

**IN RE: PETITION FOR SPECIAL
EXCEPTION**

N side of Pine Hill Road; 179 feet W
of Belair Road
11th Election District
5th Councilmanic District
(4112 Pine Hill Road)

Joyce A. Smith
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case 2010-0277-X**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by the legal owner of the subject property, Joyce A. Smith. Petitioner is requesting a Special Exception to use the property for the office of an architectural practice within the primary residence of the architect-owner of the practice; the office area will occupy 22% (891 square feet of the total 4,040 square feet) of the residence, within the basement. The subject property and requested relief are more fully described on the revised site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special exception was Petitioner Joyce A. Smith and her husband, Donald D. Smith, a registered architect and the subject of the instant special exception request. Also appearing as counsel to Petitioner was Gerald W. Soukup, Esquire. Appearing as an interested citizen in support of Petitioner's request was Mr. Ronald Goetzke who resides at 4108 Pine Hill Road. No Protestants or other interested persons attended the hearing.

Testimony and evidence offered revealed that the subject property is irregular in shape, much like a trapezoid, and contains approximately .79 acre of land (34,415 square feet), more or

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Date 6-8-10

By PS

less, zoned predominantly D.R.3.5 (.714 acre) with a small part of the property zoned R.O.A. (.076 acre). The property is located on the north side of Pine Hill Road, approximately 200 feet northwest of Belair Road, in the Perry Hall area of Baltimore County. The property's ingress/egress is via frontage on Pine Hill Road. It then tapers outward toward the rear property line. The property is improved with an existing two and a half-story residence¹ with a one and a half-story addition together comprising 4,040 square feet where Petitioner and her husband have resided since 1976. The property is further improved with a swimming pool in the side/rear yard, which was the subject of prior zoning relief². According to Petitioner's revised site plan, the property also contains several species of trees, including English Walnut, Cedar, Pine, Maple and Oak.

Pursuant to Section 1B01.1.C.12 of B.C.Z.R., Petitioner's husband, Mr. Donald Smith, proposes to maintain an office for an architecture practice in the basement of the residence. Such a use is permitted by special exception pursuant to the aforementioned section of the B.C.Z.R., subject to certain criteria set forth in Section 502.1 of the B.C.Z.R. The proposed office would be established in the lower level of the residence and would consist of 891 square feet out of the total 4,040 square feet (22%). Adequate parking of five spaces is to be provided as indicated on the revised site plan. The current footprint of the residence would not be altered.

Mr. Smith, who was accepted as an expert in architecture, proffered testimony that he has been a registered architect since 1972 upon completing a three year internship with an architecture firm. Mr. Smith graduated from the University of Cincinnati with a Bachelors degree in Architecture and has been in private practice since 1975. From 1990 to 1998, Smith

¹ According to a Maryland Department of Assessments and Taxation Real Property Data Search, the primary structure was constructed in 1924.

² Case No. 82-277-A, decided in July, 1982.

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Date 6-8-10

2

By PJS

Architects, P.A. was located on St. Paul Street in Baltimore City. From 1998 to present, Mr. Smith's architecture firm has been located in the 3100 block of Elm Avenue in the Hampden neighborhood of Baltimore City. Mr. Smith's current work involves designing public facilities, though he has also designed projects in private development in the past.

At this juncture, he desires to relocate his Smith Architects, P.A. office to the subject property in order to consolidate the operation of the firm within the home, due to the recent economic downturn and subsequent financial constraints. Mr. Smith asserted that he has two non-resident employees that would work in the basement office most weekdays. Meetings and other trips by the employees are performed in the morning prior to the employee's arrival at work. Furthermore, clients would not normally come to the office as most work is performed in the field. The hours of operation for the business are Monday through Friday, 8:30 a.m. until 7:00 p.m. Mr. Smith also stated that the establishment of the practice would not be a detriment to the health, safety and general welfare of the surrounding community, indicating there would be an almost immeasurable impact in regards to traffic, with the occasional UPS-type delivery. Mr. Smith offered his expert opinion that the requested special exception use of the property would comply with the limitations stated in Section 1B01.1.C.12, as well as the relevant criteria contained in Section 502.1 of the B.C.Z.R.

Also appearing in support of the requested relief was Mr. Ronald Goetzke. Mr. Goetzke, who resides at 4108 Pine Hill Road, testified in support of Petitioner's request and stated that to his knowledge there was no opposition in the community.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated May 11, 2010 which indicate that the character of the Bel Air corridor is in flux between a previously

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Date 6-8-10

3

By ps

residential corridor and a commercial corridor. A number of properties have tried to rezone their properties to commercial zoning and have been unsuccessful in the last zoning cycle. This property is only one property away from Belair Road and threatens to encroach an office land use on a solidly residential street. Therefore, the Office of Planning recommends a condition that any approval for an office be limited to the current business and property owner and not for the entire property itself. If the office or property owner moves or relocates, the special exception would be voided. If the request is approved, the Planning Office suggests several conditions to include, retaining existing trees near the street, provide hours of operation on the site plan, limited signage, and removing "future garage" from the site plan.

In response to these comments Petitioner's attorney, Mr. Soukup, indicated that the site plan had been revised with the hours of operation and the removal of the "future garage." Moreover, it was indicated that existing trees would be retained and that no signs are planned for the property. It was further stipulated that the special exception, if granted, would be personal to Petitioner and her husband and would not run with the land.

In regard to the requested special exception, subject to the criteria set forth in Section 502.1 of the B.C.Z.R., such a use as described above is permitted pursuant to Section 1B01.1.C.12 of the B.C.Z.R., with certain limitations. In particular, this section states as follows:

Office or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence at the time of application; does not occupy more than 25% of the total floor area of such residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees.

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Date 6-8-10 4

By PJ

Considering the testimony and evidence provided, I am persuaded to grant the special exception request to use the subject property as a home office for an architecture practice. The uncontroverted testimony from Mr. Smith indicates that the proposed use would not have any detrimental impacts on the required 502.1 criteria and would likewise meet the requirements of Section 1B01.1.C.12. Further consideration of the evidence shows that this use would not have a negative impact on the residential nature of Pine Hill Road. As proposed, the practice would be contained completely within the residence and there would be no outward indication of a professional office within. In addition, the office would not occupy more than 25% of the total floor area of the residence and would not involve the employment of more than two other nonresident employees. Moreover, the nature of the practice indicates a benign use, with the design and drafting of architectural plans and specifications using primarily computer aided design software. Therefore, I am convinced that the use proposed at the subject location would not have any adverse effects above and beyond those inherently associated with such a special exception use, irrespective of its location within the zone. *See, Schultz v. Pritts*, 291 Md. 1 (1981); *see also People's Counsel v. Loyola College*, 406 Md. 54 (2008).

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's special exception request should be granted with conditions.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 8th day of June, 2010 that Petitioner's request for a Special Exception pursuant to Section 1B01.1.C.12 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to use the property for the office of an architectural practice within the primary residence of the

ORDER RECEIVED FOR FILING

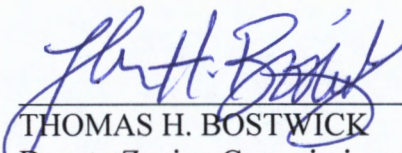
Date 6-8-10

By [Signature]

architect-owner occupying 22% of the residence, be and is hereby **GRANTED**, subject to the following conditions:

1. Petitioners may apply for their necessary building or use permits, as applicable, and be granted same upon receipt this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The existing trees near the street shall be preserved.
3. Signage shall be limited as per Section 450.4.5(m) of the Baltimore County Zoning Regulations.
4. The Special Exception use granted herein shall be *in gross*, and is to be personal to Petitioner and her husband and is not to run with the land upon devise, trust, descent or arms-length sale in fee simple. Hence, upon the discontinuance of Mr. Smith's architecture practice, or if the property is sold, leased, or otherwise converted or transferred, the said Special Exception use shall be terminated and considered null and void. Any successor would be required to file a separate Petition for Special Exception for the proposed use.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 6.8.10

By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 8, 2010

GERALD W. SOUKUP, ESQUIRE
8330 BELAIR ROAD
BALTIMORE MD 21236

Re: Petition for Special Exception
Case No. 2010-0277-X
Property: 4112 Pine Hill Road

Dear Mr. Soukup:

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

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

Sincerely,

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Joyce A. and Donald D. Smith, 4112 Pine Hill Road, Nottingham MD 21236
Ronald Goetzke, 4108 Pine Hill Road, Nottingham MD 21236



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 4112 Pine Hill Road

which is presently zoned DR3.5 / ROA

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

the office of an architectural practice within the primary residence of the Architect-Owner of the practice. Office area will occupy 22% of the residence, within the basement.

(1B01.1 C.12)

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:

Gerald W. Soukup

Name - Type or Print

Signature

Company

8330 Belair Road

410/256.0901

Address

Telephone No.

Baltimore

MD

21236

City

State

Zip Code

Legal Owner(s):

Joyce A. Smith

Name - Type or Print

Signature

Name - Type or Print

Signature

4112 Pine Hill Rd

410/256.8259

Address

Telephone No.

Nottingham, MD

21236

City

State

Zip Code

Representative to be Contacted:

Donald D. Smith

Name

4112 Pine Hill Rd.

410/262.4900

Address

Telephone No.

Nottingham, MD

21236

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING NA

Reviewed By JL

Date 4/13/10

Case No. 2010-0277-X

ORDER RECEIVED FOR FILING

REV 09/15/98

Date 6-8-10

By PS

217

Zoning Description

ZONING DESCRIPTION FOR 4112 PINE HILL ROAD

Beginning on the North side of Pine Hill Road North 79 degrees 04 minutes West 175.90 feet from the West side of Belair Road, thence running North 42 degrees 25 minutes East 265.78 feet, thence running North 75 degrees 39 minutes 11 seconds West 75.78 feet, thence North 63 degrees 06 minutes 11 seconds West 151.52 feet to the East edge of a 30 foot right-of-way; thence running and binding on said right-of-way South 02 degrees 52 minutes West 101.0 feet and South 10 degrees 56 minutes West 172.08 feet to the North side of Pine Hill Road; thence running South 79 degrees 04 minutes East 68.42 feet to the beginning. Containing 0.79 of an acre, more or less, all as per survey by Robert C. Norris, Registered Surveyor, on or about June 1, 1968. The improvements thereon being known as No. 4112 Pine Hill Road.



**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: 2010 - 0277 - X

Petitioner: ~~Ronald D.~~ Joyce A Smith

Address or Location: 4112 Pine Hill Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: SMITH Architects PA

Address: 3100 Elm Avenue

Baltimore, MD 21211

Telephone Number: 410/662.6900

Revised 2/20/98 - SCJ

JL 0277

Date: 4/3/10

10/26/01 4:14/2001 11:59:12

835 845 855 865 875 885

0011141 # 501352 2/23/2000 1837

[illegible]

Total: 380.00

Rec
From: Smith

For: 4112 PINE HILL RD (SPX.)

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: #2010-0277-X

4112 Pine Hill Road,
N/side of Pine Hill Road,
179 feet west of Belair
Road

11th Election District

5th Councilmanic District

Legal Owner(s): Joyce Smith

Special Exception: for an office of an architectural practice within the primary residence of the architect owner of the practice. Office area will occupy 22% of the residence within the basement.

Hearing: Monday, June 7, 2010 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.

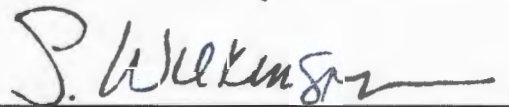
5/332 May 20 240722

CERTIFICATE OF PUBLICATION

5/21, 2010

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 5/20, 2010.

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



LEGAL ADVERTISING

Certificate of Posting

RE: Case NO. 2010-0277-X

Petitioner/Developer _____

Joyce Smith

Date of Hearing/Closing 6/7/10

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

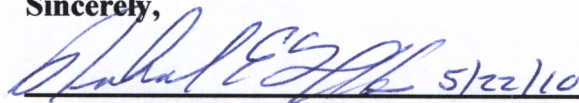
Attention:

This letter is to certify, under penalties of perjury, that the necessary sign as required by law, was posted conspicuously on the property located at _____

4112 Pine Hill Road

The sign(s) were posted on 5/22/10
(Month, Day, Year)

Sincerely,


(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

See Attached
Photograph

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

Certificate of Posting
Photograph Attachment

Re: 2010-0277-X

Petitioner/Developer: _____

Joyce Smith

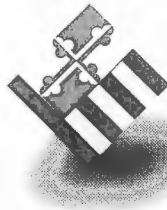
Date of Hearing/Closing: 6/7/10



4112 Pine Hill Road

Posting Date: 5/22/10

Joyce Smith 5/22/10
(Signature and date of sign poster)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

May 4, 2010

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: 2010-0277-X

4112 Pine Hill Road
N/side of Pine Hill Road, 179 feet west of Belair Road
11th Election District – 5th Councilmanic District
Legal Owners: Joyce Smith

Special Exception for an office of an architectural practice within the practice within the primary residence of the architect owner of the practice. Office area will occupy 22% of the residence within the basement.

Hearing: Monday, June 7, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Gerald Soukup, 8330 Belair Road, Baltimore 21236
Joyce Smith, 4112 Pine Hill Road, Nottingham 21236

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 22, 2010.**
- (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, May 20, 2010 Issue - Jeffersonian

Please forward billing to:
Smith Architects PA
3100 Elm Avenue
Baltimore MD 21211

410-662-6900

NOTICE OF ZONING HEARING

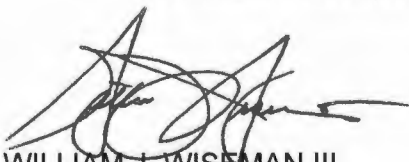
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11th Election District – 5th Councilmanic District
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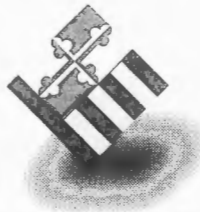
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WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

June 3, 2010

Gerald W. Soukup
8330 Belair Rd.
Baltimore, MD 21236

Dear: Gerald W. Soukup

RE: Case Number 2010-0277-X, 4112 Pine Hill Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 13, 2010. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Joyce and Donald Smith; 4112 Pine Hill Rd.; Nottingham, MD 21236

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 3, 2010
Item Nos. 2010- 273, 274, 276, 277,
278, 279, 280 and 281

DATE: April 23, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05032010 -NO COMMENTS.doc

TB
6-7-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 09 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 9, 2010
SUBJECT: Zoning Item # 10-277-X
Address 4112 Pine Hill Road
(Smith Property)

Zoning Advisory Committee Meeting of April 19, 2010

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

Reviewer: JWL Date: 6/9/10

TB 6/7
10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 11, 2010

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

RECEIVED

MAY 17 2010

ZONING COMMISSIONER

SUBJECT: 4112 Pine Hill Road
Item Number: 10-277
Petitioner: Joyce A. Smith
Zoning: DR 3.5 and ROA
Requested Action: Special Exception

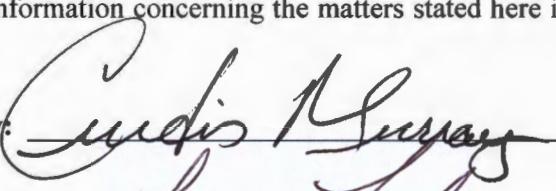
SUMMARY OF RECOMMENDATIONS:

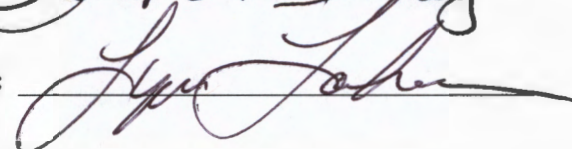
The Office of Planning has reviewed the petitioner's request and accompanying site plan. This office offers the following:

1. Existing trees near the street shall be preserved.
2. The petitioner should provide the hours of operation on the plan.
3. Signage shall be limited as per Section 450.4.5(m) of the Baltimore County Zoning Regulations.
4. Remove 'future garage' from the site plan.
5. All conditions carried forth by the Zoning Commissioner's order shall be placed on the approved site plan.

The character of the Bel Air corridor is in flux between a previously residential corridor and a commercial corridor. A number of properties have tried to rezone their properties to commercial zoning and were unsuccessful in the last zoning cycle. This property is only one property away from Bel Air Road and threatens to encroach an office land use on a solidly residential street. Therefore the Office of Planning wants a condition that will only approve an office for the current business and property owner and not for the entire property itself. If the office or property owner moves or relocates, the Special Exception should be removed as the community is generally opposed to this request..

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

Prepared by: 

Division Chief: 
AFK/LL: CM



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4/28/2010

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

RE: Baltimore County
Item No. 2010-0277-X
4112 PINE HILL RD
JOYCE SMITH PROPERTY
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. 2010-0277-X.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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.sha.maryland.gov

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
4112 Pine Hill Road; N/S Pine Hill Road, * ZONING COMMISSIONER
179' E of Belair Road *
11th Election & 5th Councilmanic Districts *
Legal Owner(s): Joyce Smith * FOR
Petitioner(s) * BALTIMORE COUNTY
* 10-277-X

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

APR 27 2010

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of April, 2010, a copy of the foregoing Entry of Appearance was mailed to Donald D. Smith, 4112 Pine Hill Road, Nottingham, MD 21236 and Gerald Soukup, 8330 Belair Road, Baltimore, MD 21236, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST**Comment
Received****Department****Support/Oppose
No Comment**4-23-10

DEVELOPMENT PLANS REVIEW

nc

DEPRM

FIRE DEPARTMENT

5-11-10

PLANNING

(if not received, date e-mail sent _____)

conditions &
concern4-28-10

STATE HIGHWAY ADMINISTRATION

nc

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 82-277-A)

NEWSPAPER ADVERTISEMENT

Date: 5-20-10

SIGN POSTING

Date: _____

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any:

Retitoner to contact sign poster for
the certification - may bring it to the
hearing

CASE NAME 4112 PINE HILL RD
CASE NUMBER 2010-02774
DATE 6/7/10

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 2010-0277-X
DATE 6-7-10

CASE NUMBER 2010-0277-X

DATE 6-7-10

CITIZEN'S SIGN-IN SHEET

[illegible]

Case No.: 2010-0277-X

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan - Revised	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

INFORMATION NOTES

EXISTING ZONING: DR 3.5 and ROA

PROPERTY: 0.814 Acres Gross Area
DR3.5 Net Area = 0.714 Acres ROA Net Area = 0.076 Acres
DR3.5 Gross Area = 0.732 Acres ROA Gross Area = 0.082 Acres

HEIGHT AND AREA REGULATIONS:

Primary Building	50'	Actual	19'
Maximum Height Permitted:	25'	Actual	86' - 6"
Front Setback from Street:	16'	Actual	38' / 40'
Side Yard Setback:	30'	Actual	97' - 6"
Rear Yard Setback:			

PREVIOUS COMMERCIAL PERMITS: NONE. Property is Residential

ANTICIPATED ROAD WIDENINGS: None per Baltimore County DPW.

SIGNS: None Proposed.

FLOOD PLAIN: Panel 24001002490 F is Zone X - unshaded.
No flood plain exists.

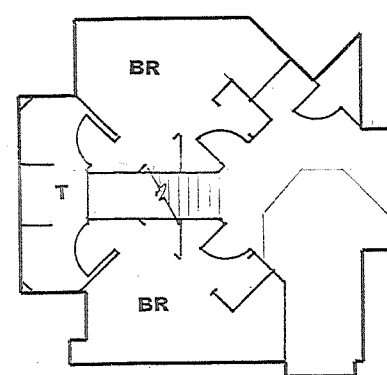
BASIC SERVICE MAPS: No existing or impending failures.

PARKING CALCULATIONS:

Dwelling Unit:	2 spaces
Office Space =	891 gross square feet
Office Parking Required =	3.3 spaces per 1000 sf.
.891 X 3.3 =	3 spaces
Total Spaces Required =	5 spaces
Total Spaces to be Provided:	
2 on pad for future garage	
3 parallel spaces on relocated driveway.	

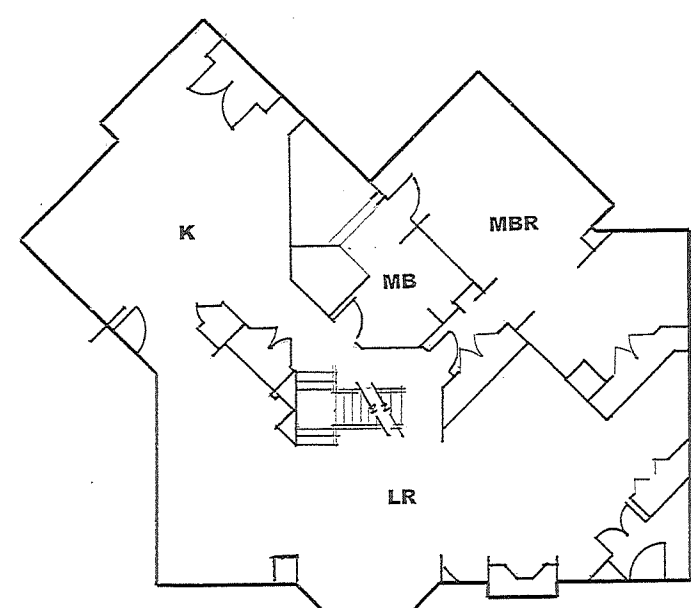
SIGNAGE: Any Future Signage will comply with BCZR 450.4.5(m)

HOURS OF OPERATION: Monday Thru Friday
8:30 AM until 7:00 PM



UPPER LEVEL

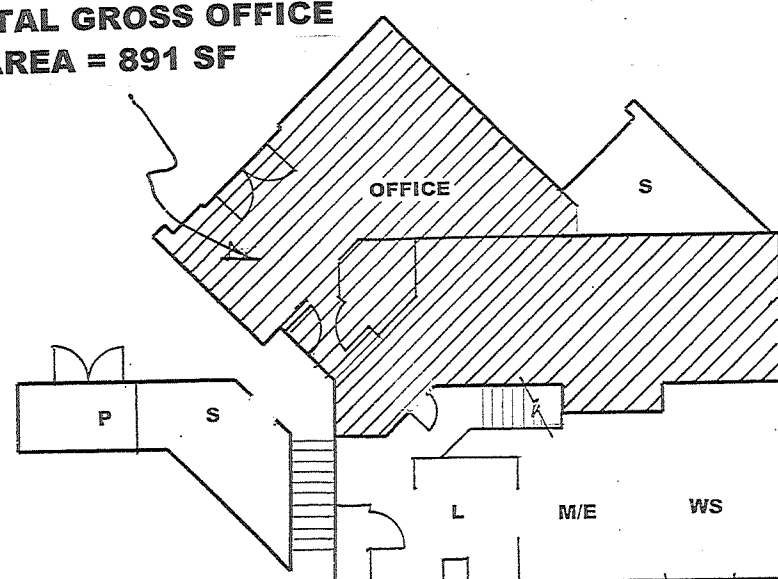
TOTAL GROSS AREA = 636 SF



MAIN LEVEL

TOTAL GROSS AREA = 1,764 SF

TOTAL GROSS OFFICE
AREA = 891 SF



LOWER LEVEL

TOTAL GROSS AREA = 1,640 SF

TOTAL OFFICE AREA = 891 sf = 22%
TOTAL RESIDENCE AREA 4,040 sf

Location Information

Election District: 11

Councilmanic District: 5

1"=200' Scale Map No: 072A1

Zoning: DR 3.5 and ROA

Lot Size: 0.79 ACREAGE 34,415 SQUARE FEET

Sewer	PUBLIC ☒	PRIVATE ☐
Water	☒	☐

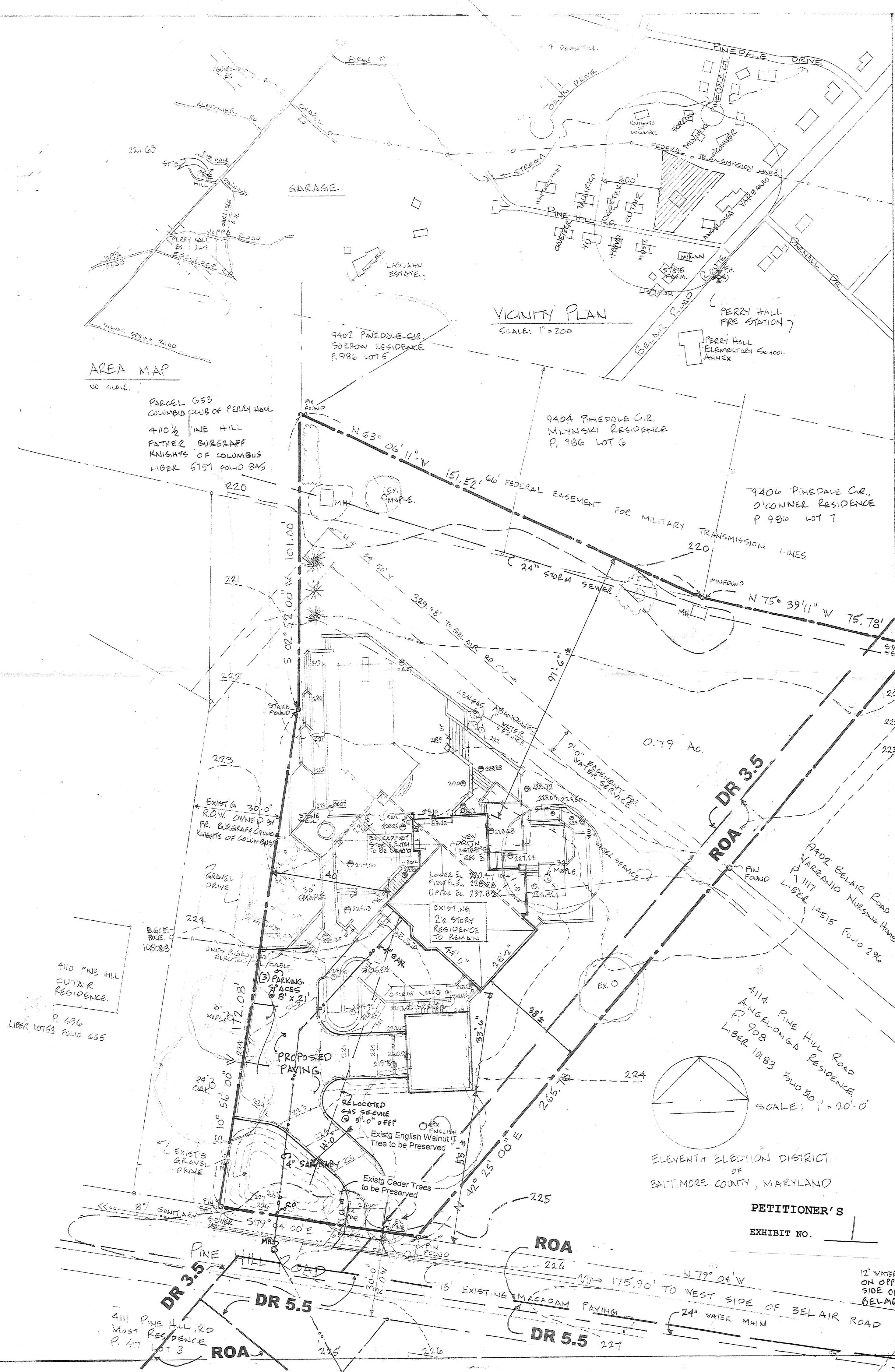
Chesapeake Bay Critical Area ☐ YES ☒ NO

100 Year Flood Plain ☐ YES ☒ NO

Historic Property / Building ☐ YES ☒ NO

Prior Zoning Hearing

No. 82-277-A on 1 July, 1982 granted Variance for a Pool in the side yard.



RESIDENCE OF
DON & JOYCE SMITH

412 PINE HILL ROAD BALTIMORE MARYLAND 21236

SMITH - ARCHITECTS PA
BALTIMORE - MARYLAND - 21211
410 - 662 - 6900

**PLAT TO
ACCOMPANY
PETITION
FOR SPECIAL
EXCEPTION**

15 March 2010
Revised 5 June 2010

A-1