

M E M O R A N D U M

DATE: February 10, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0119-SPHXA- Appeal Period Expired

The appeal period for the above-referenced case expired on February 8, 2016. 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

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(1805 East Joppa Road) *
9th Election District *
5th Council District *
Lawrence & Nancy Odette, *Legal Owners* *
Matthew B. Hitt, *Contract Purchaser* *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2016-0119-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of Lawrence & Nancy Odette, legal owners and Matthew B. Hitt, contract purchaser ("Petitioners").

The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve: Amending January 12, 2009 Special Exception, Variance and Special Variance (Case No. 2009-0080-XSA) to include 1805 East Joppa Road within its scope; to confirm 0 ft. side yard setbacks conform with requirements of Section 204.1.C.8; to permit a proposed two story building and to confirm shared parking between 1805 and 1807 East Joppa Road.

A Petition for Special Exception was filed pursuant to B.C.Z.R. §204.3.B.2 to use the herein described property for a Class B office building in an R-O zone. The final request was for a special variance from B.C.Z.R. § 4A02, et seq., Basic Services Maps, so as to establish that the proposed building on 1805 East Joppa Road will not adversely impact the traffic shed. Prior to the hearing, counsel submitted a copy of Bill 79-15 which, among other things, specified that

properties within a Commercial Revitalization District are exempt from Basic Services mapping

ORDER RECEIVED FOR FILING

Date 1-8-16

By [Signature]

standards. This property (as noted in the DOP ZAC comment) is within the Loch Raven Commercial Revitalization District. As such, special variance relief is not required.

Appearing at the public hearing in support of the requests was Matthew Hitt and professional engineer John Motsco. Edward J. Gilliss, Esq., represented the contract purchaser. There were no protestants and/or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Zoning Advisory Committee (ZAC) comments were submitted by the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). The concerns addressed by those agencies will be included as conditions in the Order below.

The subject property is approximately 9,850 sq. ft. in size and is zoned RO with a small sliver zoned BLR. Mr. Hitt is a CPA and his office is located at 1807 East Joppa Road, next door to the subject property at 1805 Joppa Road. The subject property currently houses a State Farm Insurance agency. Mr. Hitt proposes to raze that building and construct a new office building on 1805 which would straddle the lot line and connect to the existing building at 1807. The site plan (Exhibit 1) contains additional details regarding the project.

Counsel submitted a copy of the order in Case No. 2009-0080-XSA, which involved the property at 1807 East Joppa Road where Mr. Hitt's CPA office is located. In that order, former Zoning Commissioner Wiseman granted special exception and variance relief, finding Petitioner had satisfied the standards set forth in B.C.Z.R. §§ 502.1 and 307. Mr. Wiseman's order is detailed and thorough, and recites the salient facts that in his opinion entitled Petitioner to zoning relief. I believe the same reasoning and logic applies to the property in this case, which is immediately adjacent to (and will after construction of the new building be connected to) the site under consideration in Case No. 2009-0080-XSA. As such, the petitions will be granted.

ORDER RECEIVED FOR FILING

Date 1-8-16 2
By [Signature]

THEREFORE, IT IS ORDERED this 8th day of **January, 2016**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.) to approve: Amending January 12, 2009 Special Exception, Variance and Special Variance (Case No. 2009-0080-XSA) to include 1805 East Joppa Road within its scope; to confirm 0 ft. side yard setbacks conform with requirements of Section 204.1.C.8; to permit a proposed two story building; to confirm shared parking between 1805 and 1807 East Joppa Road, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception filed pursuant to B.C.Z.R. §204.3.B.2 to use the herein described property for a Class B office building in an R-O zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Variance from B.C.Z.R. § 4A02, et seq., Basic Services Maps, to establish that the proposed building on 1805 East Joppa Road will not adversely impact the traffic shed, be and is hereby DISMISSED as unnecessary pursuant to Baltimore County Council Bill 79-15.

The relief granted herein shall be subject to the following:

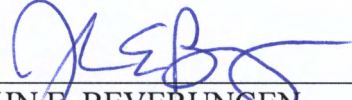
1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners shall provide landscaping and/or screening for off-street parking on the entire site as determined in the sole discretion of the Baltimore County Landscape Architect.
3. Petitioners shall comply with the DOP ZAC comment, a copy of which is attached hereto.

ORDER RECEIVED FOR FILING

Date 1-8-16

By [Signature]

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:dlw

ORDER RECEIVED FOR FILING

Date 1-8-16

By 



KEVIN KAMENETZ
County Executive

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

January 8, 2016

Edward J. Gilliss, Esq.
102 West Pennsylvania Avenue
Towson, Maryland 21204

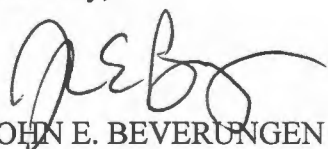
RE: Petitions for Special Hearing, Special Exception and Variance
Case No. 2016-0119-SPHXA
Property: 1805 East Joppa Road

Dear Mr. Gilliss:

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 County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Lawrence and Nancy Odette, 1805 East Joppa Road, Baltimore, MD 21234

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment

11/16

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

C

11/18

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

N/C

12/23

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

no obj w/ comment

11/12

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

12/17/15

SIGN POSTING

Date:

12/17/15

by

Boak

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0923500240			
Owner Information					
Owner Name:	ODETTE LAWRENCE HASTINGS ODETTE NANCY MCCORMICK		Use:	COMMERCIAL NO	
Mailing Address:	1805 E JOPPA RD BALTIMORE MD 21234		Deed Reference:	/09404/ 00679	
Location & Structure Information					
Premises Address:		1805 E JOPPA RD 0-0000		Legal Description:	SS E JOPPA RD SE COR OAKLEIGH RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0070	0012	0242		0000	2014
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1949	1440		9,850 SF	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		OFFICE BUILDING			
Value Information					
	Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	187,500	187,500			
Improvements	84,900	85,400			
Total:	272,400	272,900	272,733	272,900	
Preferential Land:	0			0	
Transfer Information					
Seller: ODETTE LAWRENCE HASTINGS		Date: 10/13/1992		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /09404/ 00679		Deed2:	
Seller: ODETTE LAWRENCE HASTINGS		Date: 07/12/1982		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /06412/ 00629		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty/>)

District: 09 Account Number: 0923500240



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.

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>).



THE BALTIMORE SUN MEDIA GROUP

501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3816880

Sold To:

Edward Gillis c/o Royston Mueller - CU00378124
102 W Pennsylvania Ave Ste 600
TOWSON, MD 21204

Bill To:

Edward Gillis c/o Royston Mueller - CU00378124
102 W Pennsylvania Ave Ste 600
TOWSON, MD 21204

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Dec 17, 2015

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: # 2016-0119-SPHXA

1805 E. Joppa Road
E/s Joppa Road, 60ft. west of centerline of Quentin Avenue

9th Election District - 5th Councilmanic District

Legal Owner(s) Lawrence & Nancy Odette

Contract Purchaser/Lessee: Matthew Hitt

Special Hearing to determine whether or not the Administrative Law Judge should approve: Amending January 12, 2009 Sepcial Exception, Variance and Special Variance (Case No. 2009-0080 XSA) to include 1805 E. Joppa Road within its scope; to confirm 0 ft. sideyard setbacks conform with requirements of Section 204.1 C.8; to permit a proposed two story building; to conform shared parking between 1805 and 1807 E. Joppa Road.

Special Exception: to use the herein described property for a Class B office building in an R-O zone. VARIANCE 4A02, et seq., Basic Services Maps, so as to establish that the proposed building on 1805 E. Joppa Rd will not adversely impact the traffic shed.

Hearing: Friday, January 8, 2016 at 11:00 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.

12/150 Dec. 17 3816880

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

December 17, 2015

Re:
Zoning Case No. 2016-0119-SPHXA
Petitioner: Lawrence & Nancy Odette
Date of Hearing: January 8, 2016

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

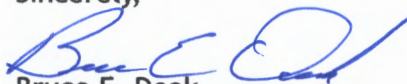
Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **1805 E. Joppa Road**.

The sign was posted on **December 17, 2015**.

Sincerely,


Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

CASE NO. 2016-0119-SPHXA

1805 E. Joppa Road

**A PUBLIC HEARING WILL BE HELD
BY THE ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204**

DATE & TIME: Friday January 08, 2016 11:00 AM

REQUESTS:

**SPECIAL HEARING TO DETERMINE WHETHER OR NOT THE
ADMINISTRATIVE LAW JUDGE SHOULD APPROVE : AMENDING
JANUARY 12, 2009 SPECIAL EXCEPTION, VARIANCE AND SPECIAL
VARIANCE (CASE NO. 2009-0080XSA) TO INCLUDE 1805 E. JOPPA ROAD
WITHIN ITS SCOPE ; TO CONFIRM 0 FT. SIDE YARD SETBACKS
CONFORM WITH REQUIREMENTS OF SECTION 204.1.C.8; TO PERMIT A
PROPOSED TWO STORY BUILDING; TO CONFIRM SHARED PARKING
BETWEEN 1805 AND 1807 E. JOPPA ROAD.**

**SPECIAL EXCEPTION TO USE THE HEREIN DESCRIBED PROPERTY FOR
A CLASS B OFFICE BUILDING IN AN R-O ZONE.**

**VARIANCE 4A02, ET SEQ. BASIC SERVICES MAPS - SO AS TO
ESTABLISH THAT THE PROPOSED BUILDING ON 1805 E. JOPPA ROAD
WILL NOT ADVERSELY IMPACT THE TRAFFIC SHED.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**





KEVIN KAMENETZ
November 25, 2015

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

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: 2016-0119-SPHXA

1805 E. Joppa Road
E/s Joppa Road, 60 ft. west of centerline of Quentin Avenue
9th Election District – 5th Councilmanic District
Legal Owners: Lawrence & Nancy Odette
Contract Purchaser/Lessee: Matthew Hitt

Special Hearing to determine whether or not the Administrative Law Judge should approve: Amending January 12, 2009 Special Exception, Variance and Special Variance (Case No. 2009-0080 XSA) to include 1805 E Joppa Road within its scope; to confirm 0 ft. sideyard setbacks conform with requirements of Section 204.1 C.8; to permit a proposed two story building; to conform shared parking between 1805 and 1807 E Joppa Road. **Special Exception** to use the herein described property for a Class B office building in an R-O zone. **Variance 4A02, et seq., Basic Services Maps**, so as to establish that the proposed building on 1805 E Joppa Rd will not adversely impact the traffic shed.

Hearing: Friday, January 8, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Edward Gillis, 102 W. Pennsylvania Avenue, Towson 21204
Matthew Hitt, 1008 Cowpens Road, Towson 21286
Mr. & Mrs. Odette, 1805 E. Joppa Road, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 19, 2015**
- (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.



KEVIN KAMENETZ
November 25, 2015

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

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TO: PATUXENT PUBLISHING COMPANY
Thursday, December 18, 2015 Issue - Jeffersonian

Please forward billing to:

Edward Gillis
Royston, Mueller, McLean & Reid, LLP
102 West Pennsylvania Avenue, Ste. 600
Towson, MD 21204

410-823-1800

NOTICE OF ZONING HEARING

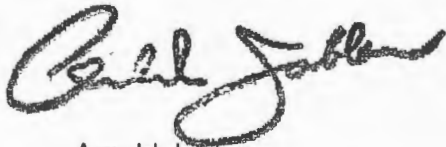
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105 West Chesapeake Avenue, Towson 21204



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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE
1805 E. Joppa Road; E/S E. Joppa Road, 60' W* OF ADMINISTRATIVE
of c/line of Quentin Avenue
9th Election & 5th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Lawrence & Nancy Odette *
Contract Purchaser(s): Matthew Hitt * BALTIMORE COUNTY
Petitioner(s) *
2016-119-SPHXA

* * * * *

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
NOV 10 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of November, 2015, a copy of the foregoing Entry of Appearance was mailed to Matthew Hitt, 1805 E. Joppa Road, Baltimore, Maryland 21234 and Edward Gilliss, Esquire, 102 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmlr.com

R. TAYLOR McLEAN
WILLIAM F. BLUE
THOMAS F. McDONOUGH
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECENGOST
LISA J. McGRATH

JAMES L. SHEA, JR.
MARTHA K. WHITE
ROBERT F. MILLER
SARAH M. GRABENSTEIN
MATTHEW P. BOSAK

OF COUNSEL
LAUREL PARETTA REESE
EUGENE W. CUNNINGHAM, JR., P.A.
BRADFORD G.Y. CARNEY
STEPHEN C. WINTER
JOHN A. PICA, JR.

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

RICHARD A. REID
1931-2008

* ALSO ADMITTED IN D.C.

November 6, 2015

VIA HAND DELIVERY

Baltimore County Department of Permits,
Approvals and Inspections
County Office Building
111 West Chesapeake Ave. Suite 105
Towson, MD 21204

Re: 1805 E. Joppa Road

Dear Sir or Madam:

Enclosed with this letter are documents relating to the request that a Special Hearing, Special Exception and Variance hearing be scheduled:

- Twelve copies of the site plan;
- Three originals of the Petition with original signatures;
- Three copies of the property description;
- One copy of the GIS Zoning Map;
- One completed copy of the advertising and posting requirements and procedures form; and
- A \$1,200.00 filing fee in the form of a check made payable to "Baltimore County" from my firm's advance account.

Thank you for your cooperation.

Very truly yours,



Edward J. Gilliss

2016-0119-JPH XA

EJG/afd

Enclosures

S:\LITIGATION\SEJG\Clients\Hitt\1805 E Joppa\Special Hearing-Variance\PAI 11-6-15.doc



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 1805 E. Joppa Road which is presently zoned R-O
Deed References: 09404/00679 10 Digit Tax Account # 0 9 2 3 5 0 0 2 4 0
Property Owner(s) Printed Name(s) Lawrence and Nancy Odette

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

See Attached

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

See Attached

3. X 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 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:

Matthew B. Hitt

Name- Type or Print

Signature

1008 Cowpens Road Towson Maryland
Mailing Address City State

21286 / 410-660-5537 /
Zip Code Telephone # Email Address

Attorney for Petitioner:

Edward J. Gilliss

Name- Type or Print

Signature

102 W. Pennsylvania Avenue Towson Maryland
Mailing Address City State

21204 / 410-823-1800 /
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Lawrence Odette / Nancy Odette

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1805 E. Joppa Road Baltimore Maryland
Mailing Address City State

21234 / /
Zip Code Telephone # Email Address

Representative to be contacted:

Matthew B. Hitt

Name - Type or Print

Signature

1805 E. Joppa Road Baltimore Maryland
Mailing Address City State

21234 / 410-661-5537 /
Zip Code Telephone # Email Address

CASE NUMBER 2016-0119-304XA Filing Date 11/6/15

Do Not Schedule Dates: _____

Reviewer JF

ATTACHMENT TO PETITION FOR 1805 E. JOPPA ROAD

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. X A Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve:

Amending January 12, 2009 Special Exception, Variance and Special Variance (Case No. 2009-0080-XSA) to include 1805 E. Joppa Road within its scope; to confirm 0' sideyard setbacks conform with requirements of Sec. 204.1 C.8; to permit a proposed two story building; to confirm shared parking between 1805 and 1807 E. Joppa Road (BCZR sec. 204.3.c.2 and BCZR sec. 409.7.B and C.)

2. X A Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for:

A Class B office building in an R-O zone pursuant to Sec. 204.3.B.2.a.

3. X A Variance from Section(s)

4A02, et seq., Basic Services Maps, so as to establish that the proposed building on 1805 E. Joppa Road will not adversely impact the traffic shed.

September 15, 2015

ZONING DESCRIPTION FOR
#1805 & #1807 EAST JOPPA ROAD

Beginning at a point on the south side of East Joppa Road, which is 80 feet wide, at the distance of 60 feet west of the centerline of Quentin Avenue, which is 40 feet wide. Thence the following courses and distances: **(1)** South 16 degrees 51 minutes 09 seconds East 164.76 feet; thence **(2)** South 73degrees 07 minutes 51 seconds West 110.00 feet; thence **(3)** North 16 degrees 51 minutes 09 seconds West 162.71 feet to the south side of East Joppa Road; thence **(4)** by a curve to the right having a radius of 3854.72 feet, an arc length of 110.02 feet and a chord bearing North 72 degrees 03 minutes 47 seconds East 110.02 feet to the place of beginning. Being that land as recorded in Deed Liber S.M. 9404 folio 679 and Deed Liber J.L.E. 33553 folio 33, containing 0.41 acres of land, more or less. Located in the Ninth Election District and Fifth Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Expires February 5, 2016

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2016-0119-SPHYA

Property Address: 1805 E. Joppa Road

Property Description: _____

Legal Owners (Petitioners): Matthew B. Hitt

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Edward J. Gilliss, Esq.

Company/Firm (if applicable): Royston, Mueller, McLean & Reid, LLP

Address: 102 West Pennsylvania Avenue, Suite 600

Towson, MD 21204

Telephone Number: 410-823-1800

Revised 5/20/2014

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

No. **128782**

Date: **11/6/15**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 11/09/2015 11/06/2015 10:12:38 5

REG MS05 WALKIN R005 LRB
 RECEIPT # 827216 11/06/2015 OFLH

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				1,200.00

Dept 5 528 ZONING VERIFICATION
 CR NO. 128782

Recpt Tot \$1,200.00
 \$1,200.00 CK \$0.00 CA
 Baltimore County, Maryland

Total: **1,200.00**

Rec

From: **ROXSTON MUELLER McLEAN & REID**

For: **1805 E. JORDAN RD.**

SPRAXA

2016-0117-SPRAXA

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

December 30, 2015

Lawrence & Nancy Odette
1805 E Joppa Road
Baltimore MD 21234

RE: Case Number: 2016-0119 SPHXA, Address: 1805 E Joppa Road

Dear Mr. & Ms. Odette:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 6, 2015. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, flowing "W" and a prominent "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Matthew B Hitt, 1805 E Joppa Road, Baltimore MD 21234
Edward J Gillis, Esquire, 102 W. Pennsylvania Avenue, Suite 600, Towson MD 21204

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 11/12/15

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

RE: Baltimore County
Item No. 2016-0119-SPH&A
Special Hearing Special Exception Variance
Lawrence & Nancy Odette
1805 Joppa Road East

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. 2016-0119-SPH&A

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Zeller".

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

NOV 18 2015



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: November 18, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0119-SPHXA
Address 1805 East Joppa Road
(Odette Property)

Zoning Advisory Committee Meeting of November 9, 2015.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 11-18-2015

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: December 23, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

JAN 04 2016

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-119

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 1805 E Joppa Road
Petitioner: Lawrence and Nancy Odette
Zoning: RO
Requested Action: Special Hearing, Special Exception, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve amending the January 12, 2009 special exception, variance and special hearing, Zoning Case No. 2009-0080-XSA to include 1805 E. Joppa Road within its scope, to confirm 0' setbacks, to permit a proposed two story building and to confirm shared parking between 1805 and 1807 E. Joppa Road. Also reviewed are the petition for a special exception to use the property for a Class B office building and the petition for a variance from the Basic Services Maps to establish that the proposed building at 1805 E. Joppa will not adversely impact the traffic shed.

The site is currently the subject of CZMP 2016 Issue 5-009 requesting a change from RO and BLR to BL.

The site is within the Loch Raven Commercial Revitalization District and as such, within the Loch Raven Commercial Design Review Area. Typically, development proposals like this would normally require a hearing before the Design Review Panel (DRP). Because the contract purchaser is availing himself of the Architect-On-Call program and utilizing available revitalization loan monies, it is the policy of this department to forgo a formal review before the DRP. The petitioner has indicated he will meet with the Department for guidance on architectural building form, materials, landscaping and signage, and other site issues, through the AOC program.

The Department has no objection to granting the petitioned zoning relief subject to the following condition:

- The petitioner shall work with the Department of Planning through the Architect-On-Call program to achieve a holistic site design that is subject to administrative approval by the Department of Planning prior to the issuance of any permits.

ORDER RECEIVED FOR FILING

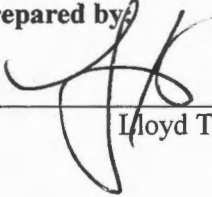
Date 1-8-16

By [Signature]

Date: December 7, 2015
Subject: ZAC #16-119
Page 2

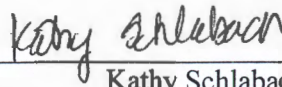
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Jeanette M. S. Tansey, R.L.A., Permits and Development Management
Matthew B. Hitt
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date

1-8-16

By

DW

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: December 23, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-119

JAN 04 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 1805 E Joppa Road
Petitioner: Lawrence and Nancy Odette
Zoning: RO
Requested Action: Special Hearing, Special Exception, Variance

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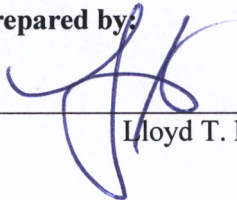
The Department has no objection to granting the petitioned zoning relief subject to the following condition:

- The petitioner shall work with the Department of Planning through the Architect-On-Call program to achieve a holistic site design that is subject to administrative approval by the Department of Planning prior to the issuance of any permits.

Date: December 7, 2015
Subject: ZAC #16-119
Page 2

For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay

Jeanette M. S. Tansey, R.L.A., Permits and Development Management

Matthew B. Hitt

Office of the Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For November 9, 2015
Item No. 2016-0119

DATE: November 16, 2015

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Additions greater than 50% of the existing square footage require that the entire site come into compliance with the landscape manual. Nonetheless, compliance with Conditions A and B (screening of parking) shall be required.

As to the requested variance, if the petitioner's traffic engineer states that the proposed addition and new construction will not cause an increase in the number of peak hour trips to or from the site, we have no objection to granting it.

* * * * *

DAK
cc:file

ZAC-ITEM NO 16-0119-11022015.doc

HIT
CASE NAME 1805 E JOPPA
CASE NUMBER 2016-0119-SP4XA
DATE 1-8-16

[illegible]

John Motsco P.E.

Maryland Professional Engineer License Number 44112

Little & Associates, Inc.

1055 Taylor Avenue, Suite 307

Towson, MD 21286

410-296-1636

Work Experience

Little & Associates, Inc., Towson, MD - Project Engineer/Manager

September 2004 - Current

Schedule, design, and manage all engineering, permitting, land planning and public contract administration, for a variety of residential and commercial projects, supervising a group of 3 - 5 junior engineers and CADD draftsmen. Act as the primary liaison between Investors, Construction Superintendents, and Government Agencies. Provide construction inspection and Utility As-Built documentation for security reduction and contract suitability.

Education

The Pennsylvania State University

Bachelors of Science - Civil Engineering - Graduated May 2004

Training, Certifications and Awards

Maryland Professional Engineer License Number 44112

State of Maryland - Erosion & Sediment Control (Green Card) Certification

PETITIONER' S

EXHIBIT NO. 2

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 16

Bill No. 79-15

Mr. Tom Quirk, Councilman

By the County Council, October 5, 2015

A BILL
ENTITLED

AN ACT concerning

Basic Services Maps

FOR the purpose of exempting any development in a Commercial Revitalization District from the Basic Services mapping standards providing for the application of the Act; and generally relating to the Basic Services Maps.

BY repealing and re-enacting, with amendments
Section 4A02.4.E.1.
Baltimore County Zoning Regulations

- 1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:
3 §4A02.4. Basic services mapping standards.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 E. General exceptions to basic services mapping standards.

2 1. The provisions of Section 4A02.4.A, B, C and D do not apply to any of the following:

3 a. Any development of three or fewer single-family detached dwellings, or
4 establishment of their accessory uses, on a lot of record as of November 19, 1979 (see Section 101).

5 b. To any development in a C.C.C. District for which, prior to January 21, 1980, a
6 subdivision plan was finally approved or for which, prior to January 21, 1980, an application for a
7 building permit had been made.

8 c. To any development in a C.S.A. District for which, prior to January 21, 1980, a
9 subdivision plan was finally approved or for which, prior to January 21, 1980, an application for a
10 building permit has been made.

11 d. To any development in an R.A.E. Zone for which, prior to January 21, 1980, a
12 subdivision plan was finally approved or for which, prior to January 21, 1980, an application for a
13 building permit had been made.

14 e. To any development in a town center or community center for which an official
15 detailed plan was approved by the Planning Board as of the effective date of Bill No. 178-1979. For
16 purposes of this exception, an "official detailed plan" includes an official "revitalization" plan or
17 similar plan prepared by the Department of Planning or a consultant to the county, but does not
18 include a subdivision plan or other developer's plan.

19 f. On-site expansions of existing hospitals; any development of a "continuing care
20 facility" as defined in ~~§7 of Article 70B~~ TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES
21 ARTICLE of the Annotated Code of Maryland.

22 g. Any development in an area for which an official detailed plan has been prepared
23 that contains a recommendation that the area be exempted from basic services restrictions. For

1 purposes of this exception, an "official detailed plan" includes an official "revitalization" plan or
2 similar plan prepared by the Department of Planning or a consultant to the county and approved,
3 subsequent to July 1, 1982, by the Planning Board and the County Council, but does not include a
4 subdivision plan or other developer's plan.

5 h. Health-care and surgery center.

6 I. TO ANY DEVELOPMENT LOCATED IN A COMMERCIAL
7 REVITALIZATION DISTRICT.

8 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the
9 affirmative vote of five members of the County Council, shall take effect on November 16, 2015 and
10 shall apply to Commercial Revitalization Districts established by County Council resolution prior
11 to the effective date of this Act.

b07915.wpd



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 12, 2009

WILLIAM J. WISEMAN III
Zoning Commissioner

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

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

Dear Mr. Gilliss:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a large, stylized, and somewhat abstract graphic that resembles a star or a large 'X'.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

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

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

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1) The Petitioner may apply for her permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed addition shall be constructed substantially in accordance with the building elevation drawings accepted and marked as Petitioner's Exhibit 5.

John Motsco P.E.

Maryland Professional Engineer License Number 44112

Little & Associates, Inc.

1055 Taylor Avenue, Suite 307

Towson, MD 21286

410-296-1636

Work Experience

Little & Associates, Inc., Towson, MD - Project Engineer/Manager

September 2004 - Current

Schedule, design, and manage all engineering, permitting, land planning and public contract administration, for a variety of residential and commercial projects, supervising a group of 3 - 5 junior engineers and CADD draftsmen. Act as the primary liaison between Investors, Construction Superintendents, and Government Agencies. Provide construction inspection and Utility As-Built documentation for security reduction and contract suitability.

Education

The Pennsylvania State University

Bachelors of Science - Civil Engineering - Graduated May 2004

Training, Certifications and Awards

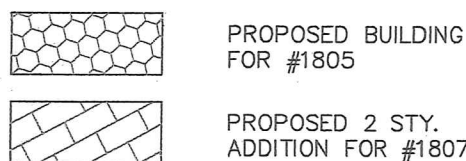
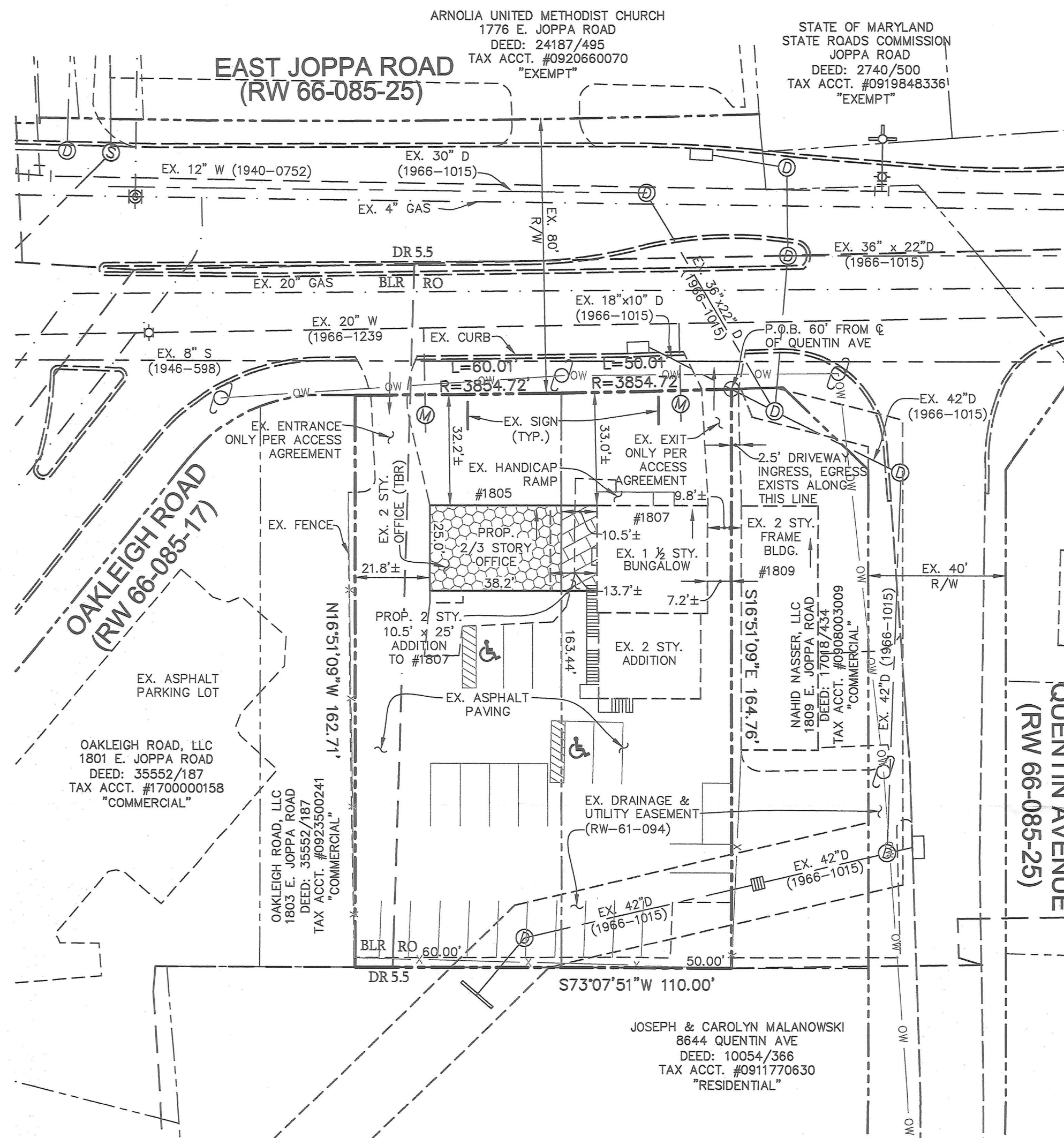
Maryland Professional Engineer License Number 44112

State of Maryland - Erosion & Sediment Control (Green Card) Certification

PETITIONER' S

EXHIBIT NO. 2



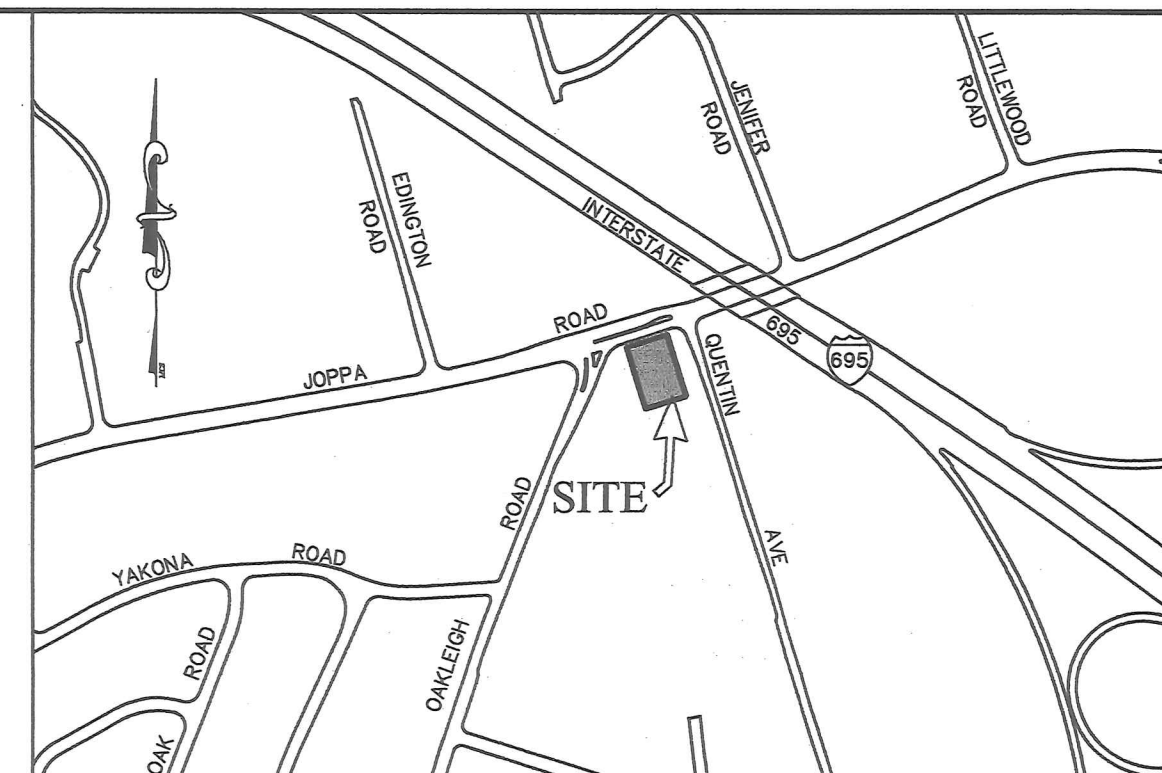


PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 16019, EXPIRATION DATE: 5/8/16.

LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

EXISTING SIGN DETAIL (#1807) TO BE REMOVED
SCALE: NOT TO SCALE
FREE STANDING DOUBLE FACED SIGN

EXISTING SIGN DETAIL (#1805) TO REMAIN
SCALE: NOT TO SCALE
FREE STANDING DOUBLE FACED SIGN



VICINITY MAP

SCALE: 1"=500'

PROPERTY INFORMATION

- OWNER OF #1805 E. JOPPA ROAD:
LAWRENCE HASTINGS ODETTE
NANCY MCCORMICK ODETTE
1805 E. JOPPA ROAD
BALTIMORE, MD 21234
OWNER OF #1807 E. JOPPA ROAD:
JENNIFER HITT LLC
1807 E. JOPPA ROAD
BALTIMORE, MD 21234
- TAX ACCOUNT # FOR #1805: 0923500240
TAX ACCOUNT # FOR #1807: 0906572430
- DEED REF. FOR #1805: 9404/679
DEED REF. FOR #1807: 33553/33
- SITE AREA FOR #1805: 0.226 AC.± (9,850 S.F.±)
SITE AREA FOR #1807: 0.212 AC.± (9,250 S.F.±)
- EXISTING ZONING: RO,BLR
- PARKING DATA:
#1805 E. JOPPA ROAD
OFFICE = 3.3 P.S. PER 1,000 S.F. GROSS FLOOR AREA
OFFICE GROSS FLOOR AREA = 2,785 S.F.
OFFICE PARKING REQUIRED:
(3.3 P.S. x (2,785 S.F. / 1,000 S.F.)) = 9.2 P.S. = 10 P.S.
TOTAL PARKING REQUIRED FOR #1805: 10 P.S.
PARKING PROVIDED: 13 P.S.
F.A.R. ALLOWED: 0.35
F.A.R. PROPOSED: 0.28
#1807 E. JOPPA ROAD
OFFICE = 3.3 P.S. PER 1,000 S.F. GROSS FLOOR AREA
OFFICE GROSS FLOOR AREA = 2,031 S.F.
OFFICE PARKING REQUIRED:
(3.3 P.S. x (2,031 S.F. / 1,000 S.F.)) = 6.7 P.S. = 7 P.S.
STORAGE = 3.3 P.S. PER 1,000 S.F. GROSS FLOOR AREA
STORAGE GROSS FLOOR AREA = 1,013 S.F.
STORAGE PARKING REQUIRED:
(3.3 P.S. x (1,013 S.F. / 1,000 S.F.)) = 3.3 P.S. = 4.0 P.S.
TOTAL PARKING REQUIRED FOR #1807: 7 P.S. + 4 P.S. = 11 P.S.
PARKING PROVIDED: 9 P.S.
F.A.R. ALLOWED: 0.35
F.A.R. PROPOSED: 0.33
TOTAL PARKING REQUIRED FOR #1805 & #1807: 21 P.S.
TOTAL PARKING PROVIDED: 22 P.S.

7. BASIC SERVICES MAP: THE SITE IS LOCATED WITHIN A TRAFFIC DEFICIENT AREA AND AN AREA OF CONCERN FOR SEWER BASED ON THE 2015 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.

ZONING HISTORY

A PETITION FOR SPECIAL EXCEPTION, VARIANCE, AND SPECIAL VARIANCE (CASE NO. 2009-0080-XSA) WAS APPROVED ON JANUARY 12, 2009 FOR #1807 E. JOPPA ROAD TO PERMIT A CLASS B OFFICE BUILDING IN AN R-O ZONE, DRIVE AISLE WITH A WIDTH OF 7.2 FEET IN LIEU OF THE REQUIRED 20 FEET, TRAVEL LANE WITH A WIDTH OF 19 FEET IN LIEU OF THE REQUIRED 22 FEET, DEAD END PARKING BAY WITHOUT BACK UP AREA, A 8 FOOT SIDE YARD SETBACK FOR AN ADDITION IN LIEU OF THE REQUIRED 10 FEET, AND THE CONSTRUCTION OF A PROPOSED ADDITION TO 1807 E. JOPPA ROAD WITHIN THE LOCH RAVEN BOULEVARD/JOPPA ROAD TRAFFIC SHED.

PETITIONER'S

EXHIBIT NO. 1

**SITE PLAN TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION, SPECIAL
HEARING, AND SPECIAL VARIANCE
HITT PROPERTY-JOPPA ROAD**

DISTRICT 9c5
SCALE: 1"=30'

BALTIMORE COUNTY, MD
OCTOBER 28, 2015