

IN RE: PETITIONS FOR SPECIAL HEARING,	*	BEFORE THE
SPECIAL EXCEPTION AND VARIANCE		
N/side of Sudbrook Lane, 40' W of c/line of	*	ZONING COMMISSIONER
DeRisio Lane		
(4 Sudbrook Lane)	*	OF
3 rd Election District		
2 nd Council District	*	BALTIMORE COUNTY
4 Sudbrook, LLC	*	Case No. 2009-0209-SPHXA
Petitioner		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by 4 Sudbrook, LLC, by and through his attorney, Mark D. Dopkin, Esquire. The Petitioner requests a special hearing to amend the site plan and Order approved in Case No. 2009-0072-SPHA and to affirm the relief granted in that Order as it relates to a modified parking plan pursuant to Section 409.12 of the Baltimore County Zoning Regulations (B.C.Z.R.).¹ Petitioner also requests special exception relief in order to allow a Class B Office Building in an R-O zone, pursuant to B.C.Z.R. Section 204.3.B.2. Finally, Petitioner seeks additional variance relief as follows: From B.C.Z.R. Section 409.6.A.2, for 13 parking spaces in lieu of the 16 parking spaces required; from Section 204.3.B.2.a, to permit a Class B Office Building with 39% of the total adjusted gross floor area occupied by medical offices in lieu of 25% permitted; from Section 204.4.C.1, to permit a Class B Office Building with a floor area ratio of 0.48 in lieu of 0.33 permitted, and from Section 204.4.C.9.c(2), to permit a 0 foot landscape buffer along property lines which abut a non-residentially zoned property in lieu of 10 feet required. The subject property and requested relief

¹ Variance relief was also granted in Case No. 2009-0072-SPHA as follows: From B.C.Z.R. Section 204.3, to permit 43% of the total adjusted gross floor area to be occupied by medical offices in lieu of 25% allowed; from Section 409.4, to permit a two-way driveway 10 feet in width in lieu of 20 feet required; from Section 409.8.A.4, to permit a parking space in a surface parking facility for a nonresidential use to be 0 feet from the right-of-way line of a public street in lieu of 10 feet required, and from Section 409.8.A.1 and the Baltimore County Landscape Manual, to permit a landscape strip of 0 feet between an existing paved surface and a lot line in a commercial zone in lieu of six (6) feet required.

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 Date 4-8-09
 By [Signature]

are more particularly described on the 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 were Howard Rothschild, D.D.S., on behalf of the property owner; Richard E. Matz, the professional engineer who prepared the site plan; Jay Brown, architect with Levin/Brown & Associates, who presented for review the building elevation drawings approved by the Design Review Panel (DRP), and Mark D. Dopkin, Esquire, attorney for the Petitioner. Appearing as interested citizens from the Ralston Community Association were Sara J. Glik and Lorna R. Diaz, the association president. It should also be noted that Pierce Macgill, representative of the Baltimore County Department of Economic Development, and Diana Itter, Office of Planning, appeared and participated at the hearing. While there were no Protestants or other interested persons present, letters were received from Melinda A. Hipsley, Past President, Ralston Community Association, and Alan P. Zukerberg, President, Pikesville Communities Corporation, indicating their opposition to ingress and egress to the parking area from DeRisio Lane.

Testimony and evidence offered revealed that the subject property is a rectangular shaped corner lot located on the northwest side of the intersection of Sudbrook Lane and DeRisio Lane in Pikesville. The property contains a gross area of 0.33 acres, more or less, and is zoned R-O (Residential Office). As shown on the site plan, the property is improved with a 3-story building with basement, the first floor of which has an extension in the rear. The property is currently vacant. Testimony indicated that Dr. Rothschild is licensed as a dentist by the State of Maryland and specializes in reconstructive dentistry and maintains an office in Pikesville.

Subsequent to the Order in the prior case (dated November 5, 2008), the Petitioner acquired the property and commenced renovations.² It was discovered that the one-story addition in the rear of the original building had deteriorated to the point that it was not practical to rehab it and that, in addition, the layout of the dental offices within the proscribed area was not

² To the extent applicable, the findings and conclusions set forth in Case No. 2009-0072-SPHA are adopted by reference and incorporated herein.

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optimal for the desired layout of the dental offices. The proposed one-story addition with basement extends approximately 30 feet beyond the previously approved footprint. The expansion of the rear addition creates a Class B office building. Special exception and special hearing relief is necessary to reflect the proposed expansion of the previously approved use from a Class A office building to a Class B office building and update the site plan for this property.

The residential appearance is to be maintained. All other buildings on Sudbrook Lane in the immediate area enjoy office use. Office use, including medical offices, is a use permitted in the zone. In addition, the property is surrounded by properties in commercial use. In these regards, the proposed use conforms to the legislative intent and policies articulated in Section 204 of the B.C.Z.R. As previously stated, to modify the configuration of the existing structure to strictly comply with the 25% limitation set forth in Section 204.3.B would indeed create a practical difficulty.

The Office of Planning does not oppose the variance requested provided certain conditions are met. The proposed improvements have been approved by the Design Review Panel. Petitioner indicated that he was willing to comply with the conditions suggested by the Office of Planning and the Design Review Panel.

Mr. Macgill appeared at the hearing on behalf of the Baltimore County Department of Economic Development. His organization fully supports the proposal. He indicated that the Petitioner's practice is appropriate for this location and will not result in detrimental impacts to adjacent properties and uses. In addition, the rehabilitation of this building is consistent with the Pikesville Revitalization Plan and would be eligible for various tax credits and grants. Ms. Itter appeared at the hearing on behalf of the Baltimore County Office of Planning. She reiterated that the Design Review Panel had unanimously approved the proposed project. She further stated that the landscaping plan and sign detail would be subject to approval by the Office of Planning.

As noted above, Ms. Diaz appeared as President of The Ralston Community Association, Inc. While she and the Association have no objections to the proposed expansion of the

CASE FILED FOR FILING
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By [Signature]

improvements, some members have raised concerns relative to possible access to and from the east side of the property to DeRisio Lane. Ms. Diaz stated that the Association's membership will meet on April 22, 2009 and formally adopt a position relative to the Board's desired access at this location. However, in this regard, it is to be noted that the proposed access to DeRisio Lane is not before me at this time.

Based upon the testimony and evidenced offered, relief shall be granted in accordance with the following:

Special hearing relief shall be granted. That relief relates to the proposed amendment to the site plan and relief granted in Case No. 2009-0072-SPHA for modified parking pursuant to Section 409.12 of the B.C.Z.R. In addition, the special hearing relief granted in Case No. 2009-0072-SPHA is hereby affirmed. Since the proposed use by a small dental practice is self-limiting, the impacts of changing the use to medical office space are negligible. Accordingly, I find that the proposed use will not be detrimental to the health, safety, or general welfare of the area; which is now characterized by similar conversions; and as stated in this Commission's prior Order will not create congestion in roads, streets, or alleys; will not create a potential hazard from fire, panic, or other dangers; will not overcrowd land or cause undue concentration of population; will not interfere with adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements, conveniences, or improvements; will not interfere with adequate light and air; will not be inconsistent with the spirit and intent of the B.C.Z.R.; and will not be inconsistent with the impermeable surface and vegetive retention provisions of the B.C.Z.R.

Similarly, the petition for special exception for a Class B office building will be granted. The R-O Zoning Regulations permit a Class B office building only by Special Exception. Further, a Class B office building is defined in the B.C.Z.R. as a building which is a new structure, or for which significant addition has been added to the previous building. I am persuaded that the Class B office building should be permitted on the subject site and that the proposed improvements are appropriate. I am satisfied that the special exception request

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Date 4-8-09
By 30

complies with the requirements of B.C.Z.R. Section 502.1 as recently applied by the Court of Appeals in *People's Counsel for Baltimore Co. v. Loyola College*, 406 Md. 54 (2008).

Finally, the petition for variance shall be granted. In this regard, relief will be granted to allow 13 parking spaces in lieu of the 16 parking spaces required pursuant to Section 409.6.2 of the B.C.Z.R.; to permit a Class B office building with 39% of the total adjusted gross floor area occupied by medical offices in lieu of 25% allowed pursuant to Section 204.3B.2.a of the B.C.Z.R.; to permit a Class B office building with a floor area ratio of 0.48 in lieu of 0.33 allowed pursuant to Section 2.4.4.C.1 of the B.C.Z.R.; and to permit a 0 foot landscaping buffer along the property lines which abut a non-residentially zoned property in lieu of 10 feet required by Section 204.4.C.9.C(2) of the B.C.Z.R.

I find that the property is unique because of the location of the existing improvements. In addition, I find that strict compliance with the B.C.Z.R. would result in practical difficulty and unreasonable hardship to the Petitioner to use the property for the uses allowed by its current zoning. Without the requested variances the existing improvements could not be retained without modifying the exterior and would be contrary to the stated goal of the R-O zone. I also note that the adjoining property at 2 Sudbrook Lane was acquired by Baltimore County for the right-of-way for DeRisio Lane. To the extent that this taking changed the requirement for side yard setbacks the Zoning Commissioner's Policy Manual calls for the variances to be granted and doing so is consistent with long-standing practice by the Zoning Office and as applied by this Commission in construing *Cromwell v. Ward*, 102 Md. App. 691 (1994).

Based upon the testimony and evidence offered, I am persuaded to grant the requested relief. In my judgment, the proposal is consistent with the surrounding locale and will not detrimentally impact the surrounding neighborhood. The proposed redevelopment of this site is appropriate and meets the spirit and intent of the Zoning Regulations and the goals of this Revitalization District.

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

RECEIVED FOR FILING
Date 4-8-09
By [Signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8th day of April 2009 that the Petition for Special Exception, to allow a Class B Office Building in an R-O zone, pursuant to Section 204.3.B.2, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing to amend the site plan and Order approved in Case No. 2009-0072-SPHA and to affirm the relief granted in that Order as it relates to a modified parking plan pursuant to Section 409.12 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to affirm the following variance relief granted in that Order as follows:

From Section 204.3, to permit 43% of the total adjusted gross floor area of an existing Class A office building to be occupied by medical offices in lieu of 25% allowed; from Section 409.4, to permit a two-way driveway 10 feet in width in lieu of 20 feet required; from Section 409.8.A.4, to permit a parking space in a surface parking facility for a nonresidential use to be 0 feet from the right-of-way line of a public street in lieu of 10 feet required; and from Section 409.8.A.1, and the Baltimore County Landscape Manual to permit a landscape strip of 0 feet between an existing paved surface and a lot line in a commercial zone in lieu of six (6) feet required, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from B.C.Z.R. Section 409.6.A.2, to allow 13 parking spaces in lieu of 16 parking spaces required; from B.C.Z.R. Section 204.3.B.2.a, to permit a Class B Office Building with 39% of the total adjusted gross floor area occupied by medical offices, in lieu of 25% permitted; from B.C.Z.R. Section 204.4.C.1, to permit a Class B Office Building with a floor area ratio of 0.48 in lieu of 0.33 permitted, and from B.C.Z.R. Section 204.4.C.9.c(2), to permit a 0 foot landscape buffer along property lines which abut a non-residentially zoned property in lieu of 10 feet required, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; subject to the following restrictions:

ORDER RECEIVED FOR FILING
Date 4-8-09
By [Signature]

- 1) The Petitioner may apply for its permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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) Except as specifically modified herein, the terms and conditions of the relief granted in Case No. 2009-0072-SPHA shall be incorporated herein.
- 3) The Petitioner shall provide a sign detail with colors and materials to the Office of Planning for review and approval for any freestanding sign or sign on the building wall.
- 4) The Petitioner shall submit for review and approval a revised landscape plan to Avery Harden, the County's Landscape Architect. The plan should note additional landscaping for the foundation walls of the proposed addition as well as along the rear elevation and show screening on the west side of the rear parking lot.
- 5) A picket fence enclosure shall be utilized to surround the trash pad located at the rear of the property.
- 6) When applying for any permits, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

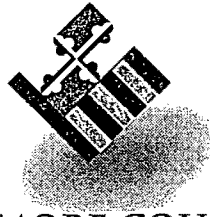
IT IS FURTHER ORDERED, that, in the event Baltimore County authorizes access to the subject property from DeRisio Lane, no further action by the Zoning Commissioner shall be required.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING
Date 4-8-09
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

April 8, 2009

WILLIAM J. WISEMAN III
Zoning Commissioner

Mark D. Dopkin, Esquire
Tydings & Rosenberg, LLP
100 East Pratt Street, 26th Floor
Baltimore, MD 21202

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE

N/side of Sudbrook Lane, 40' W of c/line of DeRisio Lane

(4 Sudbrook Lane)

3rd Election District - 2nd Council District

4 Sudbrook, LLC – *Petitioner*

Case No. 2009-0209-SPHXA

Dear Mr. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Exemption and 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 horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Howard Rothschild, D.D.S., Managing Member, 4 Sudbrook LLC, 1500 Reisterstown Road,
Baltimore, MD 21208
Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G,
Baltimore, MD 21209
Jay Brown, Levin/Brown & Associates, 15 Greenspring Valley Road, Baltimore, MD 21208
Sara J. Glik, 8 Brightside Avenue, Baltimore, MD 21208
Lorna R. Diaz, 21 Sherwood Avenue, Baltimore, MD 21208
Diana Itter, Office of Planning; Pierce Macgill, Dept. of Economic Develop.; Avery Harden, DPDM
People's Counsel; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: 4 Sudbrook Lane

which is presently zoned RO

Deed Reference 27506

/ 295

Tax Account # 0302000826

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 thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

See Attached

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State Zip Code

Attorney For Petitioner:

Mark Dopkin, Esq.

Name - Type or Print

Signature

Tydings & Rosenberg, LLP

Company

100 E. Pratt Street, 26th floor

Address

410-752-9735

Telephone No.

Baltimore

City

MD 21202

State Zip Code

Legal Owner(s):

4 Sudbrook LLC

Howard Rothschild, D.D.S., Managing Member

Name - Type or Print

Signature

Name - Type or Print

Signature

3809 Thoroughbred Lane

Address

410-602-1800

Telephone No.

Owings Mills

City

MD 21117

State Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

Address

410-653-3838

Telephone No.

Baltimore

City

MD 21209

State Zip Code

Case No. 2009-0209-SP4XA

UNDER RECEIVED FOR FILING

Date

4-8-09

By

DW

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

BK

Date

2/11/09

Attachment to Petition for Special Hearing

To amend the site plan and Order approved in Case No. 2009-0072-SPHA, and to affirm the relief granted in that Order as it relates to a modified parking plan pursuant to Section 409.12, BCZR, and to affirm the variance relief granted in that Order: *as follows*:

✓ From Section 204.3, BCZR, to permit 43% of the total adjusted gross floor area to be occupied by medical offices in lieu of 25% allowed;

From Section 409.4, BCZR, to permit a two-way driveway 10 feet in width in lieu of 20 feet required;

From Section 409.8.A.4, BCZR, to permit a parking space in a surface parking facility for a nonresidential use to be 0 feet from the right-of-way line of a public street in lieu of 10 feet required; and

From Section 409.8.A.1, BCZR, and the Baltimore County Landscape Manual, to permit a landscape strip of 0 feet between an existing paved surface and a lot line in a commercial zone in lieu of six (6) feet required.



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

SOUTH SIDE OF WARREN ROAD
for the property located at 900'± E. OF YORK ROAD

which is presently zoned "R-0"

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

103 WARREN ROAD

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:

PAUL LEE - CENTURY ENGINEERING, INC.

Name - Type or Print

Paul Lee

Signature

10710 GILROY ROAD

443-589-2400

Address

Telephone No.

HUNT VALLEY

MD

21031

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

DAVID F. BLACK

Name - Type or Print

David F. Black

Signature

MICHELLE A. WHITE

Name - Type or Print

Signature

1004 WESTERN RUN ROAD

410-785-2424

Address

Telephone No.

COCKEYSVILLE

MD

21030

City

State

Zip Code

Representative to be Contacted:

PAUL LEE - CENTURY ENGINEERING, INC.

Name

10710 GILROY ROAD

443-589-2400

Address

Telephone No.

HUNT VALLEY

MD

21030

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JF Date 10/27/08

Case No. 1009-0122X

REV 09/15/98

RECEIVED FOR FILING

Date 1-20-09

By OW



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4 Sudbrook Lane

which is presently zoned RO

Deed Reference 27506 / 295 Tax Account # 0302000826

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 of thereof, hereby petition for a Variance from Section(s)

See Attached.

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

Reasons to be presented at the hearing.

Property 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:

Mark Dopkin, Esq.

Name - Type or Print

Signature

Tydings & Rosenberg, LLP

Company

100 East Pratt St., 26th Floor

Address

Telephone No.

Baltimore

MD 21202

City

State Zip Code

Legal Owner(s):

4 Sudbrook LLC

Howard Rothschild, D.D.S., Managing Member

Name - Type or Print

Signature

Name - Type or Print

Signature

3809 Thoroughbred Lane

410-602-8100

Address

Telephone No.

Owings Mills

MD 21117

City

State Zip Code

Representative to be Contacted:

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By AM Date 2/11/09

Case No. 2009-0209-SPHXA

RECEIVED FOR FILING

Date 4-8-09

By WJ

Attachment to Variance Petition

From Section 409.6.A.2, BCZR for 13 parking spaces in lieu of 16 parking spaces required.

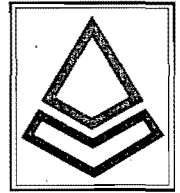
From Section 204.3.B.2.a, BCZR, to permit a Class B office building with 39% of the total adjusted gross floor area occupied by medical offices, in lieu of 25% permitted.

From Section 204.4.C.1, BCZR, to permit a Class B office building with a floor area ratio of 0.48 in lieu of 0.33 permitted.

From Section 204.4.C.9.c (2), BCZR, to permit a 0 foot landscape buffer along property lines which abut a non-residentially zoned property, in lieu of 10 feet required.

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

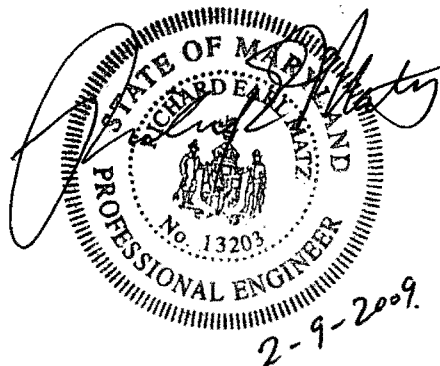


ZONING DESCRIPTION – 4 SUDBROOK LANE

Beginning at a point on the north side of Sudbrook Lane, which is 60 feet wide, at a distance of 40 feet west of the centerline of DiRisio Lane, which is of varying width, thence the following courses and distances:

S 55°28'23" W, 60.00 ft.;
N 34°31'37" W, 210.00 ft.;
N 55°28'23" E, 60.00 ft., thence
S 34°31'37" E, 210.00 ft. to the Point of Beginning.

As recorded in Deed Liber 27506, folio 295 and containing 12,600 square feet. Also known as 4 Sudbrook Lane and located in the 3rd Election District, 2nd Councilmanic District.



Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 13203, Expiration Date: 11-2-10

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

No. **05061**

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
				Obj	Sub Obj				

Total: _____

Rec From: _____

For: _____

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: # 2009-0209-SPHXA

4 Sudbrook Lane

N/side of Sudbrook Lane, 40 feet w/of the Centerline of Dirlisio Lane

3rd Election District — 2nd Councilmanic District

Legal Owner(s): Mark Dopkin

Special Hearing: to amend the site plan and order approved in case 09-0072-SPHA, and to affirm the relief granted in that order as it relates to a modified parking plan, and to affirm the variance relief granted in that order. To permit 43% of the total adjusted gross floor area to be occupied by medical offices in lieu of the 25% allowed; to permit a two-way driveway 10 feet in width in lieu of the 20 feet required; to permit a parking space in a surface parking facility for an non-residential use to be 0 feet from the right of way line of a public street in lieu of 10 feet required, and to permit a landscape strip 0 feet between an existing paved surface and a lot line in a commercial zone in lieu of six feet required. **Special Exception:** for a Class B office building in an RO zone. **Variance:** for 13 parking spaces in lieu of 16 parking spaces required. To permit a Class B office building with 39% of the total adjusted gross floor area occupied by medical offices, in lieu of 25% permitted. To permit a Class B office building with a floor area ratio of 0.48 in lieu of 0.33 permitted. To permit a 0 foot landscape buffer along property lines which abut a non-residentially zoned property, in lieu of 10 feet required.

Hearing: Friday, April 3, 2009 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.

3/368 Mar. 19

196766

CERTIFICATE OF PUBLICATION

3/19, 2009

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 3/19, 2009.

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

S. Wilkinson

LEGAL ADVERTISING

IND

t th

009



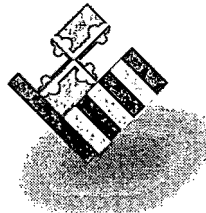
Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

(Telephone Number of Sign Poster)



BALTIMORE COUNTY
M A R Y L A N D

March 4, 2009

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING

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

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: 2009-0209-SPHXA

4 Sudbrook Lane

N/side of Sudbrook Lane, 40 feet w/of the centerline of DiRisio Lane

3rd Election District – 2nd Councilmanic District

Legal Owners: Mark Dopkin

Special Hearing to amend the site plan and order approved in case 09-0072-SPHA, and to affirm the relief granted in that order as it relates to a modified parking plan, and to affirm the variance relief granted in that order. To permit 43% of the total adjusted gross floor area to be occupied by medical offices in lieu of the 25% allowed, to permit a two-way driveway 10 feet in width in lieu of the 20 feet required; to permit a parking space in a surface parking facility for an non-residential use to be 0 feet from the right of way line of a public street in lieu of 10 feet required, and to permit a landscape strip 0 feet between an existing paved surface and a lot line in a commercial zone in lieu of six feet required. Special Exception for a Class B office building in an RO zone. Variance for 13 parking spaces in lieu of 16 parking spaces required. To permit a Class B office building with 39% of the total adjusted gross floor area occupied by medical offices, in lieu of 25% permitted. To permit a Class B office building with a floor area ration of 0.48 in lieu of 0.33 permitted. To permit a 0 foot landscape buffer along property lines which abut a non-residentially zoned property, in lieu of 10 feet required.

Hearing: Friday, April 3, 2009 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: Mark Dopkin, Tydings & Rosenberg, 100 E. Pratt St., 26th Floor, Baltimore 21202
Howard Rothschild, 3809 Thoroughbred Lane, Owings Mills 21117
Richard Matz, Colbert Matz, Rosenfelt, 2835 Smith Ave., Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 19, 2009.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 19, 2009 Issue - Jeffersonian

Please forward billing to:
Dr. Howard Rothschild
3809 Thoroughbred Lane
Owings Mills, MD 21117

410-602-8100

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: 2009-0209-SPHXA

4 Sudbrook Lane

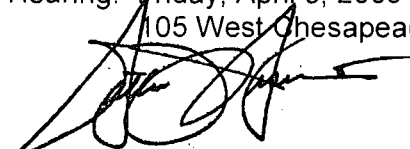
N/side of Sudbrook Lane, 40 feet w/of the centerline of DiRisio Lane

3rd Election District – 2nd Councilmanic District

Legal Owners: Mark Dopkin

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Hearing: Friday, April 3, 2009 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.

**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.

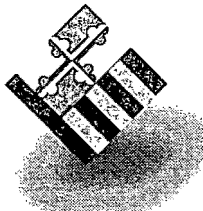
For Newspaper Advertising:

Item Number or Case Number: 2009-0209-SPHXA
Petitioner: ~~Dr. Howard Rothschild~~ 4 Sudbrook, LLC
Address or Location: 4 Sudbrook Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dr. Howard Rothschild
Address: 3809 Thoroughbred Lane
Owings Mills, Md. 21117
Telephone Number: 410-602-8100

Revised 7/11/05 - SCJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
March 26, 2009

Mark Dopkin, Esq.
Tydings & Rosenberg, LLP
100 E. Pratt St., 26th Floor
Baltimore, MD 21202

Dear: Mark Dopkin, Esq.

RE: Case Number 2009-0209-SPHXA, 4 Sudbrook Ln.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 11, 2009. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Howard Rothschild; 4 Sudbrook LLC; 3809 Thoroughbred Ln.; Owings Mills, MD 21117
Richard Matz; Colbert Matz Rosenfelt, Inc.; 2835 Smith Ave. Ste. G; Baltimore, MD 21209

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 4, 2009

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

SUBJECT: 4 Sudbrook Lane

INFORMATION:

Item Number: 9-209

Petitioner: 4 Sudbrook Lane, LLC

Zoning: R.O.

Requested Action: **Special Exception, Special Hearing and Variance**

The petitioner has been granted relief in a prior special hearing and variance; Case No. 2009-0072SPHA for a Class A Office Building in an RO zone on November 5, 2008. The petitioner proposes to remove a portion of the existing 3-story building and add a substantial 1-story rear addition for dental office use.

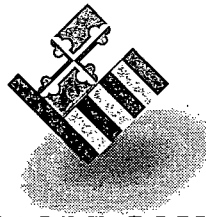
The subject case is a request for a Special Exception for a Class B Office Building, variance for 13 parking spaces in lieu of 16 parking spaces, a floor area ratio of 48% for dental offices in lieu of the 43% granted and a special hearing for a modified parking and landscape plan.

The property is within the Pikesville Revitalization District. New office/commercial construction is subject to the Pikesville Design Guidelines and a Design Review Panel (DRP) review. The Office of Planning has scheduled a DRP meeting on 3/11/09.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends approval subject to compliance with the DRP comments and the following:

1. Correct note 15 to reflect the instant zoning hearing case number.
2. Provide a sign detail with colors and materials for any freestanding signs or signs on the building wall.
3. If the future connection to DeRisio Lane occurs, it may not be necessary to pave the 10' wide driveway that runs parallel to DeRisio Lane. The existing wood stockade fence could be removed.
4. Provide a detail for the trash enclosure.
5. Replace the sidewalk along Sudbrook Lane in accordance with the restriction in Commissioner Wiseman's order in Case No. 2009-0072.



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

February 19, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 16, 2009

Item Numbers 0209

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 18, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For February 23, 2009
Item Nos. 2009-0200, 0203, 0205,
0206, 0207, 0208, and 0209

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

DAK:CEN:lrk
cc: File
ZAC-02232009-NO COMMENTS



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

State Highway
Administration

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

Maryland Department of Transportation

Date: FEB 23, 2009

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

RE: Baltimore County
Item No 2009-0209-SPHXA
4 SUBBROOK LN.
4 SUBBROOK LLC PROPERTY
VARIANCE
SPECIAL EXCEPTION

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 2009-0209-SPHXA.

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

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

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



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 09 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: April 8, 2009

SUBJECT: Zoning Item # 09-209-SPHXA
Address 4 Sudbrook Lane
(4 Sudbrook, LLC)

Zoning Advisory Committee Meeting of February 16, 2009

 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:

Reviewer: JWL

Date: 4/8/2009

BW 4/3 9am

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: March 4, 2009

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

RECEIVED

SUBJECT: 4 Sudbrook Lane

MAR 06 2009

INFORMATION:

ZONING COMMISSIONER

Item Number: 9-209

Petitioner: 4 Sudbrook Lane, LLC

Zoning: R.O.

Requested Action: Special Exception, Special Hearing and Variance

The petitioner has been granted relief in a prior special hearing and variance; Case No. 2009-0072SPHA for a Class A Office Building in an RO zone on November 5, 2008. The petitioner proposes to remove a portion of the existing 3-story building and add a substantial 1-story rear addition for dental office use.

The subject case is a request for a Special Exception for a Class B Office Building, variance for 13 parking spaces in lieu of 16 parking spaces, a floor area ratio of 48% for dental offices in lieu of the 43% granted and a special hearing for a modified parking and landscape plan.

The property is within the Pikesville Revitalization District. New office/commercial construction is subject to the Pikesville Design Guidelines and a Design Review Panel (DRP) review. The Office of Planning has scheduled a DRP meeting on 3/11/09.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends approval subject to compliance with the DRP comments and the following:

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2. Provide a sign detail with colors and materials for any freestanding signs or signs on the building wall.
3. If the future connection to DeRisio Lane occurs, it may not be necessary to pave the 10' wide driveway that runs parallel to DeRisio Lane. The existing wood stockade fence could be removed.
4. Provide a detail for the trash enclosure.
5. Replace the sidewalk along Sudbrook Lane in accordance with the restriction in Commissioner Wiseman's order in Case No. 2009-0072.

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

Prepared by:

Curtis Murray

Division Chief:
AFK/LL: CM

Kyran Larkman

RE: PETITION FOR SPECIAL HEARING,
SPECIAL EXCEPTION AND VARIANCE
4 Sudbrook Lane; N/S of Sudbrook Lane,
40' W c/line Dirisio Lane
3rd Election & 2nd Councilmanic Districts
Legal Owner(s): Howard Rothschild

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 09-209-SPHXA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

FEB 26 2009

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of February, 2009, a copy of the foregoing Entry of Appearance was mailed to Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Mark Dopkin, Esquire, Tydings & Rosenberg, LLP, 100 E. Pratt Street, 26th Floor, Baltimore, MD 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ITEM 1

PROJECT NAME: 4 Sudbrook Lane – Rothschild Dental Office

DRP PROJECT #: 507

PROJECT TYPE: Commercial, Pikesville

PROJECT DESCRIPTION:

Dick Matz, of Colbert Matz & Rosenfelt, along with architect Jay Brown of Levin/Brown & Associates, presented the project to the panel. The proposed project calls for an addition to a former single-family dwelling that had been converted to office by its previous owner. The purpose of the improvements & addition is for creating dental offices. The proposal is to retain the front of the building and replace a portion of the back of the building with a one-story addition. The addition will also include a basement. The existing front porch on the building will be removed and replaced to accompany a handicap ramp. Materials for the project include hardiplank siding along with asphalt roof shingles and shutters to match those of the existing building. The siding color will be Navajo Beige with white trim.

The property is zoned R-O and the building, with its proposed improvements, is a class B office building, requiring special exception approval. The hearing for the project is scheduled for April 3, 2009 before the Zoning Commissioner.

A brief history of the project consisted of a proposal for a class A office building with a small addition to the rear. Although the Class A use was previously approved, the plans ended up not working for the applicants desired use of the building.

The Baltimore County Office of Planning issued a staff report which is filed as Appendix C. The applicant addressed some of the concerns of the Planning Office. They stated that they revised the sidewalks and are negotiating with the Councilman and the neighbors regarding creating an entrance off of DiRisio Lane. The applicant would like to remove the county owned fence along the property and providing landscaping instead and is seeking the approval/support to do so. Parking for the offices will consist of one handicap spot at the front and 12 spaces in the rear.

DESIGN REVIEW PANEL COMMENTS:

Ms. Westerhout commented on the material choice for the project, stating that it was an appropriate use. She suggested replacing the porch exactly as it exists instead of extending it over the ramp. She feels that this will work better for the project as a whole and will still allow for the ramp access. Ms. Westerhout also complemented the applicant for re-siding the entire building.

Mr. Repsher agreed with the idea of removing the fence, if possible and the DiRisio entrance. He also stated that if the entrance is allowed in the rear, the applicant would need to revise the landscape plan to replace the driveline down the side. He suggested a sign would be helpful to identify the parking in the rear for the public. Mr. Repsher also suggested screening the dumpster/trash enclosure. At this time the applicant is not sure whether dumpsters or trash bins will be needed. A possible enclosure could be attached to the building.

Mr. Monk stated that the staff and the panel is supportive of the elimination of the fence. He also suggested revising the landscape plan, if the fence removal was approved. After Ms. Itter from the planning staff discussed the issues of the Pikesville Communities Corporation, Mr. Monk

urged the applicant to continue working with the community to get any outstanding issues resolved, such as the entrance/fence, etc. He suggested taking a redline plan to the hearing to present both possible lot layouts. Mr. Monk also suggested screening the parking on the rear lot from the adjacent neighbors.

DISPOSITION:

A motion was made by Ms. Westerhout to have the plans approved as presented with conditions as follows:

1. Provide sign details
2. Revise porch plans – replace porch as it stands
3. Revise landscape plan – add additional landscaping at foundation and along rear elevation as well as screening the west side of the rear parking lot.
4. Provide trash enclosure details

The Design Review Panel was in support of the proposed access off of DiRisio Lane as well as the removal of the wooden fence, with the idea that more substantial landscaping will be provided. The panel is also ok with the front driveline as proposed, if the access off of DiRisio is not granted.

All revised plans are to be submitted to the Office of Planning for final approval. The motion was seconded by Mr. DiMenna and approved by acclamation at 6:52 p.m.

The meeting was adjourned at 6:53 p.m.

Code Statement: Section 32 – 4 – 203 (i) (2) of the Baltimore County Code states, *The Panel's recommendation is binding on the Hearing Officer, and on the agencies under subsection (l), (Directors of the Office of Planning, the Department of Permits and Development Management and the Department of Environmental Protection and Resource Management), unless the Hearing Officer or agencies find that the Panel's actions constitute an abuse of its discretion or are unsupported by the documentation and evidence presented.*

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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: File

DATE: May 14, 2009

FROM: William J. Wiseman, III
Zoning Commissioner

SUBJECT: 4 Sudbrook Lane
Case Nos. 2009-0209-SPHXA & 2009-0072-SPHA

This will confirm my meeting with Len Wasilewski concerning the Petitioner's desire to have a 16 square foot enterprise identification sign located on his property. A review of the files indicate that a sign was contemplated for this property and identified on the site plan as a non-electric sign "to be submitted to the Office of Planning for approval" and further noted on the site plan contained within Case No. 2009-0072-SPHA as a "small tasteful non-electric sign" to be located on the southwestern corner of the property adjacent to Sudbrook Lane. Len Wasilewski appropriately points out that strict compliance with Section 450.4 (No. 5) limits signs to 15 square feet in the R.O. zoning classification. Notwithstanding this restriction, a sign was always contemplated in both captioned files and was thoroughly discussed at the hearings with the community and with the Office of Planning. It is my recommendation to the Zoning Review Office that the Office of Planning review the sign detail, which has now been submitted by the Petitioner's engineer, and following the approval of same by Diana Itter as conditioned in my Order that a permit be issued for a sign that complies with the height and area restrictions as contained in Section 450.4 (No. 5); that is to say, 15 square feet, freestanding, at a height of 6 feet.

I believe a sign would be within the spirit and intent of my Order and also with the regulations. Please let me know if I can be of further assistance.

WJW:dlw

c: Diana Itter, Office of Planning

Melinda A. Hipsley
104 Sherwood Avenue
Pikesville, MD 21208
March 30, 2009

RECEIVED

APR 01 2009

Office of Zoning Commissioner
Zoning Review Office
Baltimore County Office Building, Room 111,
111 West Chesapeake Avenue,
Towson, MD 21204

ZONING COMMISSIONER

Dear Office of the Zoning Commissioner:

I would like to attend the April 3rd zoning meeting to discuss case number 2009-0072-SPHXA about 4 Sudbrook Lane. However, my work schedule will not allow this.

As a Past President of the Ralston Community Association I have many concerns with an entrance onto De Riso Lane. I worked very closely with Second District Councilman Kevin Kamenetz to ward off any encroachment of commercial business back into our neighborhoods. As a resident of 32 years I have seen many changes in the Pikesville community. De Riso Lane was not a project that I as a community leader was looking forward to some years back. With the help of Councilman's office we worked together to make the project enhance the neighborhoods bordering De Riso Lane. I am currently heading a committee to keep the property adjacent to De Riso Lane appealing to all concerned. I feel strongly that curb appeal works to increase the value of our properties. The way De Riso Lane is currently set up works for both parties, by acting as a buffer between the commercial businesses and the residential neighborhoods.

I oppose allowing a connection from a neighborhood property onto De Riso Lane as this allows a break in our commercial buffer. I would pose a couple of questions. First, if this connection is allowed does this set precedence for more property owners to break down our barrier? How many more connections would be allowed from the neighborhood side to the commercial side? Secondly, how and more importantly who would be responsible to maintain the area around this connection? We are currently having issues with the grassy area being allowed to grow freely and become unsightly and overgrown. This connection would allow the grassy area to be broken up into two separate sections with no one responsible to maintain the area. Please see the enclosed picture that show how the area is currently being maintained.

Please do not take this decision lightly because I have seen many businesses come and go but like my neighborhood I am still here.

Sincerely,

Melinda A. Hipsley, Past President
Ralston Community Association

Bill Wiseman - 4 Sudbrook Lane

From: "Alan P. Zukerberg" <apzuk@msn.com>
To: <tbostwick@baltimorecountymd.gov>, <wwiseman@baltimorecountymd.gov>
Date: 04/02/09 5:14 PM
Subject: 4 Sudbrook Lane
CC: "Lorna and Charlie Diaz" <cdiaz2112@yahoo.com>, "Mark Dopkin Esq" <mdopkin@tydingslaw.com>

Dear Mr. Wiseman and Mr. Bostwick:

Please be advised that on behalf of itself and its member, the Ralston Community Association, we oppose the grant of anything related to allowing a curb cut into the above-noted property from DiRisio Lane. We note that the relief requested appears to ask for certain items that may anticipate an entrance to a driveway from DiRisio Lane. We would be opposed to same. Additionally, we would expect that the landowner complies with all landscaping required to be along its eastern border contiguous to the county owned property that runs along DiRisio Lane. We encourage the County to make findings that are consistent with the desires of the community.

Pikesville Communities Corporation
Alan P. Zukerberg, President
7919 Long Meadow Rd
Pikesville, Maryland 21208

Cc: board

4-3-09

Minutes
Baltimore County Design Review Panel
March 11, 2009
DRAFT

Contents

Call to order, and announcements

Review of today's agenda

Minutes of the January 14, 2009 Meeting

Items for discussion and vote by the Design Review Panel

1. 4 Sudbrook Lane – Rothschild Dental Office – Commercial, Pikesville

Adjournment of the Board Meeting

Baltimore County Design Review Panel
Appendices

Appendix A	Agenda
Appendix B	Minutes of the January 14, 2009 Meeting
Appendix C	Staff Report – 4 Sudbrook Lane

Minutes
Baltimore County Design Review Panel
March 11, 2009
DRAFT

Call to order

Chairman, William Monk, called the regularly scheduled meeting of the Baltimore County Design Review Panel to order at 6:00 p.m. The following panel members were:

Present

Mr. William Monk
Mr. John DiMenna
Mr. Thomas Repsher
Ms. Magda Westerhout

Not Present

Mr. Donald Kann
Mr. Derrick Burnett
Mr. Christopher Parts
Mr. Scott Rykiel
Ms. Betsy Boykin

County staff present included:

Lynn Lanham, Jenifer Nugent, Krystle Patchak, Diana Itter

Minutes of the January 14, 2009 meeting

Ms. Westerhout moved the acceptance of the draft minutes and the motion was seconded by Mr. Repsher and passed by acclamation at 6:04 p.m.

The approved minutes are filed as Appendix B.

Minutes
Baltimore County Design Review Panel
March 11, 2009
DRAFT

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Not Present

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Ms. Betsy Boykin

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The approved minutes are filed as Appendix B.

CASE NAME 4 Sudbrook Lane
CASE NUMBER 2009-0209-SPI-TH
DATE 4-3-09

CASE NAME 4 Sudbrook Lane
CASE NUMBER 2009-0209-SPHXX
DATE 4-3-09

[illegible]

CASE NAME 4 Sudbrook Lane
CASE NUMBER 2009-0209-SPHXA
DATE 4-3-09

[illegible]

CASE NAME A. Sudbrook Lane
CASE NUMBER 2009-0209-SPHKA
DATE 4-3-09

[illegible]

2009-0209 splxa

5"

54.75"

6.25"

4"

3.5"

**Dr. Howard
Rothschild**

46.25"

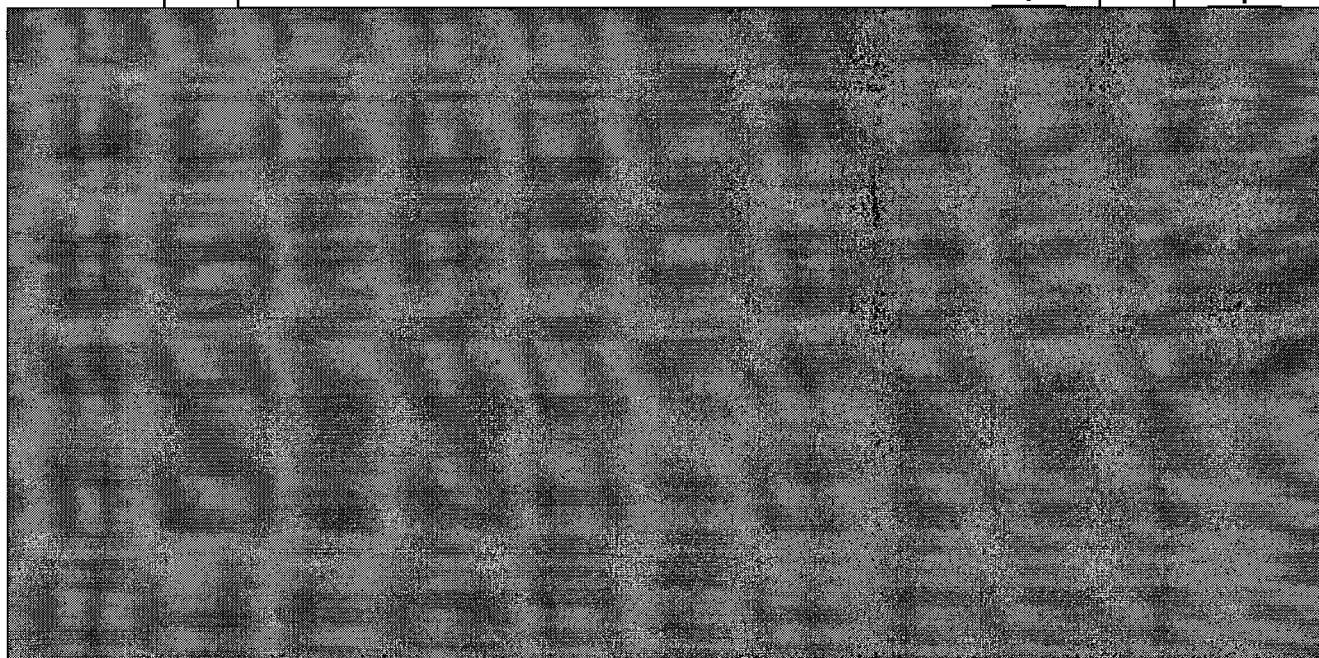
4 Sudbrook Lane
410-602-8100

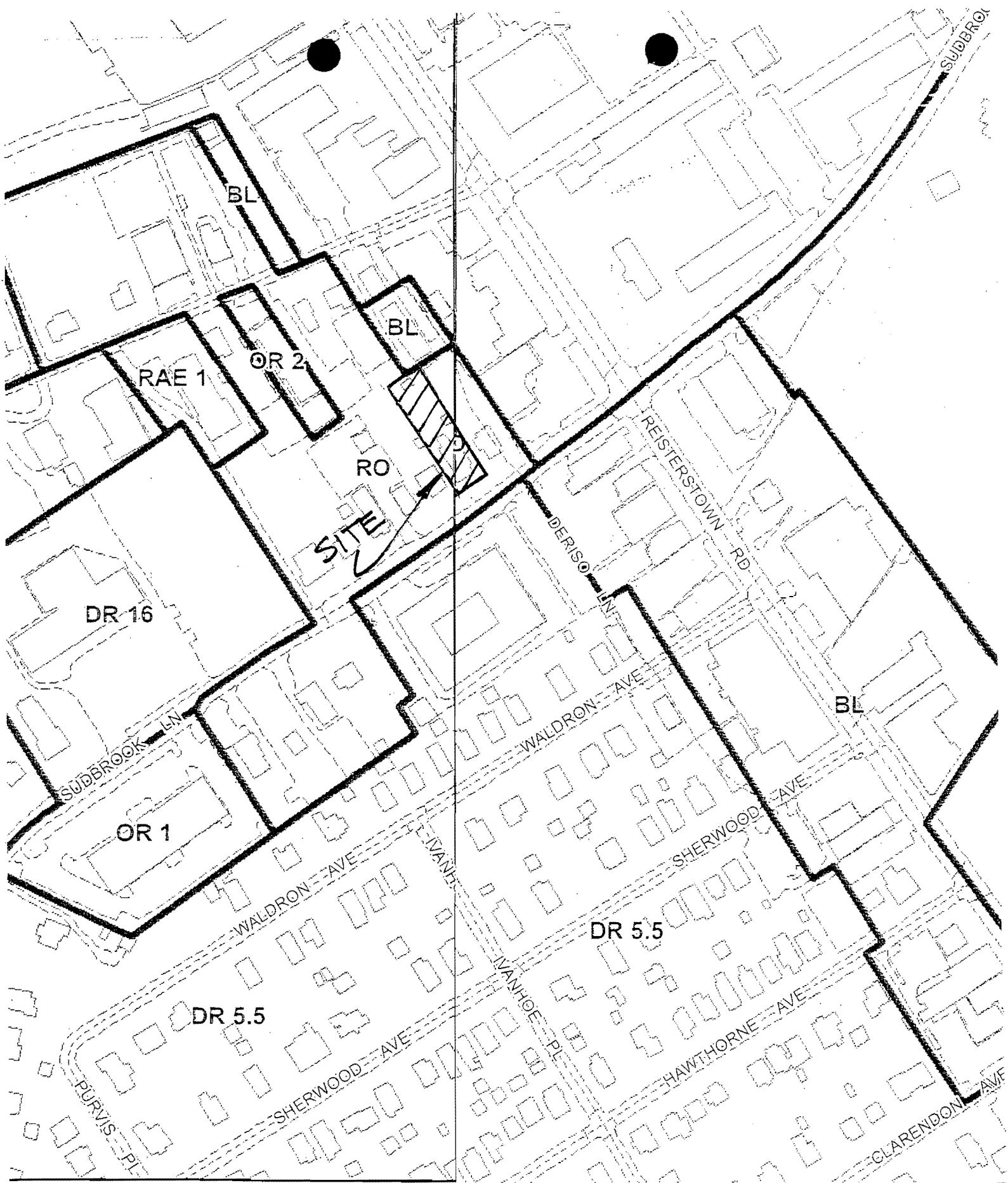
46"

72"

12.5"

Dana Altman
Office of Planning
Approved 5/14/09





1

078B1

Data Sources:

depicted in this application incorporates the actions
I with County Council Bills 82-04, 83-04, 84-04, 85-04,
86-04, 87-04, and 88-04.

#0209

Case No.: 2009-0209-SPHXA

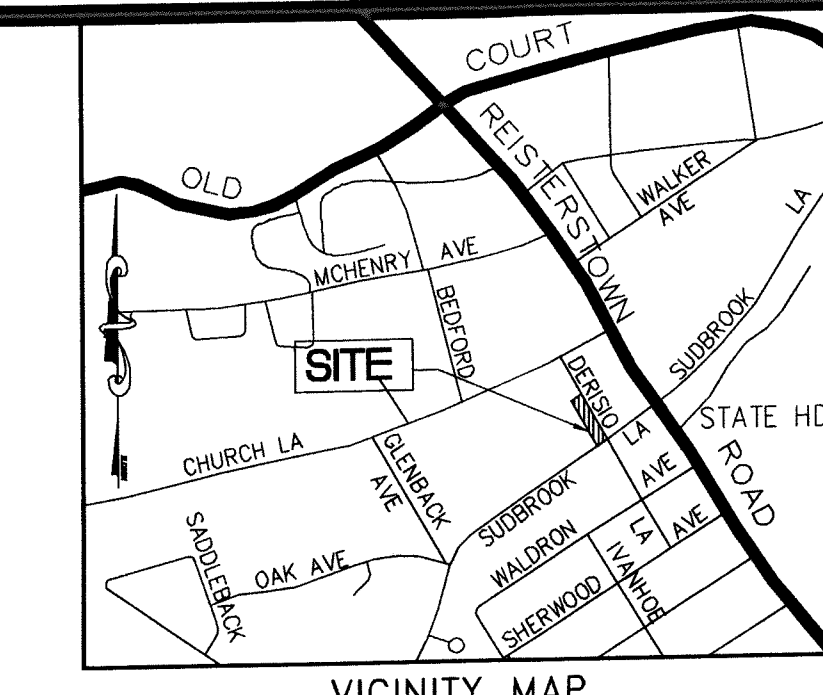
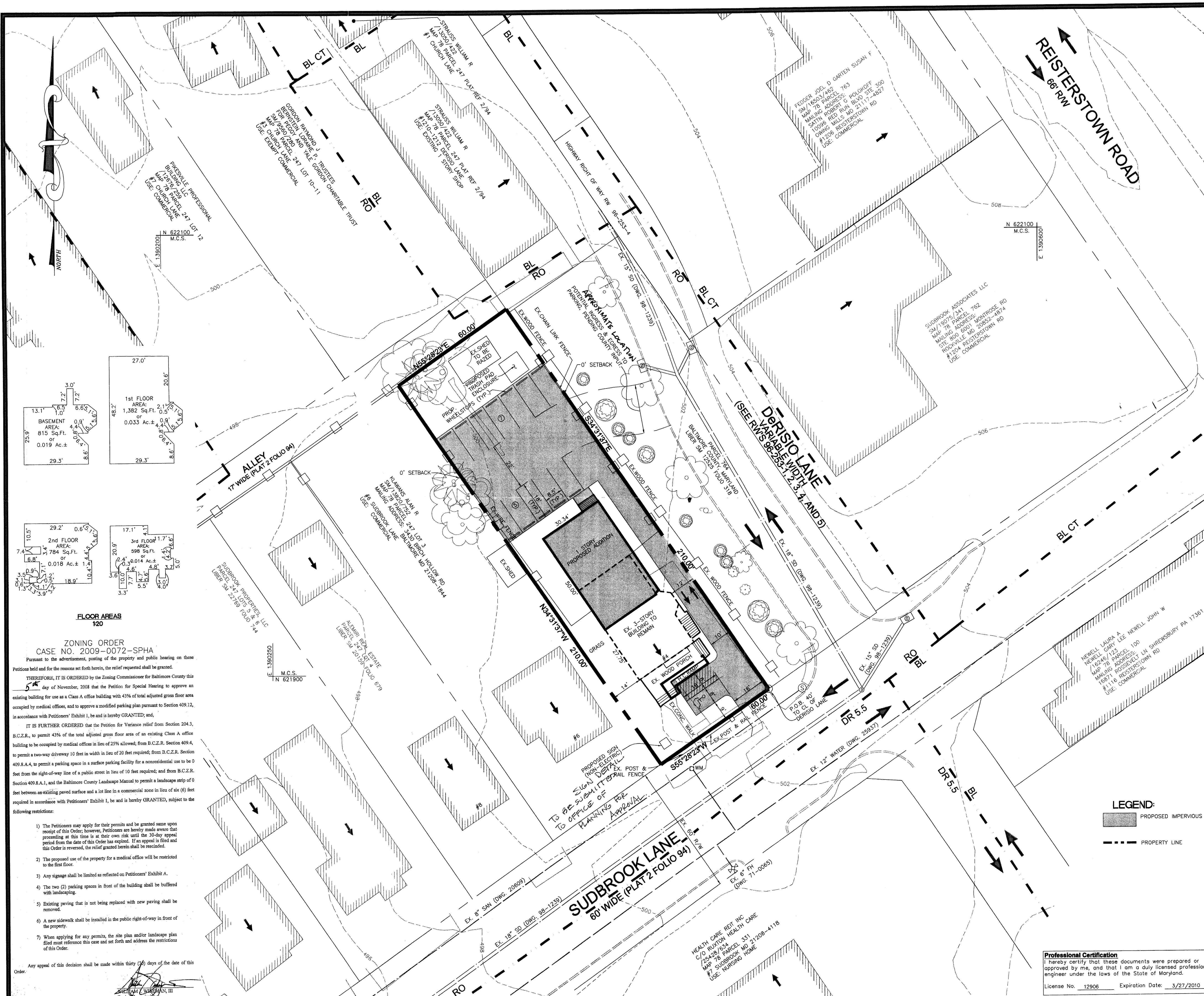
4 SADBROOK LANE

Exhibit Sheet

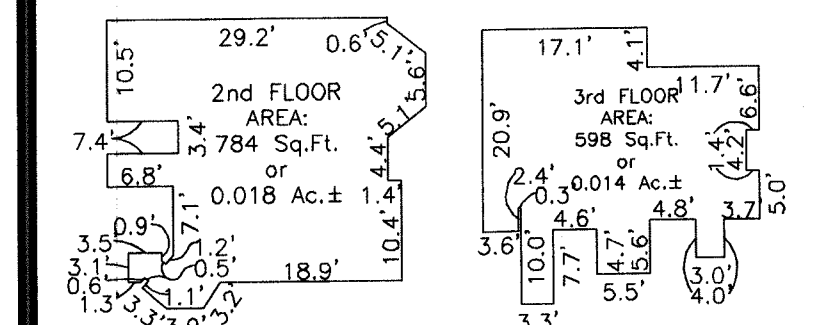
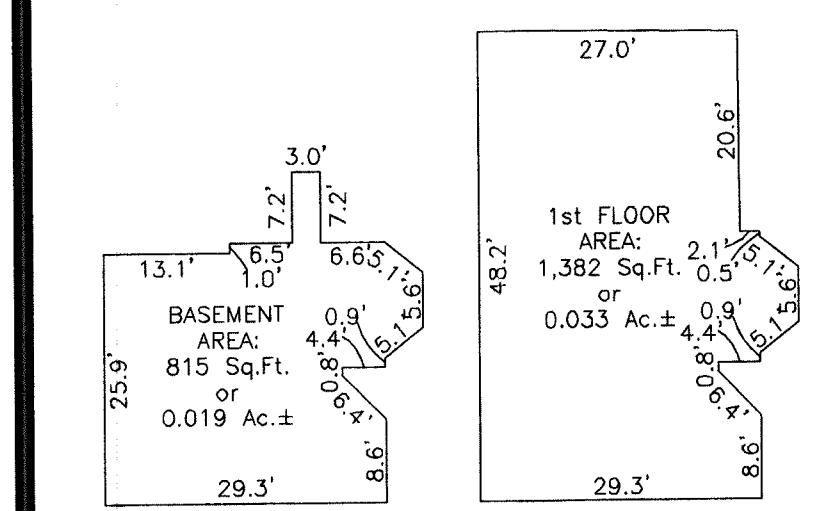
Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	DESIGN REVIEW Comments 3/12/09	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



- GENERAL NOTES:**
- OWNER/DEVELOPER:
4 SUDBROOK LLC
DR. HOWARD ROTHSCHILD, MANAGING MEMBER
3809 THOROUGHbred LANE
OWINGS MILLS, MD. 21117
410-602-8100
 - SITE DATA:
TAX MAP 78, PARCEL 247
TAX ACCOUNT NUMBER 0302000826
DEED REFERENCE: 27506/295
NET AREA: 12,600 SQ.FT. (0.29 ±AC.)
GROSS AREA: 14,400 SQ. FT. (0.33 ±AC.)
 - SITE IS ZONED RO. ZONING MAPS 78A1 AND 78B1.
THE SITE IS IN THE PIKESVILLE COMMERCIAL REVITALIZATION AREA.
 - EXISTING USE: VACANT, FORMERLY RESIDENTIAL.
PROPOSED USE: CLASS B OFFICE BUILDING
2,344 SQ. FT. DENTAL OFFICES - 1ST FLOOR
1,577 SQ. FT. GENERAL OFFICES - 2ND AND 3RD FLOOR
2,145 SQ. FT. BASEMENT STORAGE
 - OFF-STREET PARKING CALCULATIONS
DENTAL OFFICES: 2,344 SF @ 4.5 SPACES/1,000 SF = 10.6 SPACES
GENERAL OFFICES: 1,577 SF @ 3.3 SPACES/1,000 SF = 5.2 SPACES
TOTAL REQUIRED PARKING: 15.8 = 16 SPACES
TOTAL PROPOSED PARKING: 13 SPACES, INCLUDING 1 HANDICAP SPACE,
A VARIANCE IS BEING REQUESTED
ALL PARKING WILL BE DURABLE, DUST-FREE AND PERMANENTLY STRIPED.
 - THERE ARE NO PREVIOUS COMMERCIAL PERMITS FOR THIS SITE.
 - ALL SIGNS FOR THIS SITE WILL MEET THE REQUIREMENTS OF SEC. 450, BCZR.
 - THIS SITE IS NOT IN A 100-YEAR FLOODPLAIN OR THE CHESAPEAKE BAY CRITICAL AREA.
 - THIS BUILDING IS NOT IN A HISTORIC DISTRICT OR ON ANY HISTORIC BUILDINGS REGISTRY.
 - THIS SITE IS IN THE PIKESVILLE DESIGN REVIEW DISTRICT.
 - ON NOVEMBER 5, 2008 IN CASE NO. 2009-0072-SPHA, THE ZONING COMMISSIONER APPROVED A CLASS A OFFICE BUILDING WITH A MODIFIED PARKING PLAN AND VARIANCES (SEE ORDER ON PLAN).
 - THE PROPOSED USE IS A CLASS B OFFICE BUILDING. A SPECIAL EXCEPTION IS BEING REQUESTED.
 - MAXIMUM PERMITTED FLOOR AREA RATIO: 0.33
PROPOSED FLOOR AREA RATIO: 0.48
A VARIANCE IS BEING REQUESTED.
 - 10 FT. LANDSCAPE BUFFER ABUTTING NON-RESIDENTIALLY ZONED PROPERTY IS REQUIRED. 0 FT. PROPOSED. A VARIANCE IS BEING REQUESTED.
 - A SPECIAL HEARING IS BEING REQUESTED TO AFFIRM THE RELIEF GRANTED IN CASE NO. 2009-0072-SPHA AS IT RELATES TO A MODIFIED PARKING PLAN AND VARIANCES FOR FLOOR AREA, DRIVEWAY WIDTH, PARKING SETBACK FROM RIGHT-OF-WAY LINE AND WIDTH OF LANDSCAPE BUFFER.



FLOOR AREAS
120

ZONING ORDER
CASE NO. 2009-0072-SPHA

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

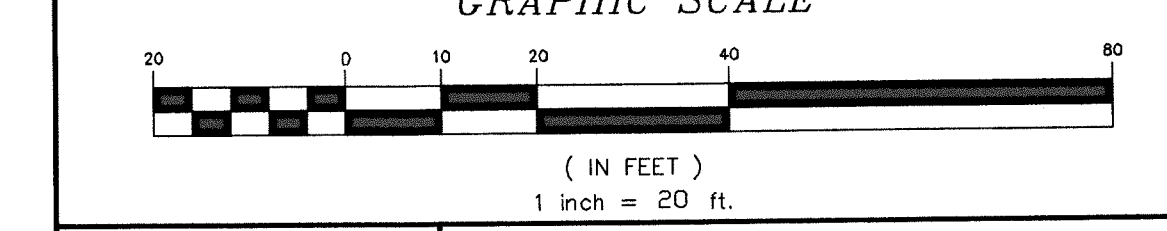
THEREFORE, IT IS ORDERED by the Zoning Commission for Baltimore County this 5th day of November, 2008 that the Petition for Special Hearing to approve an existing building for use as a Class A office building with 43% of total adjusted gross floor area occupied by medical offices, and to approve a modified parking plan pursuant to Section 409.12, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance relief from Section 204.3, B.C.Z.R., to permit 43% of the total adjusted gross floor area of an existing Class A office building to be occupied by medical offices in lieu of 25% allowed, from B.C.Z.R. Section 409.4, to permit a two-way driveway 10 feet in width in lieu of 20 feet required; from B.C.Z.R. Section 409.8.A.4, to permit a parking space in a surface parking facility for a nonresidential use to be 0 feet from the right-of-way line of a public street in lieu of 10 feet required; and from B.C.Z.R. Section 409.8.A.1, and the Baltimore County Landscape Manual to permit a landscape strip of 0 feet between an existing paved surface and a lot line in a commercial zone in lieu of six (6) feet required in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- The Petitioners may apply for their 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 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.
- The proposed use of the property for a medical office will be restricted to the first floor.
- Any signage shall be limited as reflected on Petitioners' Exhibit A.
- The two (2) parking spaces in front of the building shall be buffered with landscaping.
- Existing paving that is not being replaced with new paving shall be removed.
- A new sidewalk shall be installed in the public right-of-way in front of the property.
- When applying for any permits, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

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

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE
4 SUDBROOK LANE
MAP 78 - GRID 8 - PARCEL 247 - LOTS 1 AND P/O 2
DEED REF: LIBER SM 27506 FOLIO 295
BALTIMORE COUNTY, MD.
3rd ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT
GRAPHIC SCALE



LEGEND:

- PROPOSED IMPERVIOUS
- PROPERTY LINE

Professional Engineer
Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

PETITIONER'S		EXHIBIT NO. 1	
NO.	DATE	REVISIONS:	BY
1	2-9-2009		
2	2-9-2009		
3	2-9-2009		
4	2-9-2009		
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99	2-9-2009		
100	2-9-2009		

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
License No. 12906 Expiration Date: 3/27/2010