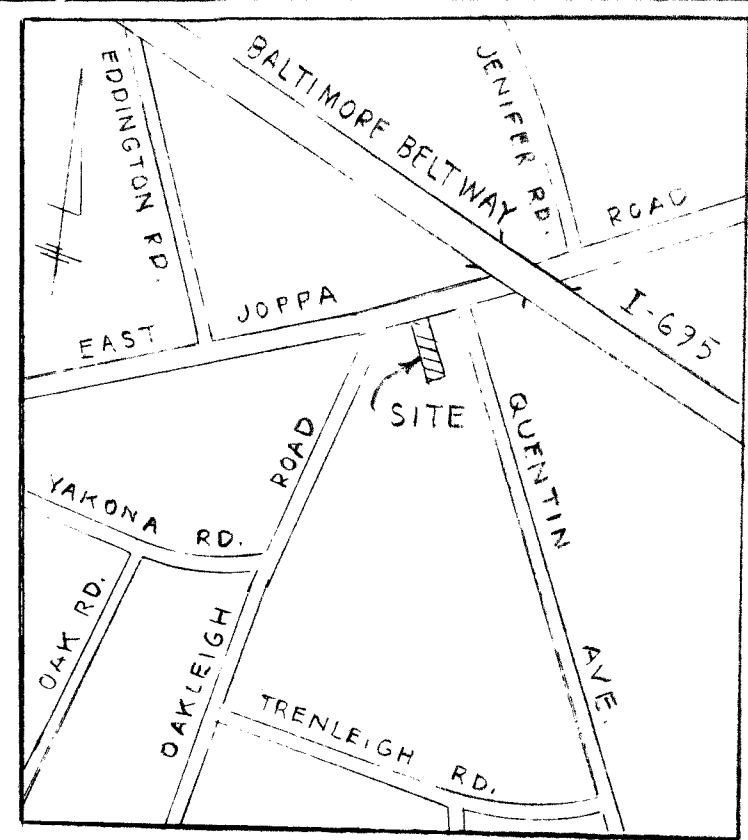


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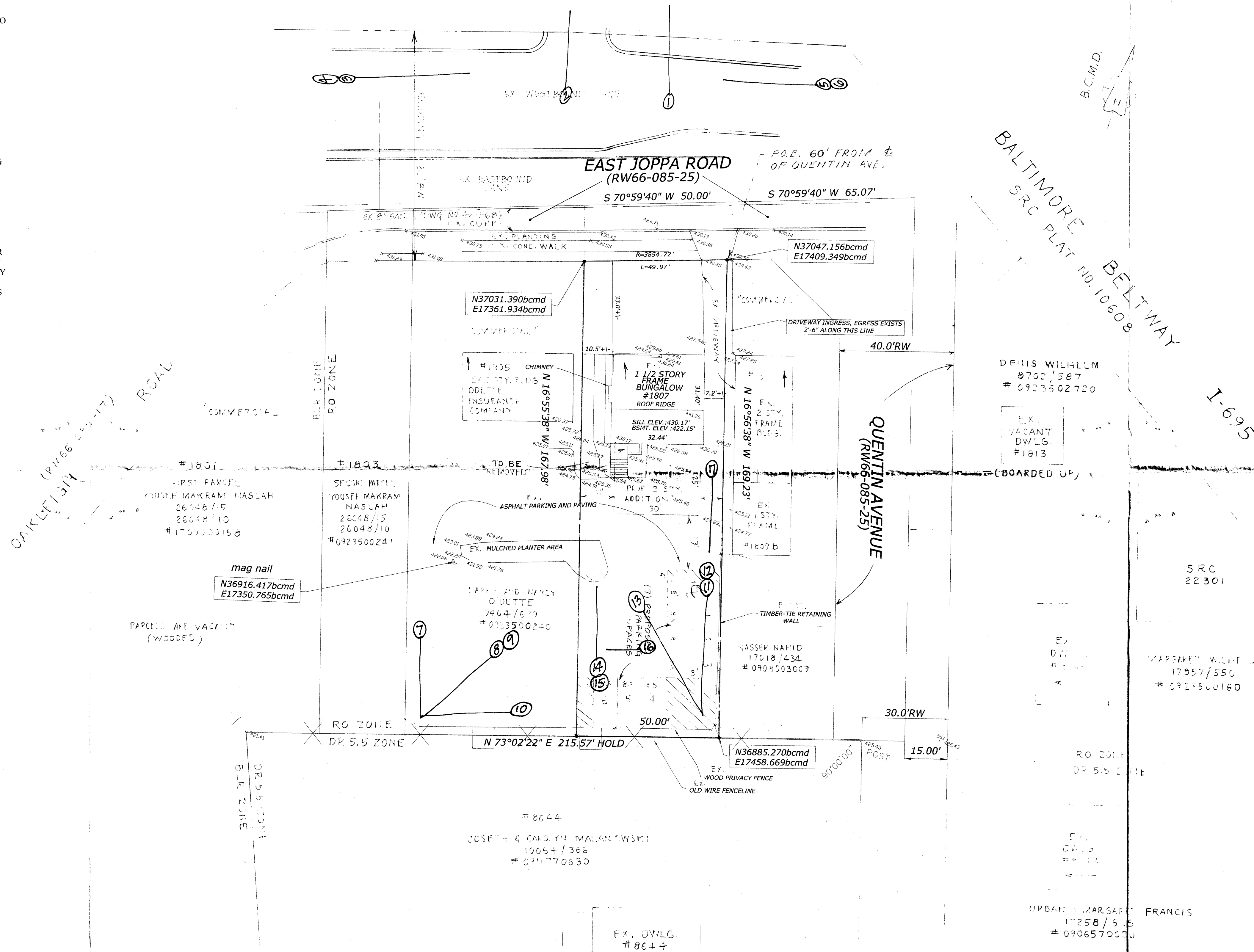


GENERAL NOTES

1. LOT AREA: 9,250 S.F. / 0.212 Ac +/-
2. ZONING: RO (07002)
3. EXISTING USE: GENERAL OFFICE (Certified Public Accountant)
4. PROPOSED USE: GENERAL OFFICE (Certified Public Accountant)
5. PROPOSED 25' X 30' ADDITION TO EXISTING BUILDING
6. THIS PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA
7. THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AREA
8. THIS PROPERTY IS NOT LOCATED WITHIN AN HISTORIC AREA
9. BASIC SERVICE MAPS 2007
 - TRANSPORTATION: COMMUTER SHED SERVICE LEVEL F
 - SEWERAGE: AREA OF SPECIAL CONCERN
 - WATER: OK
10. OFF-STREET PARKING REQUIRED: 1,768 S.F. FOR EXISTING (1,018 S.F.) AND PROPOSED (750 S.F.) BUILDING. BASEMENT AREA AND PROPOSED 2ND FLOOR ARE TO BE USED FOR STORAGE.
 - SPACES REQUIRED: 3.3 SPACES PER 1,000 S.F. = 5.8 SPACES
 - SPACES PROPOSED: 7
11. PARKING SPACE DIMENSIONS:
 - REGULAR SPACE: 8.5' X 18'
 - HANDICAP SPACE: 12' X 18'
12. NUMBER OF EMPLOYEES: 5
13. HOURS OF OPERATION: MONDAY THRU FRIDAY: 8 AM - 4 PM
14. FLOOR AREA RATIO: 2,518 S.F. / 9,250 S.F. = 0.27 < 0.33
15. ZONING HISTORY: NONE
16. THE OWNER SHALL SUBMIT FOR REVIEW AND APPROVAL A LANDSCAPE PLAN TO THE COUNTY'S LANDSCAPE ARCHITECT AT THE TIME OF BUILDING PERMIT APPLICATION.
17. THE OWNER IS RESPONSIBLE FOR THE CARE AND MAINTENANCE OF LANDSCAPING
18. THERE ARE NO UNDERGROUND STORAGE TANKS ON SITE
19. PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER
20. THE PAVING SURFACE MUST BE DURABLE AND DUSTLESS AND BE PROPERLY DRAINED SO AS NOT TO CREATE ANY UNDESIRABLE CONDITIONS, PER B.C.Z.R. SECTION 409.8.A.2
21. ALL PARKING SPACES MUST BE STRIPED, PER B.C.Z.R. SECTION 409.8.A.6
22. THERE IS AN EXISTING DOUBLE FACED SIGN THAT HAS BEEN EXISTING FOR AT LEAST 15 YEARS
23. THE PROPERTY WAS PURCHASED AS A COMMERCIAL USE ON JANUARY 30, 2002 PER DEED LIBER 16094, FOLIO 622
24. THERE IS A 2'-6" X 120' STRIP OF LAND NOW BURDENED BY AN EXISTING DRIVEWAY AS SET FORTH IN AGREEMENT DATED JULY 18, 1984 PER DEED LIBER 6751, FOLIO 92
25. THE ADJACENT BUILDINGS ARE NOT FIRE RESISTING MATERIAL. THESE BUILDINGS ARE PRESENTLY USED AS COMMERCIAL PROPERTIES.



VICINITY MAP
SCALE: 1"=500'



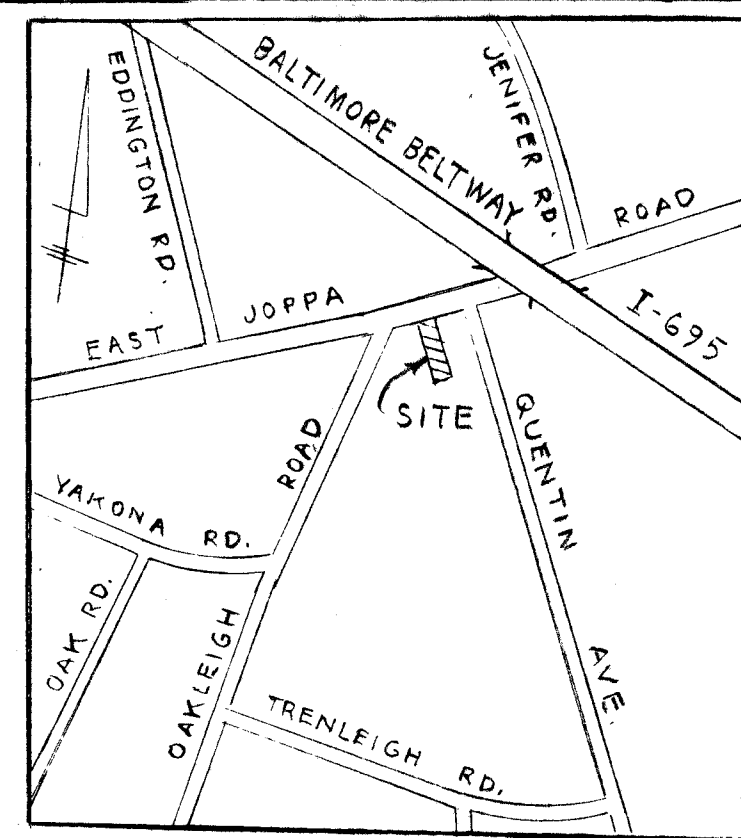
PETITIONER'S
EXHIBIT NO. 4A

PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION AND VARIANCE
#1807 EAST JOPPA ROAD
"HITT PROPERTY"
PART OF LOT 11
"JOPPA HEIGHTS LITTLE FARM" 6/166
ELECTION DISTRICT NO. 9
COUNCILMANIC DISTRICT NO. 5
BALTIMORE COUNTY, MD
SCALE: 1" = 20'
SEPTEMBER 19, 2008
JOB NO. 9723

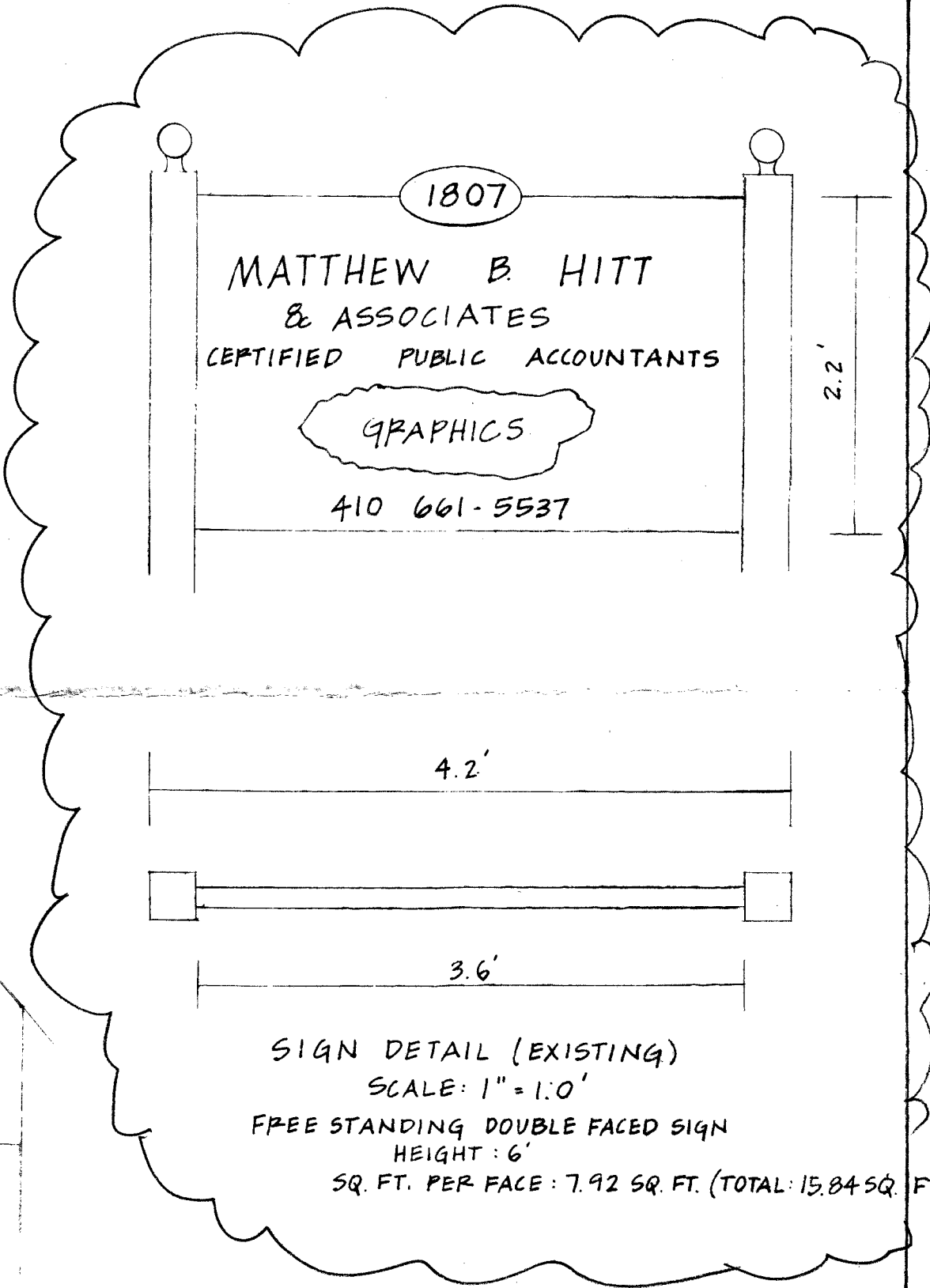
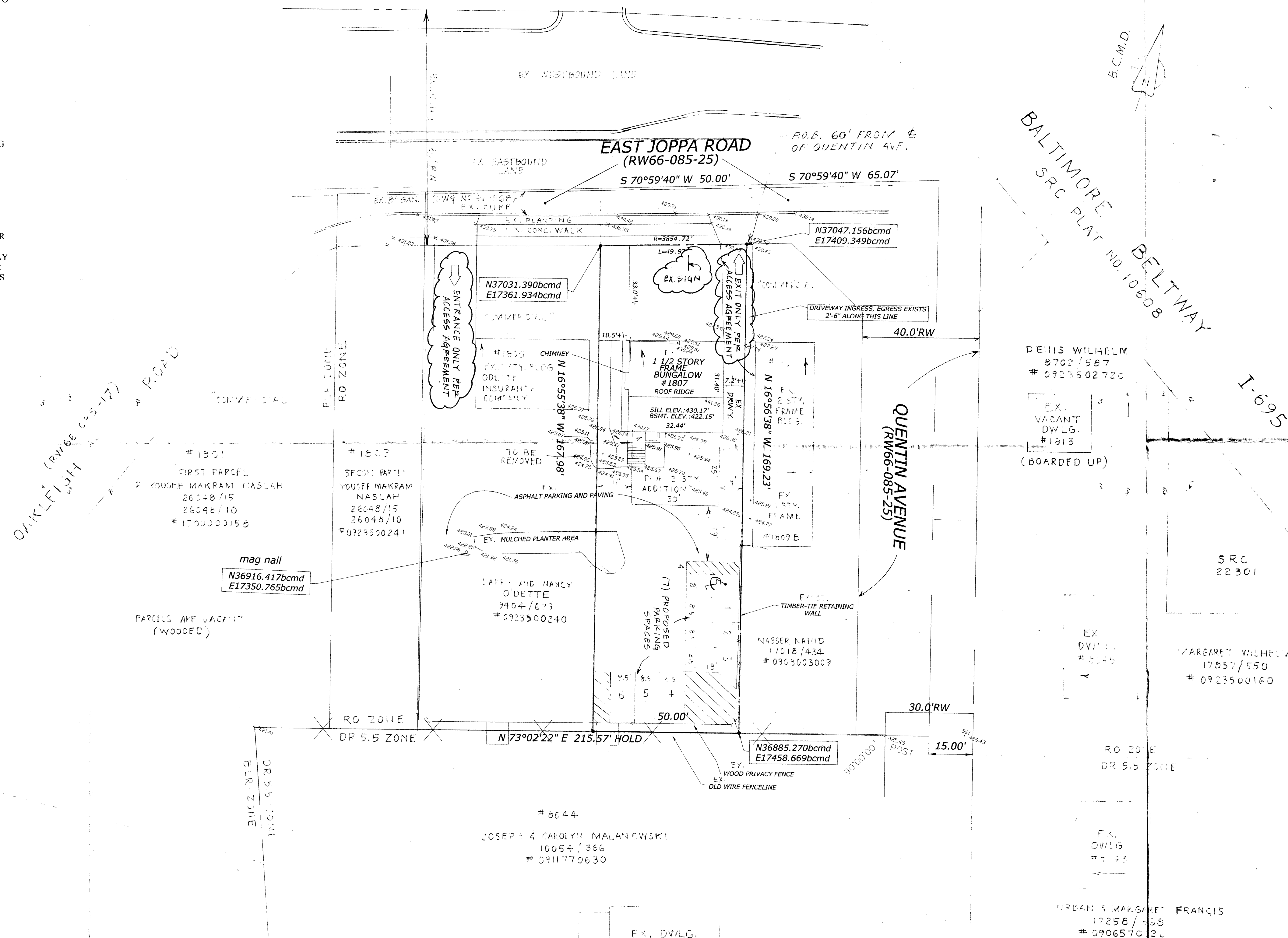
OWNER: JENNIFER HITT
1008 COWPENS AVENUE
BALTIMORE MD 21286
TAX MAP: 71 GRID: 7 PARCEL: 1094
TAX ACCT. NO.: 006572430
DEED REF.: 16094 622

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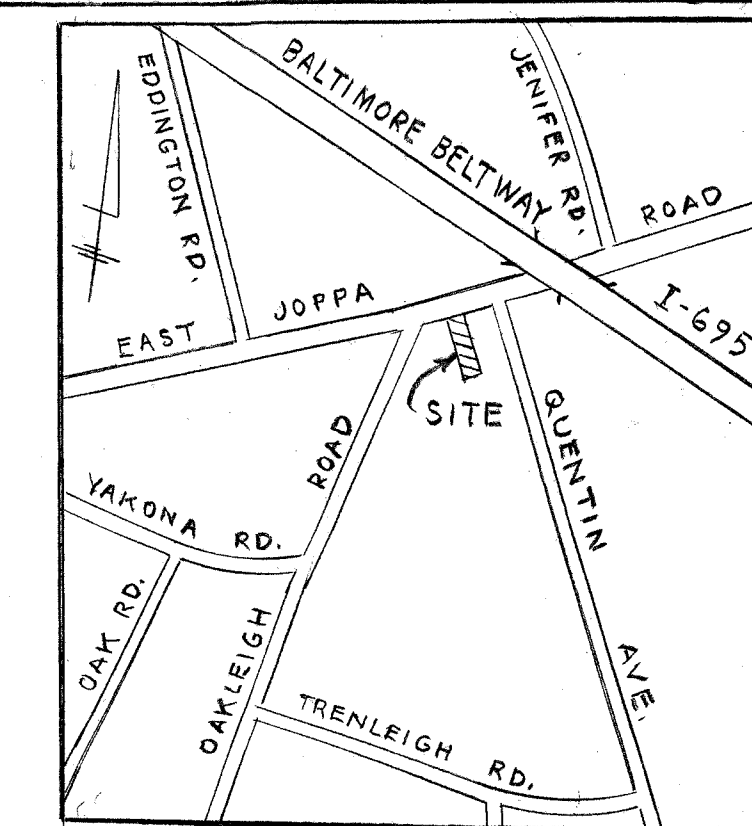
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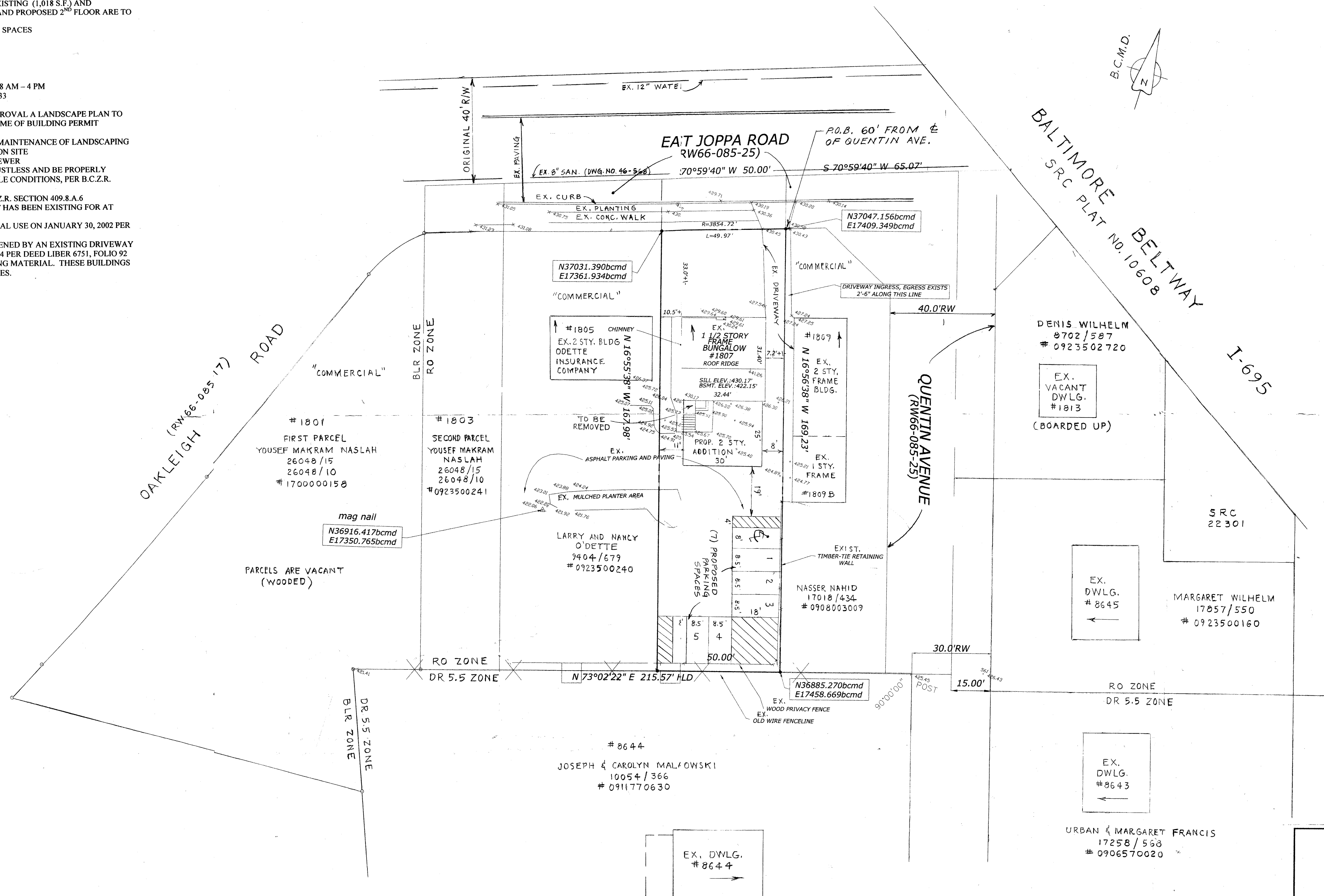
REVISED 1/8/08 (ADDED SIGN DETAIL/ACCESS AGREEMENT)

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BALTIMORE MD 21286
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TAX ACCT. NO.: 0906572430
DEED REF.: 16094 / 622

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