

IN RE: PETITION FOR VARIANCE

(8322 Bellona Avenue)

8th Election District

5th Councilman District

Bellona Lane Orthopedic Associates, LLC

Petitioner

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0093-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by G. Scott Barhight, Esquire, on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from Section 450.7.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a Directory Sign in an OR 1 zone for a building where at least 75% of the tenants or functions do not have independent direct outside access to the building. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Joyce Cahalan and Mitch Kellman with Daft, McCune & Walker, Inc., the firm that prepared the site plans. Adam Baker, Esquire with Whiteford, Taylor & Preston, appeared as counsel and represented the Petitioner. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of opposition. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence revealed that the subject property is approximately 4 acres and is split-zoned OR 1 & RO. The current sign on the property identifies the building on site as the "Ruxton Professional Center." See Exhibit 1, sign detail. The Petitioner proposes to replace the

ORDER RECEIVED FOR FILING

Date 1/30/14

By sen

existing sign with one (of roughly the same size and appearance) that identifies each of the medical offices or health care providers located in the building. To do so requires variance relief.

Based upon the (proffered) testimony and evidence presented, I will grant the request for variance relief. To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. Mr. Kellman testified the property has a very irregular shape and is split-zoned. Thus it is unique.

If the B.C.Z.R. were strictly enforced, the Petitioner would suffer a practical difficulty, since it would be unable to install the sign identifying the providers on site, which would be of great assistance to patients trying to locate the facility. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

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

THEREFORE, IT IS ORDERED, this 30th day of January, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") to permit a Directory Sign in an OR 1 zone for a building where at least 75% of the tenants or functions do not have independent direct outside access to the building, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

1/30/14

By

sen

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date

1/30/14

By

sln

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

January 30, 2014

G. Scott Barhight, Esq.
Adam Baker, Esq.
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue
Suite 300
Towson, Maryland 21204

RE: Petition for Variance
Property: 8322 Bellona Avenue
Case No.: 2014-0093-A

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 8322 Bellona Avenue

which is presently zoned OR1

Deed References: Liber 12923, Folio 483

10 Digit Tax Account # 2 2 0 0 0 0 8 3 4 4

Property Owner(s) Printed Name(s) Bellona Lane Orthopaedic Associates, LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a **Variance** from Section(s)

PLEASE SEE ATTACHED.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Mailing Address

Date

Zip Code

Telephone #

Email Address

By

Attorney for Petitioner:

G. Scott Barhight

Name- Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address

City

State

21204 / 410-832-2000 / gbarhight@wtplaw.com

Zip Code

Telephone #

Email Address

(Petitioners):

Bellona Lane Orthopaedic Associates, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

8322 Bellona Ave.

Baltimore

MD

Mailing Address

City

State

21204

/ 410-337-7900 / dd

Zip Code

Telephone #

Email Address

Representative to be contacted:

G. Scott Barhight

Name - Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address

City

State

21204 / 410-832-2000 / gbarhight@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0093-A Filing Date 10/15/13

Do Not Schedule Dates: _____ Reviewer JS

PETITION FOR ZONING HEARING
8322 Bellona Avenue – Bellona Lane Orthopaedic Associates, LLC

Variance Relief Requested:

1. Variance from Section 450.7.A.2 of the Baltimore County Zoning Regulations to permit a Directory Sign in an OR1 zone for a building where at least 75% of the tenants or functions do not have independent direct outside access to the building.

431056

2014-0093-A

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: CASE No. 2014-0093-A

Petitioner: BELMONT LANE ORTHOPAEDIC ASSOCIATES, LLC

Address or Location: 8322 BELMONT AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: ADAM BAKER

Address: WHITFIELD TAYLOR & PRESTON, LLP
1 W. PENNSYLVANIA AVE., SUITE 300
TOWSON, MD 21204

Telephone Number: 410. 832. 2052

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

No. **105011**

Date: **10/15/13**

PAID RECEIPT

BUSINESS ACTUAL TIME
10/15/2013 10/15/2013 11:14:11

REG 0005 WALKIN RDS LRB
>>RECEIPT N 701036 10/15/2013 OFL

Dept 5 528 ZONING VERIFICATION

CR NO. 105011

Recpt Tot \$500.00

\$500.00 CR \$0.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0010		6150				\$ 500.00

Total: **\$ 500.00**

Rec From: **BELMONT LANE OPTOMETRIC ASSOCIATES**

For: **2014-0093-A**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 1/8/2014

Case Number: 2014-0093-A

Petitioner / Developer: G. SCOTT BARHIGHT, ESQ. of WHITEFORD,
TAYLOR & PRESTON, L.L.P.~ BELLONA LANE ORTHO. ASSOC.

Date of Hearing (Closing): JANUARY 29, 2014

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
8322 BELLONA AVENUE-(ON-SITE)

The sign(s) were posted on: JANUARY 7, 2014



Linda O'Keefe
(Signature of Sign Poster)

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)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

November 28, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on November 26, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2014-0093-A

8322 Bellona Avenue

NW corner of intersection of Bellona Avenue
and Bellona Lane

8th Elector District - 5th Councilmanic District

Legal Owner(s): Bellona Lane Orthopaedic Associates, LLC

Variance: to permit a Directory Sign in an OR-1 zone for a building where at least 75% of the tenants or functions do not have independent direct outside access to the building.

Hearing: Thursday, December 19, 2013 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 11/803 Nov. 26

959490



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

November 12, 2013

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2014-0093-A

8322 Bellona Avenue

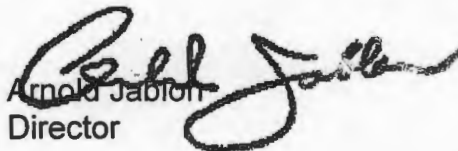
NW corner of intersection of Bellona Avenue and Bellona Lane

8th Election District – 5th Councilmanic District

Legal Owners: Bellona Lane Orthopaedic Associates, LLC

Variance to permit a Directory Sign in an OR-1 zone for a building where at least 75% of the tenants or functions do not have independent direct outside access to the building.

Hearing: Thursday, December 19, 2013 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: G. Scott Barhight, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Bellona Lane Ortho Assoc., 8322 Bellona Avenue, Baltimore 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 29, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 26, 2013 Issue - Jeffersonian

Please forward billing to:

Adam Baker
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2052

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2014-0093-A

8322 Bellona Avenue

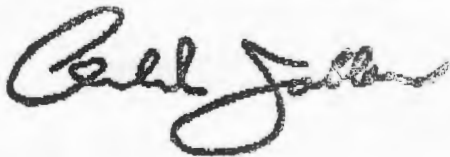
NW corner of intersection of Bellona Avenue and Bellona Lane

8th Election District – 5th Councilmanic District

Legal Owners: Bellona Lane Orthopaedic Associates, LLC

Variance to permit a Directory Sign in an OR-1 zone for a building where at least 75% of the tenants or functions do not have independent direct outside access to the building.

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105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

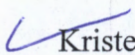
M E M O R A N D U M

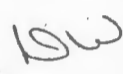
DATE: March 6, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0093-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 4, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

MEMORANDUM

TO:  Kristen Lewis
Office of Zoning Review

FROM: Debra Wiley, Legal Administrative Secretary 
Office of Administrative Hearings

DATE: December 19, 2013

SUBJECT: Case Nos. 2014-0093-A – 8322 Bellona Avenue
Hearing: December 19, 2013

As you are aware, the above-referenced case was scheduled to come before Judge Beverungen on December 19, 2013 at 10:00 AM, in Room 205 of the Jefferson Building. It was brought to our attention on December 16th by Adam Baker, Esq. that the sign posting requirement was not fulfilled in a timely manner (20 days).

This matter is now being returned to you for rescheduling and processing. Thanks.

c: File

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
8322 Bellona Avenue; NW corner of intersection
Of Bellona Avenue & Bellona Lane * OF ADMINISTRATIVE
8th Election & 5th Councilmanic Districts
Legal Owner(s): Bellona Lane Orthopaedic * HEARINGS FOR
Associates, LLC
Petitioner(s)* BALTIMORE COUNTY
* 2014-093-A

* * * * *

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

OCT 28 2013

*****]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of October, 2013, a copy of the foregoing Entry of Appearance was mailed to G Scott Barhight, Esquire, One West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment10/23/13DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)N/CDEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)10/22/13

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

11/26/13

SIGN POSTING

Date:

1/7/14

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

CASE NO. 2014- 0093-A

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
_____	STATE HIGHWAY ADMINISTRATION	_____
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING <i>Finishing 12-16</i>	Date: _____ by _____ <i>Adam Baker to obtain from sign poster</i>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

DMW
DAFT MCCUNE WALKER INC

Description
To Accompany Petition
For a Variance
Bellona Avenue
Baltimore County, Maryland

Commencing for the same at a point formed by the intersection of the centerline of Bellona Avenue and the centerline of Bellona Lane, thence running with the center line of Bellona Lane Northwesterly 520 feet, more or less, thence leaving said center line Southwesterly 28 feet to the point of beginning, said point of beginning being the beginning of the South 04 degrees 57 minutes 33 seconds East 241.06 foot line, as laid out and shown on a Plat entitled "Bellona Lane Office Buildings, Resubdivision of Wadleigh" dated June 13, 1991 and recorded among the Land Records of Baltimore county in Plat book S.M. 63, Folio 77; thence leaving said point of beginning and running with the outlines of Parcel 7-A as laid out in the abovementioned plat and referring all courses of this description to the Maryland Coordinate System (NAD 83): (1) South 05 degrees 12 minutes 11 seconds East 241.06 feet; thence (2) by a line curving to the right, having a radius of 215.38 feet, for a distance of 48.67 feet (the arc of said curve being subtended by a chord bearing South 01 degrees 16 minutes 14 seconds West 48.57 feet) thence; (3) North 70 degrees 34 minutes 25 seconds West 149.36 feet; thence (4) South 81 degrees 33 minutes 20 seconds West 66.88 feet; thence (5) South 78 degrees 19 minutes 42 seconds West 35.00 feet; thence (6) South 20 degrees 59 minutes 43 seconds East 227.44

feet; thence (7) South 75 degrees 34 minutes 49 seconds West 121.61 feet; thence (8) South 85 degrees 48 minutes 42 seconds West 100.71 feet; thence (9) by a line curving to the right, having a radius of 1392.40 feet, for a distance of 77.37 feet (the arc of said curve being subtended by a chord bearing South 87 degrees 24 minutes 13 seconds West 77.36 feet) thence; (10) North 01 degrees 09 minutes 08 seconds West 486.81 feet; thence (11) North 87 degrees 05 minutes 10 seconds East 444.88 feet; thence to the point of beginning; containing 174,336 square feet, or 4.002 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 17, 2013

Project No. 13027 (L13027-1)



Michael David Martin
7/17/13



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

December 12, 2013

Bellona Lane Orthopedic Associates LLC
8322 Bellona Avenue
Baltimore MD 21204

RE: Case Number: 2014-0093 A, Address: 8322 Bellona Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 15, 2013. 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
G. Scott Barhight, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 10-22-13

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

RE: Baltimore County
Item No. 2014-0093-A
Variance
Bellona Lane Orthopaedic
Associates LLC
8322 Bellona Avenue

Dear Ms. Lewis:

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. 2014-0093-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steven D. Foster', is written over a horizontal line.

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

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.roads.maryland.gov

WHITEFORD, TAYLOR & PRESTON L.L.P.

ADAM D. BAKER
DIRECT LINE (410) 832-2052
DIRECT FAX (410) 339-4028
ABaker@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

BALTIMORE, MD
BETHANY BEACH, DE*
BETHESDA, MD
COLUMBIA, MD
DEARBORN, MI
FALLS CHURCH, VA
ROANOKE, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

December 17, 2013

VIA HAND DELIVERY

Ms. Kristen L. Lewis
Zoning Review
County Office Building
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

RECEIVED

DEC 17 2013

OFFICE OF ADMINISTRATIVE HEARINGS

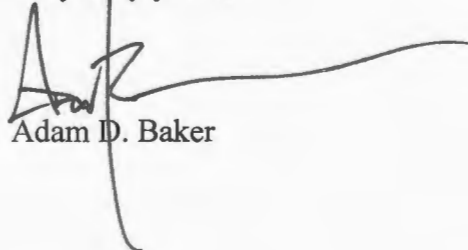
**Re: Case Number: 2014-0093-A
8322 Bellona Avenue
NW corner of intersection of Bellona Avenue and Bellona Lane
8th Election District – 2nd Councilmanic District
Legal Owners: Bellona Lane Orthopaedic Associates, LLC**

Dear Ms. Lewis:

Please accept this as a follow up to our discussion yesterday. I am writing to respectfully request a postponement of the Zoning Hearing that is scheduled for Thursday, December 19, 2013 at 10:00 a.m. For your records, I have enclosed a copy of the Petition for Special Hearing and Notice of Zoning Hearing. Both my client and I are available during the final two weeks of January, as we discussed yesterday. On behalf of my client, however, I would request that the hearing not be set in on a Monday.

Thank you for your kind consideration in this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,


Adam D. Baker

ADB:mw
Enclosures

Cc: Hon. John E. Beverungen ✓
G. Scott Barhight, Esq.

433703

Debra Wiley - RE: 2014-0093-A (12/19 Hearing @ 10 AM)

From: "Baker, Adam D" <ABaker@wtplaw.com>
To: 'Debra Wiley' <dwiley@baltimorecountymd.gov>, John Beverungen <jbeverung...
Date: 12/16/2013 1:39 PM
Subject: RE: 2014-0093-A (12/19 Hearing @ 10 AM)
CC: Kristen Lewis <klewis@baltimorecountymd.gov>

Thank you, Debbie. I will let the Ruxton-Riderwood-Lake Roland Area Improvement Association know of the postponement. We had reached out to them shortly after filing the Petition to inform them of the requested variance and discuss the proposed signage.

Adam D. Baker
LEED AP BD+C
Whiteford, Taylor & Preston, L.L.P.
Towson Commons, Suite 300 | One West Pennsylvania Avenue | Towson, MD 21204
t: 410-832-2052 | f: 410 339-4028
abaker@wtplaw.com | [Bio](#) | [vCard](#) | www.wtplaw.com

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Monday, December 16, 2013 1:27 PM
To: John Beverungen; Lawrence Stahl; Sherry Nuffer
Cc: Kristen Lewis; Baker, Adam D
Subject: 2014-0093-A (12/19 Hearing @ 10 AM)

Good Afternoon,

Per Adam Baker, the sign posting for the above referenced property was not fulfilled. Therefore, this case will need to be rescheduled. Our office will hold the file in the event someone does appear for the hearing. Shortly thereafter, the file will then be forwarded to Kristen Lewis for rescheduling.

Please mark your calendars accordingly. Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

CONNECT WITH BALTIMORE COUNTY

Debra Wiley - 2014-0093-A (12/19 Hearing @ 10 AM)

From: Debra Wiley
To: OAH Staff
Date: 12/16/2013 1:26 PM
Subject: 2014-0093-A (12/19 Hearing @ 10 AM)
CC: Lewis, Kristen; abaker@wtplaw.com

Good Afternoon,

Per Adam Baker, the sign posting for the above referenced property was not fulfilled. Therefore, this case will need to be rescheduled. Our office will hold the file in the event someone does appear for the hearing. Shortly thereafter, the file will then be forwarded to Kristen Lewis for rescheduling.

Please mark your calendars accordingly. Thanks.

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dwiley@baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: October 23, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For October 28, 2013
Item No. 2014-0087, 0091, 0092, 0093, 0095, 0096, 0098 and 0099

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

DAK:CEN
Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC10282013 -.doc

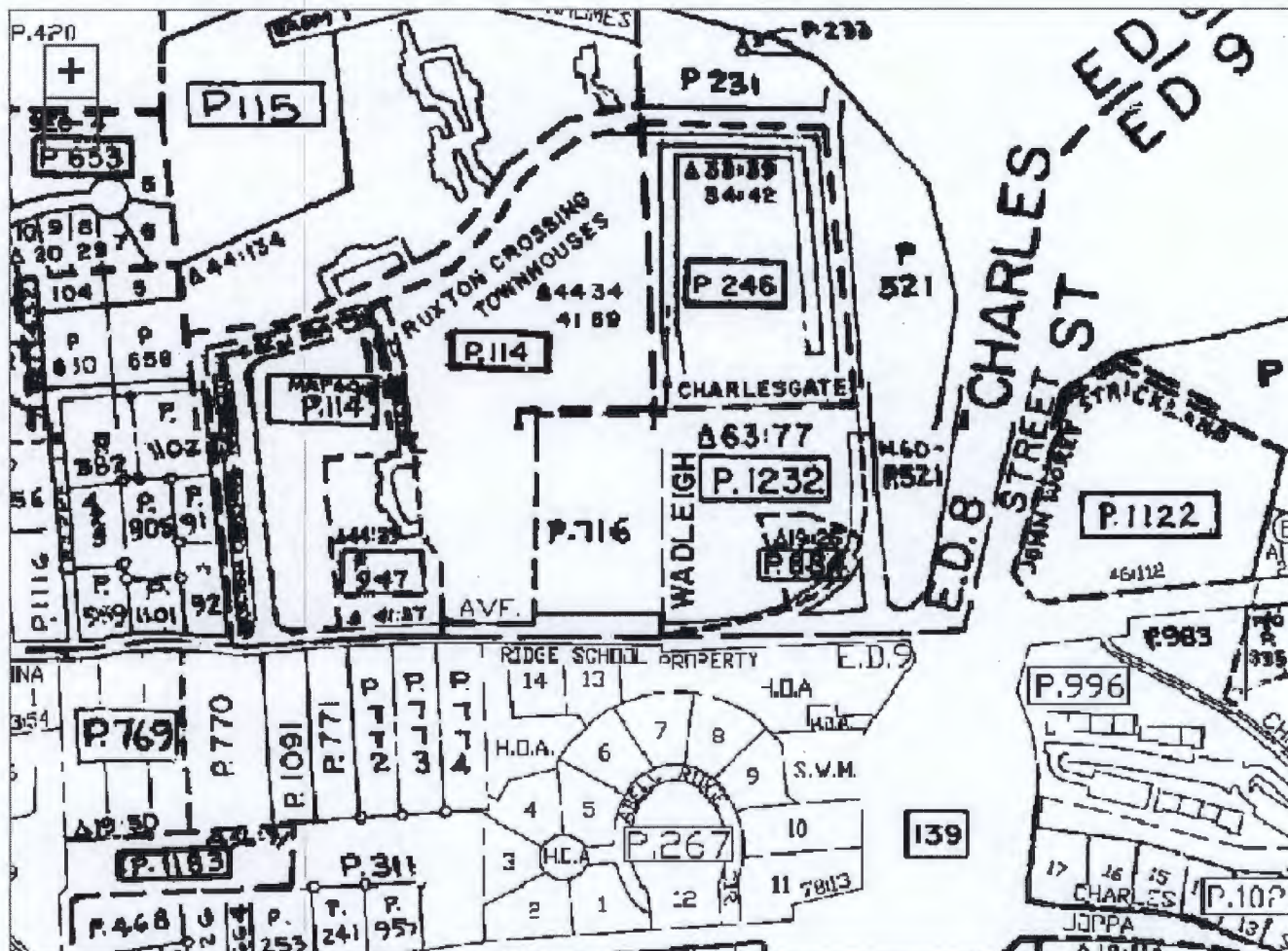
Real Property Data Search (w1)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 08 Account Number - 2200008344	
Owner Information		
Owner Name:	BELLONA LANE ORTHOPAEDIC ASSOCIATES LLC	Use: COMMERCIAL
Mailing Address:	8322 BELLONA AVE BALTIMORE MD 21204-2012	Principal Residence: NO Deed Reference: 1) /12923/ 00483 2)
Location & Structure Information		
Premises Address:	8322 BELLONA AVE 0-0000	Legal Description: PARCEL 7-A 4.002 AC 8322 BELLONA AVE WADLEIGH
Map: 0069	Grid: 0005	Parcel: 1232
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 2014	Assessment Year:
Plat No:	Plat Ref: 0063/ 0077	Town: NONE
Ad Valorem:	Tax Class:	
Special Tax Areas:		
Primary Structure Built 1992	Above Grade Enclosed Area 70305	Finished Basement Area
Property Land Area 4.0000 AC	County Use 15	
Stories	Basement	Type
Exterior	Full/Half Bath	Garage
Last Major Renovation	MEDICAL OFFICE BUILDING	
Value Information		
	Base Value	Value
		As of
		01/01/2014
		Phase-in Assessments
		As of
		07/01/2013
		As of
		07/01/2014
Land:	2,001,000	2,001,000
Improvements	6,832,600	9,630,100
Total:	8,833,600	11,631,100
Preferential Land:	0	8,833,600
		9,766,100
		0
Transfer Information		
Seller: BELLONA LANE	Date: 06/10/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12923/ 00483	Deed2:
Seller: BELLONA LANE ORT HAPAEDIC ASSOCIAT	Date: 09/23/1991	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08919/ 00691	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	07/01/2014
Exempt Class:	NONE	0.00 0.00
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.reslusa.org/RealProperty/>)District: **08** Account Number: **2200008344**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please Wait. Loading... Please Wait.

→

CASE NAME 8322 BENONIA AVE
CASE NUMBER 2014-0093-A
DATE JANUARY 29, 2014

[illegible]

Case No.: 2014-0093-A

Exhibit Sheet

Petitioner/Developer

19W
3-5-14

Protestants

Alw
1-30-14

No. 1	Site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



2014-0093-A

GENERAL NOTES: (CONT.)

9. THE SITE IS NOT WITHIN A BALTIMORE COUNTY/NATIONAL REGISTER HISTORIC DISTRICT, AND THERE ARE NO ON-SITE BUILDINGS ON THE BALTIMORE COUNTY LANDMARKS LIST (BASED ON CURRENT COUNTY GIS).
10. THE SITE IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA AND IS NOT WITHIN A FLOOD HAZARD AREA.
11. RESIDENTIAL TRANSITION AREA (RTA) DOES NOT APPLY TO THE SITE/USE.
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13. WATER IS PUBLIC, SEWER IS PUBLIC.
14. THERE ARE NO KNOWN BASIC SERVICE MAP ISSUES ON/FOR THE PROPERTY.
15. ALL EXISTING AND/OR PROPOSED SIGNS WILL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS, UNLESS A VARIANCE IS GRANTED.

CRG HISTORY: (VIII-545)

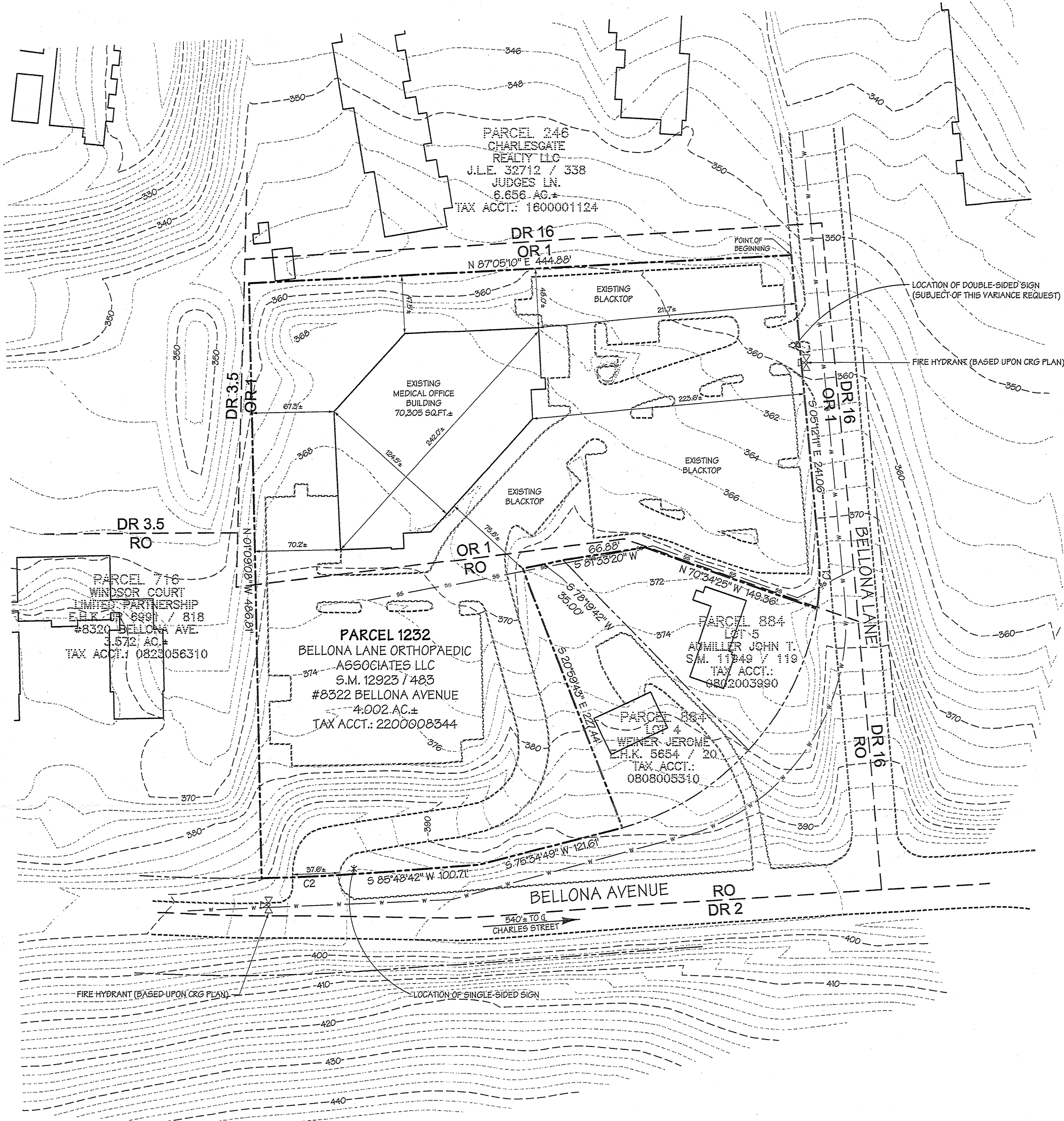
ORIGINAL CRG APPROVED	-	6/27/89	
1ST REFINED CRG APPROVED	-	4/29/91	
2ND REFINED CRG APPROVED	-	1/19/97	(DKC 092971)
3RD REFINED CRG APPROVED	-	3/13/98	(DKC 020981)

GRANTED ZONING RELIEF:

- CASE NO. 90-115-SPHA, NOV. 15, 1989
GRANTED BY ZONING COMMISSIONER J. ROBERT HAINES:
- PARKING IN THE R.O. ZONE.
 - ACCESS THROUGH THE R.O. ZONE.
 - 5 FEET IN LIEU OF 100 FEET TO R.O. ZONE, 60 FEET IN LIEU OF 100 FEET TO DR 3.5 ZONE, 52 FEET IN LIEU OF 100 FEET TO DR 16 ZONE, FAR OF .65 IN LIEU OF .50.

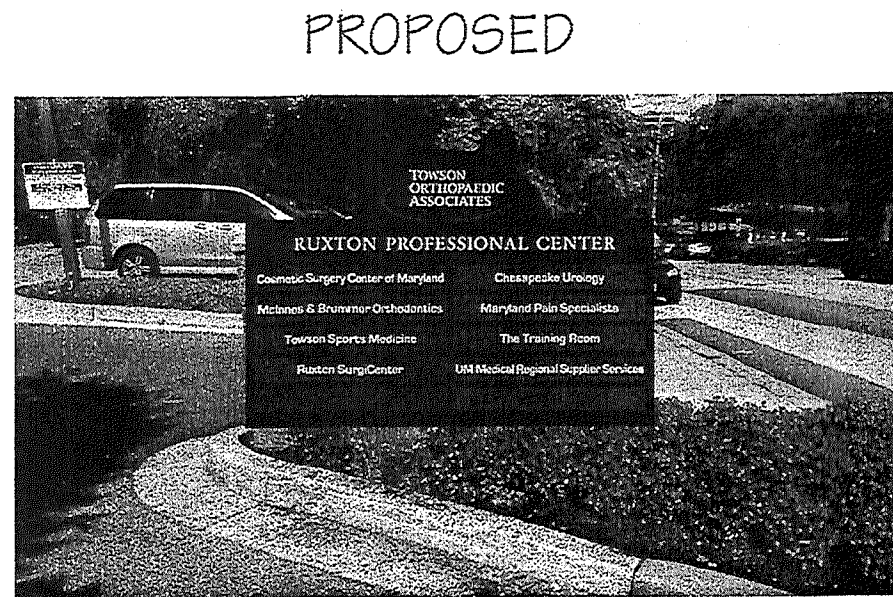
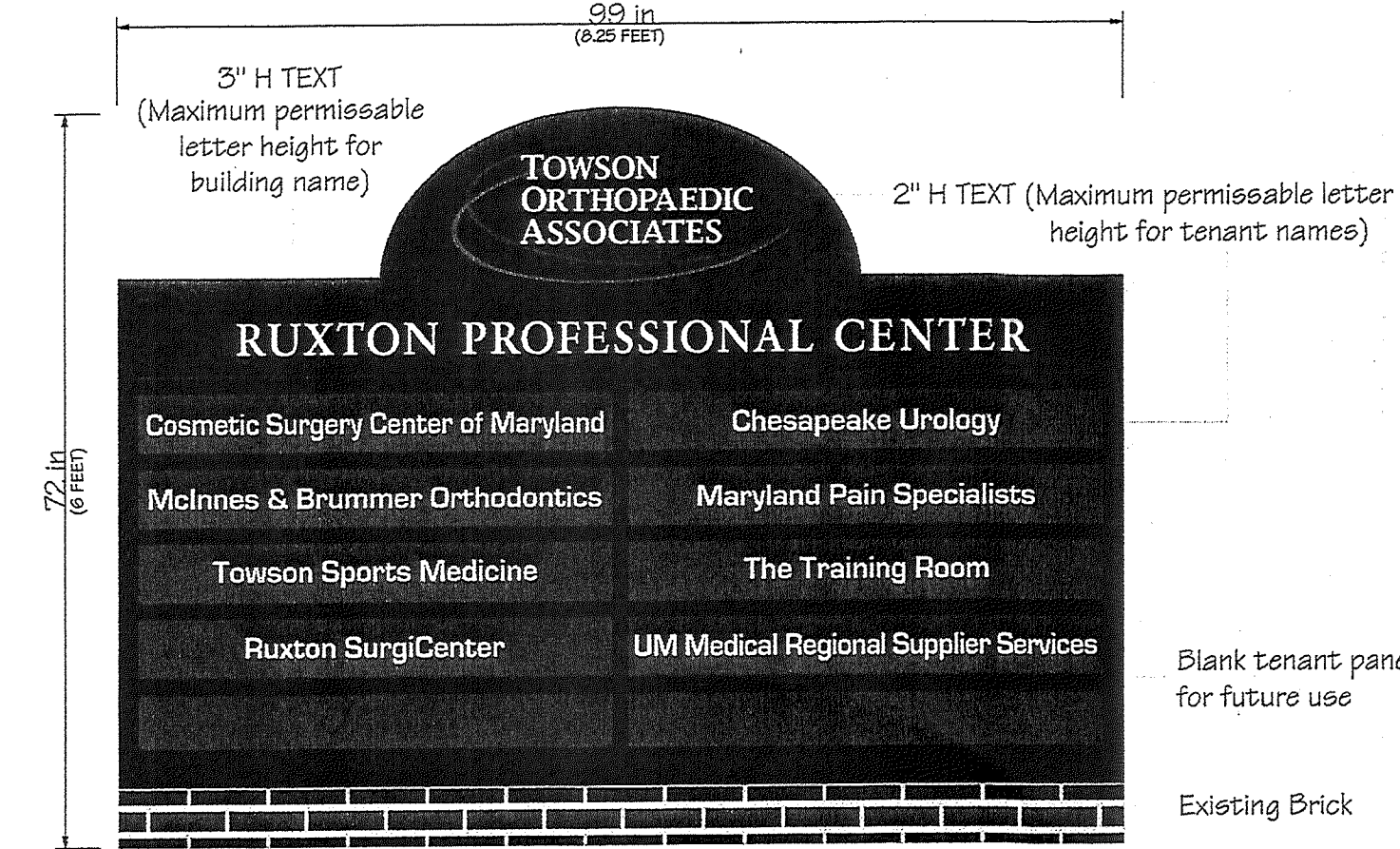
CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C1	12°56'50"	215.38'	48.67'	S 01°16'14" W	48.57'	24.44'
C2	9°11'01"	1592.40'	77.37'	S 87°24'13" W	77.36'	58.68'



GENERAL NOTES:

- OWNER: BELLONA LANE ORTHOPAEDIC ASSOCIATES LLC
- SITE ADDRESS: #8322 BELLONA AVENUE TOWSON, MARYLAND 21204
- DEED REFERENCE: S.M. 12923 / 483
- TAX MAP 69, GRID 5, PARCEL 1232
- ACREAGE: 4.002 AC±
- TAX ACCOUNT NUMBERS: 2200008344
- ELECTION DISTRICT 8, COUNCILMANIC DISTRICT 2.
- ZONING CLASSIFICATION: OR 1 & RO 069C1
- PARKING REQUIRED: 263 (PER CRG PLAN) (58,378 SQ.FT. MEDICAL OFFICE AT 4.5 SP/1,000 SQ.FT.)
- PARKING PROVIDED: 263 (PER CRG PLAN)



IF OPTIONS ARE PRESENTED, PLEASE CIRCLE YOUR SELECTION ABOVE

- ☐ Please Send New Proof, See Corrections Above ☐ Approved, No Corrections ☐ Approved w/ Changes

X

File Name: Towson Orthopaedic Associates - Exterior Illuminated Directories 03-11-13.fs

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Revision #	ORIGINAL	1	2	3
Date of Rev.	03/15/13	03/25/13	04/02/13	04/12/13

Revision #	4	5	6	7
Date of Rev.				

chesapeake
SIGN
company

*Two revisions are included in the original pricing, unless otherwise noted. Additional revisions may incur additional charges.

LEGEND:

- OR 1 — ZONING LINE
— RO — PROPERTY LINE
— w — EX. WATER LINE
— ss — EX. SAN SEWER



2014-0093-A

DMW
DAFT MCCUNE WALKER INC
200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM
A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

PLAN TO ACCOMPANY
VARIANCE REQUEST
FOR

**BELLONA LANE ORTHOPAEDIC
ASSOCIATES**
#8322 BELLONA AVENUE
TOWSON, MARYLAND 21204
TAX MAP 69, GRID 5, PARCEL 1232

THIS PLAN IS SEALED, SIGNED, PREPARED
ONLY AND ILLUSTRATES INFORMATION OBTAINED
BY FIELD, BALTIMORE COUNTY GIS AND CRG PLANS

DATE BY REVISIONS

Scale: 1"=60'
Date: 10/15/2013
Project No: 13027.00

Field Crew:
Processed by: R.C.
Drawn by: R.C.
Project Manager: M.D.M.
Checked by: Date:

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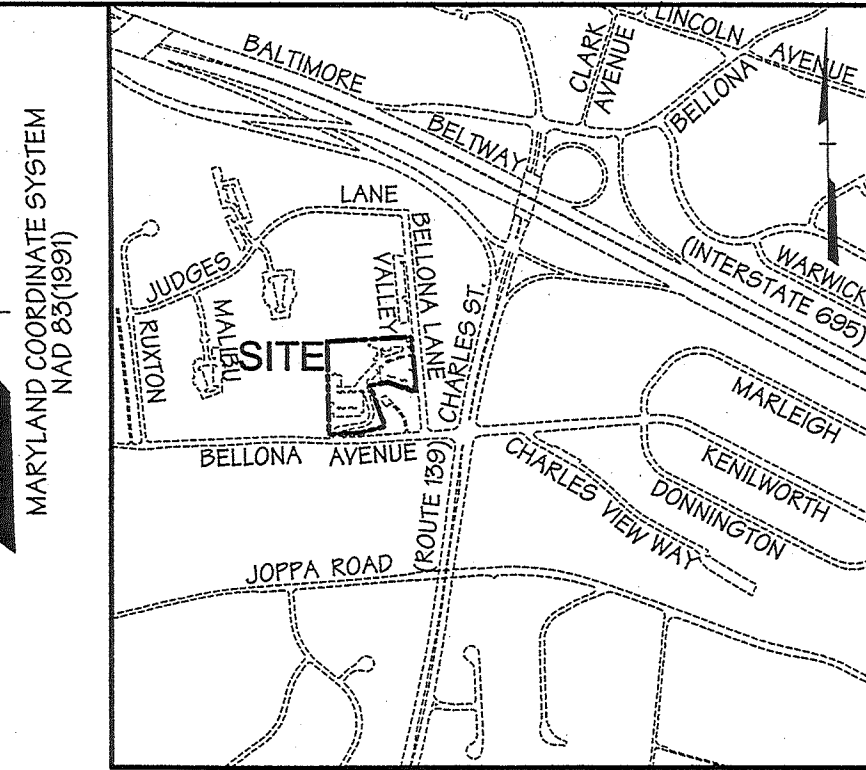
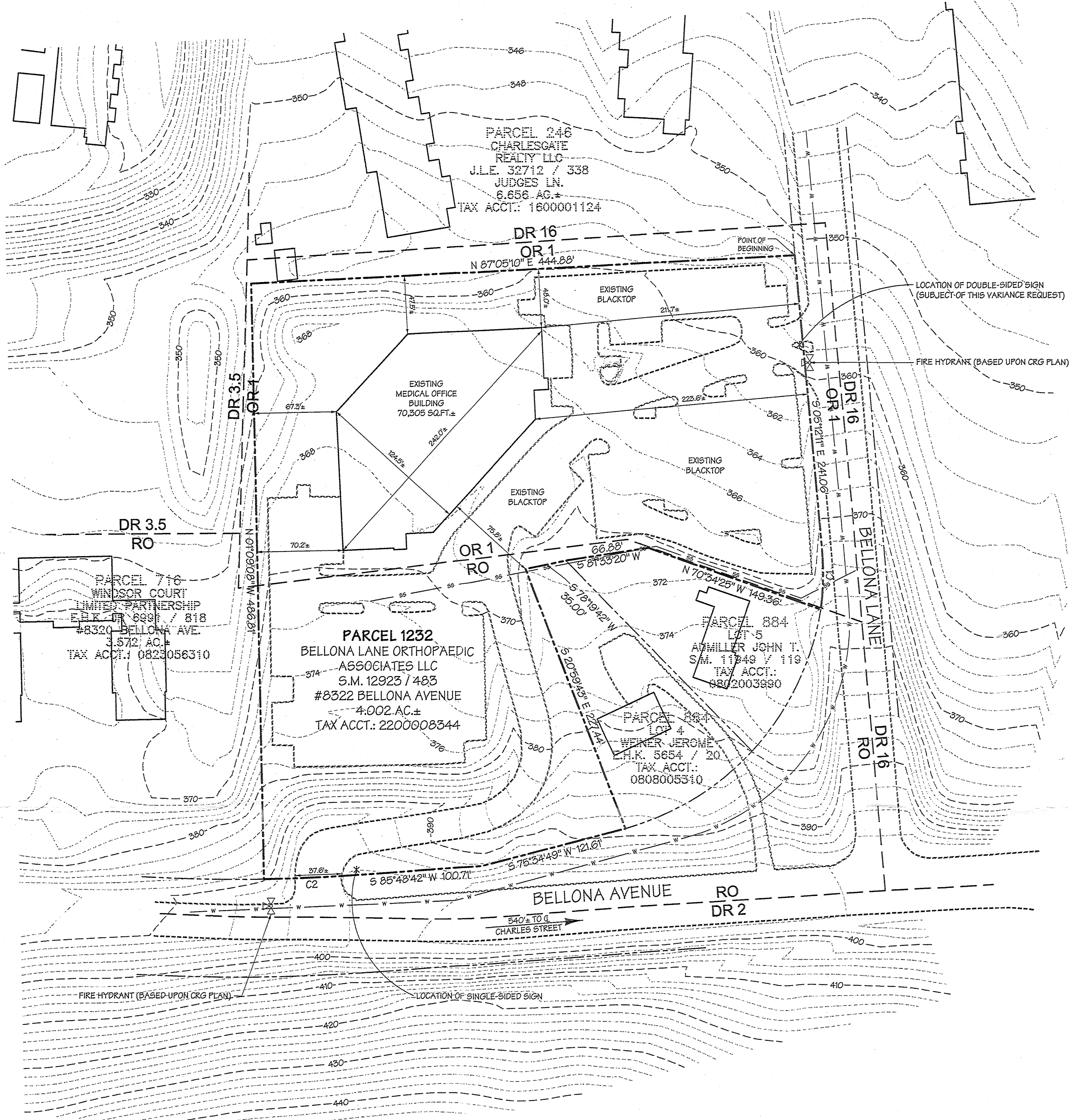
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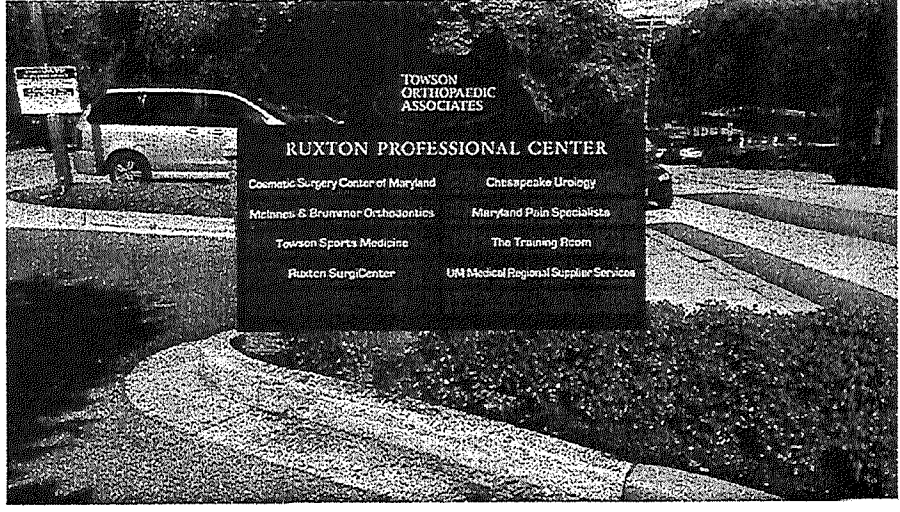
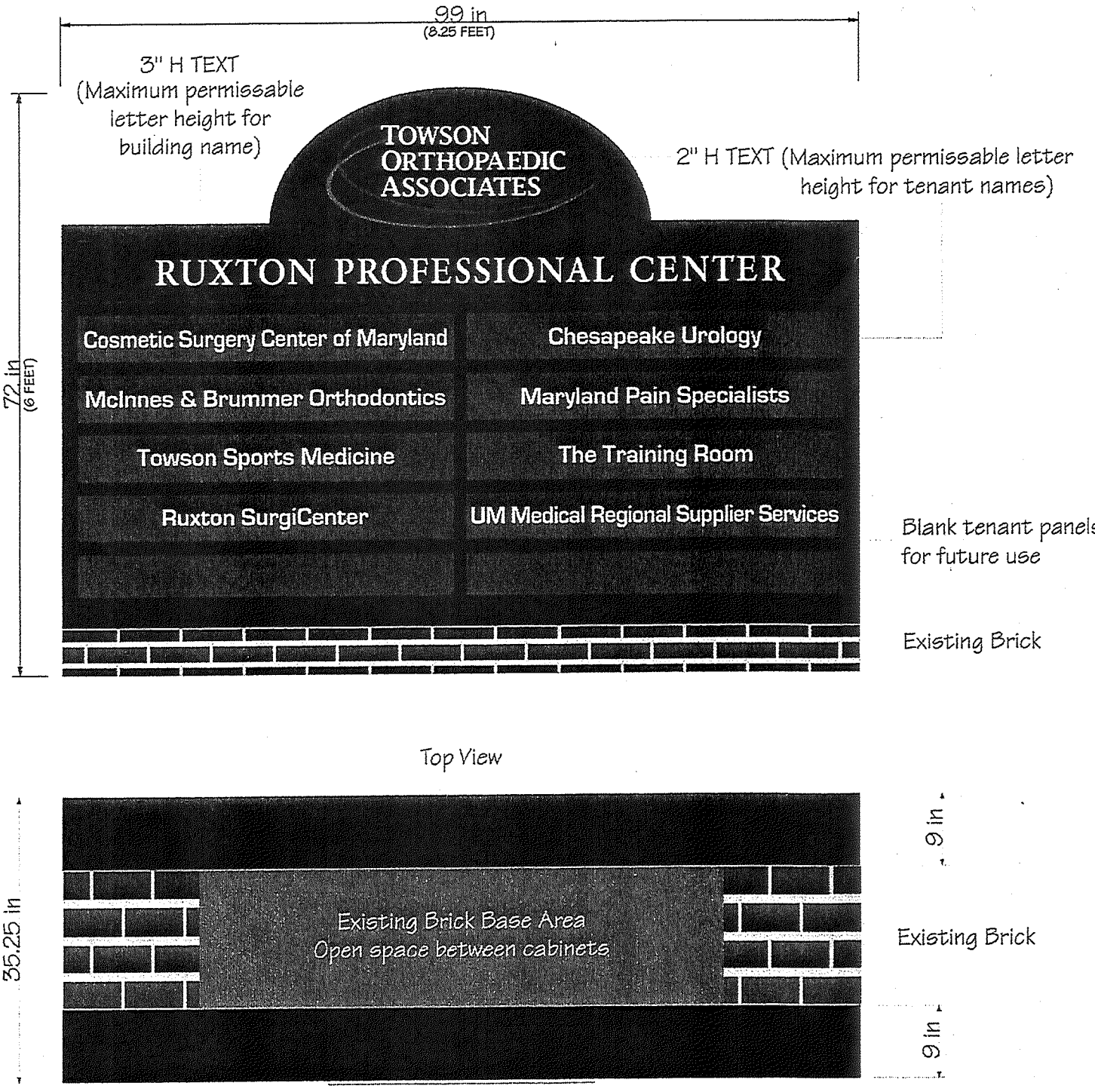
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Revision # ORIGINAL 1 2 3 4 5 6 7

Date of Rev. 03/15/13 03/25/13 04/02/13 04/12/13

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File Name: Towson Orthopaedic Associates - Exterior Illuminated Directories 03-11-13.fls

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LEGEND:

— OR 1 ZONING LINE
— RO PROPERTY LINE
— W EX. WATER LINE
— SS EX. SAN SEWER

GRAPHIC SCALE

Scale: 1"=60'

Date: 10/15/2013

Project No: 13027.00

Field Crew: Processed by: R.C.
Drawn by: R.C.
Project Manager: M.D.M.
Checked by: Date:

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PLAN TO ACCOMPANY VARIANCE REQUEST FOR

BELLONA LANE ORTHOPAEDIC ASSOCIATES

#8322 BELLONA AVENUE
TOWSON, MARYLAND 21204
TAX MAP 69, GRID 5, PARCEL 1232

STATE OF MARYLAND
MICHAEL B. HARRIS
JAN 1 2015

THIS PLAN IS SEARED FOR ZONING PURPOSES ONLY AND ILLUSTRATES INFORMATION OBTAINED BY DEED, BALTIMORE COUNTY GIS AND CRG PLANS

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