

M E M O R A N D U M

DATE: October 20, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0010-SPH-4 – Appeal Period Expired

The appeal period for the above-referenced case expired on October 19, 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: **PETITION FOR SPECIAL HEARING** * BEFORE THE
 (109 Old Padonia Road)
 8th Election District * OFFICE OF
 3rd Council District * ADMINISTRATIVE HEARINGS

Dental Properties, LLC * FOR BALTIMORE COUNTY
 Legal Owner *

Petitioner * **Case No. 2017-0010-SPH**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Dental Properties, LLC, legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to approve a modified parking plan to determine the required number of parking spaces and their configuration, for an existing building and a proposed addition; and (2) to approve the location and existing setbacks of a non-conforming building. Owner Marshall W. Fesche appeared in support of the petition. Christopher Corey, Esq. represented the Petitioner. There were no protestants 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 received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency objected to the requests and conditions will be included below to address the concerns identified in these comments.

The subject property is 0.22 acres and zoned BM-CCC. The property is improved with a building (formerly a single-family dwelling) which has since 1993 been used for Dr. Fesche's dental practice. Petitioner proposes to enlarge the structure to accommodate the growing practice.

ORDER RECEIVED FOR FILING

Date

9-19-16

By

Sen

The petition for special hearing concerns the parking and setbacks at the property. Dealing first with the setbacks, these are existing site conditions and have been for over 75 years (i.e., the structure was built in 1940). As such, these of course can remain and the building qualifies under B.C.Z.R. §104 as a lawful nonconforming structure.

The relief required under the parking regulations essentially concerns the number of spaces provided. With the construction of the addition, 17 spaces are required, while 13 spaces are provided. Petitioner's Exhibit 1, n.5. Counsel noted a few of the spaces may be slightly smaller than required, but otherwise the lot is paved and striped in accordance with the regulations. The Petitioner indicated there has never been a shortage of parking and I do not believe granting the petition would have a detrimental impact upon surrounding properties. There is no additional space at the site on which additional parking could be located, and thus I believe Petitioner would experience an undue hardship if the request was denied. I also find Petitioner satisfies the other requirements set forth in B.C.Z.R. §§ 409.8 & 409.12.

The only remaining issue concerns whether or not Petitioner should be required to install a sidewalk along the property frontage at Old Padonia Road and/or Broad Avenue. Both the DOP and DPR indicated Petitioner should be responsible for this improvement, which according to Petitioner could cost several thousand dollars. The DPR stated the sidewalk will be required as a condition of building permit approval; as such, rather than addressing this as a zoning matter I will allow that agency to make such a determination at that juncture.

THEREFORE, IT IS ORDERED this 19th day of September, 2016 by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 as follows: (1) to approve a modified parking plan to determine the required number of parking spaces and their configuration, for an existing building and a proposed addition (all as shown on the site

ORDER RECEIVED FOR FILING

Date 9-19-16

By sen

plan which accompanied the Petition and was marked as Petitioner's Ex. 1); and (2) to approve the location and existing setbacks of a non-conforming building, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must provide landscaping (including a dumpster enclosure) for the site as determined in the sole discretion of the Baltimore County landscape architect.
3. The building addition must feature "consistent architectural design and finish on all facades which are visible from public rights-of-way," as specified in the Hunt Valley/Timonium Master Plan.

Any appeal of this decision must be filed 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 9-19-16

By sln



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 109 Old Padonia Road

which is presently zoned BM CCC

Deed References: 36049/00090

10 Digit Tax Account # 0803047475

Property Owner(s) Printed Name(s) Dental Properties, LLC

(SELECT THE HEARING(S) BY MARKING ☒ 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

Please see attached.

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

3. ☐ a **Variance** from Section(s)

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 City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Marshall W. Fesche

Authorized Representative of Dental Properties, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1302 Musgrove Road Lutherville-Timonium MD

Mailing Address City State

21093

Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER 2017-0010-SPH Filing Date 7/13/16

ORDER RECEIVED FOR FILING

Do Not Schedule Dates: Reviewer

Date 9-19-16 REV. 10/4/11

By sen

fax # 410-24-0011 - Alyson

ATTACHMENT TO PETITION FOR SPECIAL HEARING

109 Old Padonia Road

Special Hearing Relief:

1. Pursuant to BCZR § 409.12.B, to approve a modified parking plan to determine the required number of parking spaces and their configuration, for an existing building and a proposed addition thereto, as more particularly shown on the Site Plan to accompany the Petition;
2. To approve the location and existing setbacks of a non-conforming building; and
3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Item #0010

**ZONING PROPERTY DESCRIPTION
#109 OLD PADONIA ROAD**

BEGINNING at a point on the south side of Old Padonia Road which is 50 feet wide at the distance of 35 feet west of the centerline of Broad Avenue which is 70 feet wide. Being part of Lot Nos. 17, 18, 19 and 20, Section "V" in the subdivision of "Timonium Heights" as recorded in the Baltimore County Plat Book No. 5, folio No. 82, containing 9,583 S.F. Located in the 8th Election District and 3rd Council District.



Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175

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

FILE: 109 OLD PADONIA ROAD.DOC/2016 ZONING DESC

Item #0010



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 4408466

Sold To:

Smith Gildea & Schmidt LLC - CU00513080
600 Washington Ave
Ste 200
Towson, MD 21204-1301

Bill To:

Smith Gildea & Schmidt LLC - CU00513080
600 Washington Ave
Ste 200
Towson, MD 21204-1301

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

Aug 25, 2016

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: # 2017-0010-SPH
109 Old Padonia Road
S/s Old Padonia Road, 35 ft. W/of centerline of Broad Avenue
8th Election District - 3rd Councilmanic District
Legal Owner(s) Marshall W. Fesche, Authorized Rep of Dental Properties, LLC

SPECIAL HEARING: to approve a modified parking plan to determine the required number of parking spaces and their configuration, for an existing building and a proposed addition thereto, as more particularly shown on the Site Plan to accompany the Petition. To approve the location and existing setbacks of a non-conforming building, and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Friday, September 16, 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.

8/213 August 25 4408466

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 8/27/2016

Case Number: 2017-0010-SPH

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~
MARSHALL FESCHE

Date of Hearing (Closing): SEPTEMBER 16, 2016

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:
109 OLD PADONIA ROAD

The sign(s) were posted on: AUGUST 25, 2017



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)



KEVIN KAMENETZ
County Executive

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

August 23, 2016

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: 2017-0010-SPH

109 Old Padonia Road

S/s Old Padonia Road, 35 ft. W/of centerline of Broad Avenue

8th Election District – 3rd Councilmanic District

Legal Owners: Marshall W. Fesche, Authorized Rep of Dental Properties, LLC

Special Hearing to approve a modified parking plan to determine the required number of parking spaces and their configuration, for an existing building and a proposed addition thereto, as more particularly shown on the Site Plan to accompany the Petition. To approve the location and existing setbacks of a non-conforming building, and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Friday, September 16, 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", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Marshall Fesche, 1302 Musgrove Road, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 27, 2016.**
- (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
Thursday, August 25, 2016 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2017-0010-SPH

109 Old Padonia Road

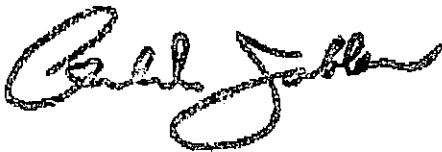
S/s Old Padonia Road, 35 ft. W/of centerline of Broad Avenue

8th Election District – 3rd Councilmanic District

Legal Owners: Marshall W. Fesche, Authorized Rep of Dental Properties, LLC

Special Hearing to approve a modified parking plan to determine the required number of parking spaces and their configuration, for an existing building and a proposed addition thereto, as more particularly shown on the Site Plan to accompany the Petition. To approve the location and existing setbacks of a non-conforming building, and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Friday, September 16, 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 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
109 Old Padonia Road; S/S Old Padonia Road,		
35' W of c/line Broad Avenue	*	OF ADMINISTRATIVE
8 th Election & 3 rd Councilmanic Districts		
Legal Owner(s): Marshall W. Fesche	*	HEARINGS FOR
Petitioner(s)		
	*	BALTIMORE COUNTY
	*	2017-010-SPH

* * * * *

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.

RECEIVED
JUL 19 2016

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of July, 2016, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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: 2017-0010-SPH

Property Address: 109 Old Padonia Road

Property Description: south side of Old Padonia Rd, 35' West of
of Broad Ave (ie: southwest corner of intersection)

Legal Owners (Petitioners): Dental Properties, LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt, Esquire

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070

Revised 5/20/2014

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

No.

141409

Date:

7/13/16

PAID RECEIPT

BUSINESS: MARYL TIME: 7/14/2016 7:11:30 PM 1

RECEIPT # 63570 7.13.2016
Dept 5 SOFTWARE VERIFICATION
CASH 141409

Receipt Tot. 1500.00
1500.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6170					8500

Total: 8500

Rec From: Dental Prop.
For: zoning hearing - case # 2017-0010-SPH

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*

September 7, 2016

Marshall W Fesche
1302 Musgrove Road
Luth-Timonium MD 21093

RE: Case Number: 2017-0010 SPH, Address: 109 Old Padonia Road

Dear Mr. Fesche:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 13, 2016. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Lawrence E Schmidt, 6900 Washington Avenue, Suite 200, Towson MD 21204

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



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

Date: 7/18/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0010-SPH

Special Hearing
Marshall W. Fesche
109 Old Padonia Road

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,

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

9-16

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: August 10, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-010

RECEIVED

AUG 19 2016

INFORMATION:

Property Address: 109 Old Padonia Road
Petitioner: Marshall W. Fesche
Zoning: BM-CCC
Requested Action: Special Hearing

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a modified parking plan to determine the required number of parking spaces and their configuration, for an existing building and a proposed addition thereto and to approve the location and existing setbacks of a non-conforming building.

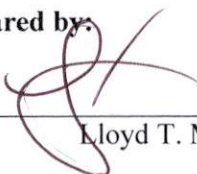
A site visit was conducted on July 6, 2016. The building is located within the Hunt Valley/Timonium (HV/T) Master Plan area (adopted October 19, 1998).

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The addition to the building should “use consistent architectural design and finish on all facades which are visible from public rights-of-way” (HV/T Master Plan, page 43).
- Provide a sidewalk on the Broad Avenue frontage to connect to the existing sidewalk (HV/T Master Plan, page 46).
- Provide screening around the dumpster meeting the standards of Condition H of the Baltimore County Landscape Manual
- Confirm with the Department of Environmental Protection and Sustainability, Storm Water Management as to the best practices in addressing storm water runoff from all roof surfaces.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Dennis Kennedy, Department of Permits, Approvals and Inspections

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Office of the Administrative Hearings

People's Counsel for Baltimore County

RECEIVED
JUL 20 2016
OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: July 20, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0010-SPH
Address 109 Old Padonia Road
(Fesche Property)

Zoning Advisory Committee Meeting of **July 25, 2016**.

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

Reviewer: Steve Ford

Date: 07-20-2016

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 July 25, 2016
Item No. 2017-0010

DATE: July 26, 2016

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

If granted, a Landscape Plan is required prior to building permit, per requirements of the Landscape Manual.

We have no objection to granting what is being requested; however, the petitioner is hereby notified that construction of a five-foot-wide sidewalk will be required along the public street frontage as a condition for approval of a building permit.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0010-07252016.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: July 20, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0010-SPH
Address 109 Old Padonia Road
(Fesche Property)

Zoning Advisory Committee Meeting of **July 25, 2016**.

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

Reviewer: Steve Ford Date: 07-20-2016

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: August 10, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-010

INFORMATION:

Property Address: 109 Old Padonia Road
Petitioner: Marshall W. Fesche
Zoning: BM-CCC
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a modified parking plan to determine the required number of parking spaces and their configuration, for an existing building and a proposed addition thereto and to approve the location and existing setbacks of a non-conforming building.

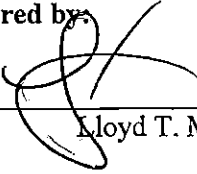
A site visit was conducted on July 6, 2016. The building is located within the Hunt Valley/Timonium (HV/T) Master Plan area (adopted October 19, 1998).

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The addition to the building should “use consistent architectural design and finish on all facades which are visible from public rights-of-way” (HV/T Master Plan, page 43).
- Provide a sidewalk on the Broad Avenue frontage to connect to the existing sidewalk (HV/T Master Plan, page 46).
- Provide screening around the dumpster meeting the standards of Condition H of the Baltimore County Landscape Manual
- Confirm with the Department of Environmental Protection and Sustainability, Storm Water Management as to the best practices in addressing storm water runoff from all roof surfaces.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Dennis Kennedy, Department of Permits, Approvals and Inspections
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

CASE NAME 109 Old Padonin Rd
CASE NUMBER ~~2016~~ -0010-SPH
DATE 9/16/2016

2017 -

[illegible]

C H E C K L I S T**Comment
Received****Department****Support/Oppose/
Conditions/
Comments/
No Comment**7/26DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)no obj
w/conditions7/20DEPS
(if not received, date e-mail sent _____)N/C

FIRE DEPARTMENT

8/10PLANNING
(if not received, date e-mail sent _____)no obj
w/conditions7/18

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

8/25/16

SIGN POSTING

Date:

8/25/16by O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

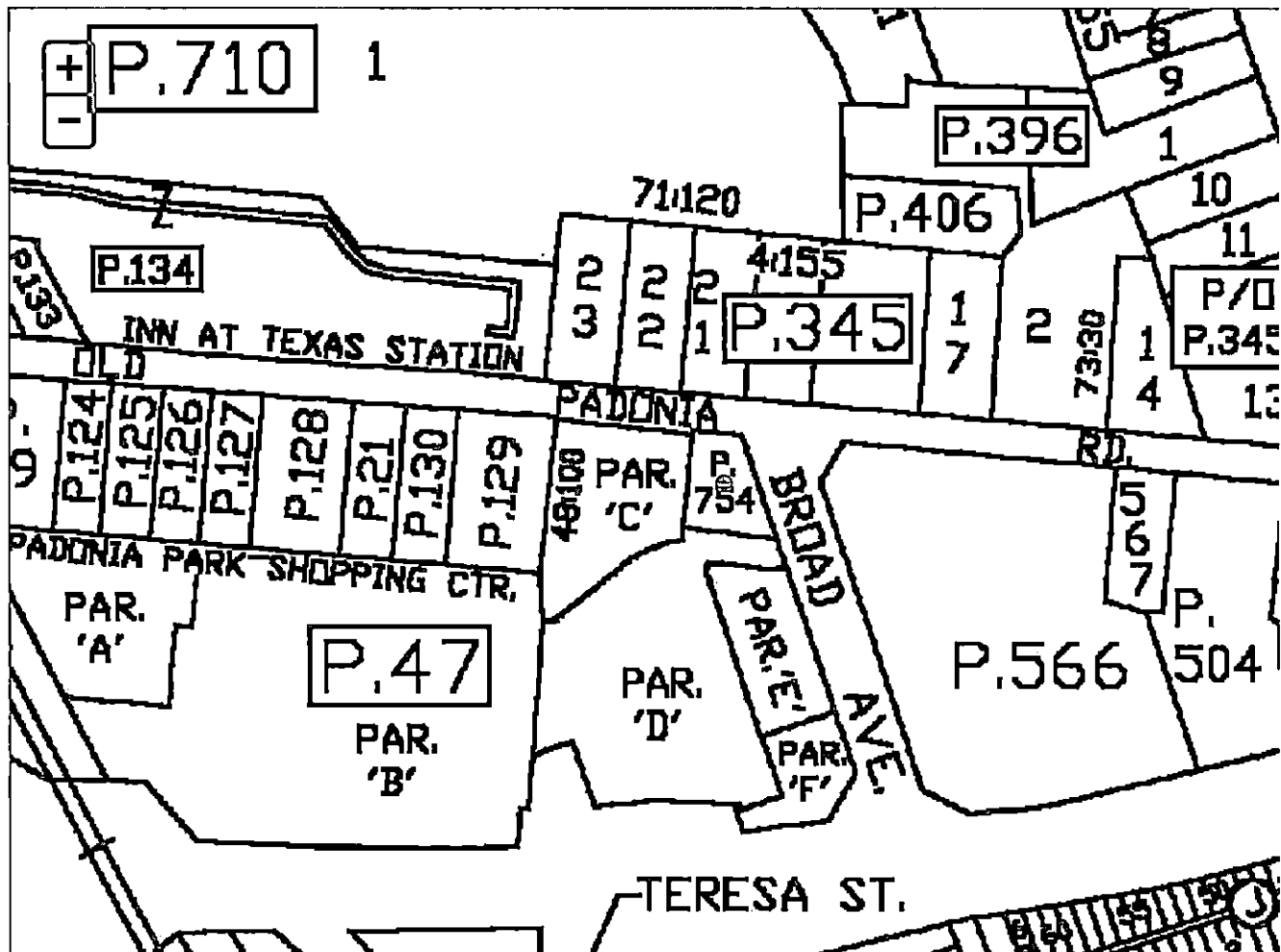
Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration				
Account Identifier:			District - 08 Account Number - 0803047475							
Owner Information										
Owner Name:			DENTAL PROPERTIES LLC			Use:		COMMERCIAL		
Mailing Address:			1302 MUSGROVE RD LUTH-TIMONIUM MD 21093-1635			Principal Residence: Deed Reference:		NO /36049/ 00090		
Location & Structure Information										
Premises Address:			109 OLD PADONIA RD 0-0000			Legal Description:		PT LT 17-18-19-20 109 OLD PADONIA RD TIMONIUM HEIGHTS		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	1
0051	0017	0754		0000	V		17	2017	Plat Ref:	0005/0082
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built			Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
1940			2407				9,583 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 07/01/2016		As of 07/01/2017	
Land:			349,500		349,500					
Improvements			256,400		256,400					
Total:			605,900		605,900		605,900			
Preferential Land:			0							
Transfer Information										
Seller: FESCHE TAMMY G				Date: 04/14/2015				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /36049/ 00090				Deed2:		
Seller: FESCHE MARSHALL W				Date: 02/04/2000				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /14295/ 00110				Deed2:		
Seller: HAJJ MARWAN PETERSON RONALD				Date: 11/29/1993				Price: \$244,000		
Type: ARMS LENGTH IMPROVED				Deed1: /10171/ 00446				Deed2:		
Exemption Information										
Partial Exempt Assessments:			Class		07/01/2016		07/01/2017			
County:			000		0.00					
State:			000		0.00					
Municipal:			000		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: **08** Account Number: **0803047475**

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>).

Case No.: 2017-0010-SPH

Exhibit Sheet

Petitioner/Developer

DW
10-20-16

Protestant

SEN
9-19-16

No. 1	Plan	
No. 2	SDAT record	
No. 3	Aerial photo	
No. 4	Aerial photo	
No. 5	Photos - dumpsters	
No. 6	Landscape Manual p.74	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

2

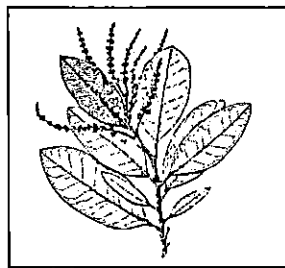
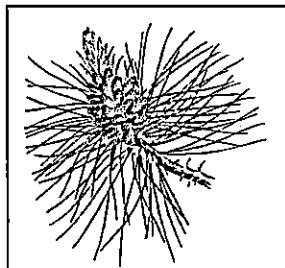
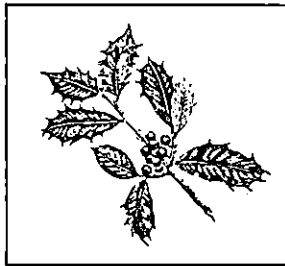
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Premises Address:		109 OLD PADONIA RD 0-0000		Legal Description:	PT LT 17-18-19-20 109 OLD PADONIA RD TIMONIUM HEIGHTS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0051	0017	0754		0000	V 17 2017 1 0005/0082
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
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Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
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					County Use
					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 07/01/2016 As of 07/01/2017	
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Type: ARMS LENGTH IMPROVED		Deed1: /10171/ 00446		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2016	07/01/2017
County:	000			0.00	
State:	000			0.00	
Municipal:	000			0.00	0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.



Baltimore County Landscape Manual

Adopted by Resolution 60-00
August 7, 2000 and as Amended

• Application of Standards

A. Compliance with Manual Standards

1. All development needing grading, or building permits, including streets and parking areas, shall comply with the standards in this manual unless specifically exempted in paragraph C below.
2. All development needing change of occupancy permits shall comply with the standards in this manual unless specifically exempted in paragraph C below.
3. Landscaping required in conjunction with a waiver, special exception, special hearing or zoning variance must meet the standards of this manual as conditioned by the zoning commissioner or hearing officer.
4.  In commercial, office and industrial zones, a proposed increase in floor area equal to 50% or more of the existing floor area shall require that the entire site conform to this manual. Increases in the floor area of less than 50% shall require that the portion of the site impacted by the new development conform to the standards in this manual.
5. Residential office development or conversion must meet the standards of this manual.
6. Mobile home parks, regardless of the zoning classification in which they are located, shall comply with the landscape standards for residential development.
7. Churches, schools, housing facilities for the elderly, and nursing homes in any zone, and other non-residential uses located in residential zones shall comply with the landscape standards for commercial development.
8. Residential subdivisions of three lots or less involving rear orientations to public roads; panhandle driveways; scenic routes or views; or historic properties are subject to the landscape standards for "Condition M, Residential Rear and Side Yards Adjacent to Street;" "Condition O,

Panhandle Lots;" "Condition P, Historic Properties;" and "Condition Q, Scenic Routes and Views."

B. Compliance with Adopted Plans, Other Ordinances, Codes, and Regulations

It is the intent of the county government to obtain development which responds to human needs and which is socially positive, economically viable, and environmentally satisfying. The standards contained herein are forwarded as criteria toward the achievement of these objectives.

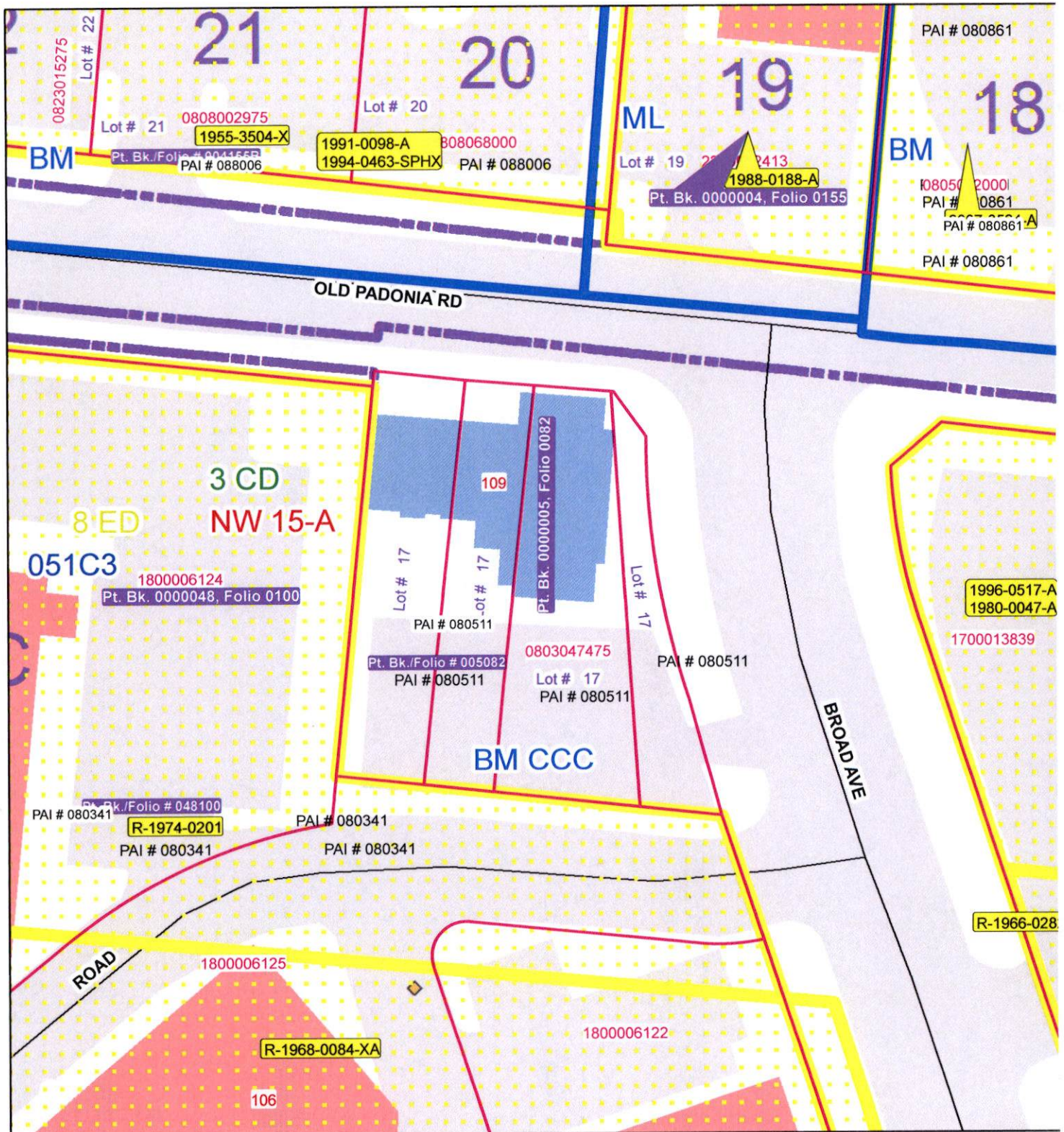
1. These standards shall not relieve the applicant of responsibility of compliance with all applicable state and local ordinances, codes and regulations. Where federal or state ordinances, codes, and regulations permit lower standards than required herein, the county's requirements shall govern.
2. All developments must be in substantial compliance with landscape, buffer yards and screening recommendations included in adopted area plans, revitalization plans or other plans adopted as part of the current Baltimore County master plan.

C. Exemptions to Manual Requirements

The following development is exempt from the landscape manual's requirements:

1. Single family residential and agricultural development in resource conservation zones RC 2, and RC 4 using the half density option, not involving the following site conditions: side and rear orientations to public roads; panhandle driveways; scenic routes or views; and historic properties.

109 Old Padonia Road



Publication Date: 7/7/2016



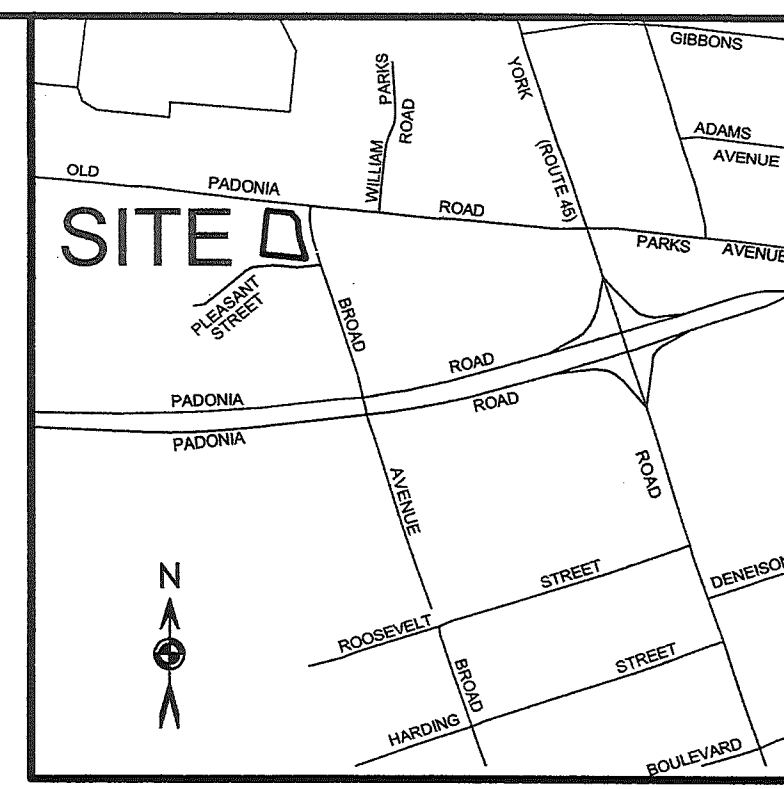
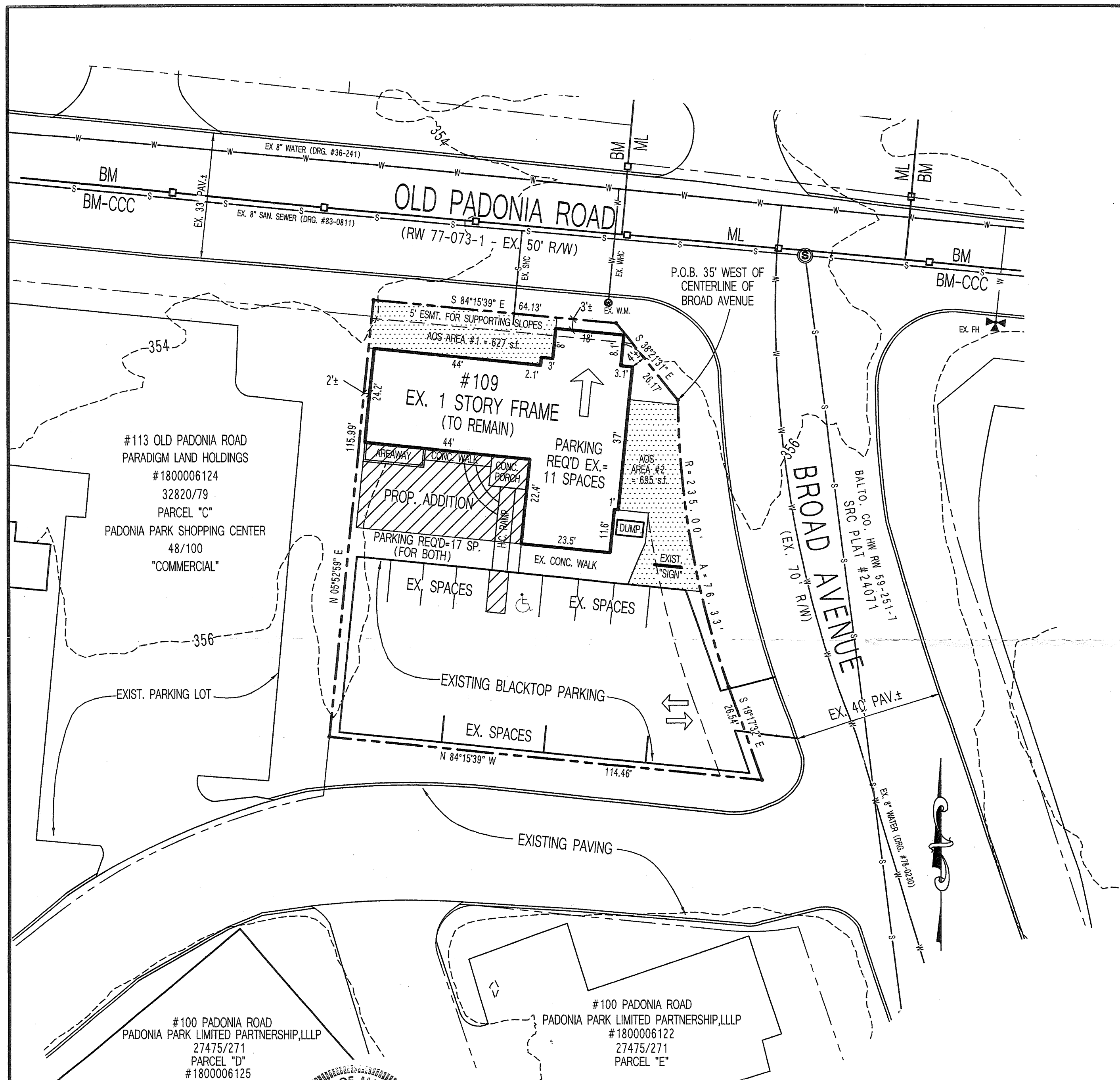
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

Item #0010



VICINITY MAP SCALE: 1" = 500'

GENERAL NOTES

- EXISTING ZONING: BM-CCC BUSINESS, MAJOR, COMMERCIAL COMMUNITY CORE
- 200' SCALE MAP: 051C3
- LOT AREA: 9,583 S.F. / 0.22 AC.±
- EXISTING USE: DENTAL OFFICE (MEDICAL)
PROPOSED USE: DENTAL OFFICE (MEDICAL)
- PARKING REQUIRED: 4.5 SPACES PER 1000 S.F. BUILDING SPACE
3658.92 X 4.5 = 16.4 OR 17 SPACES
PROPOSED PARKING: EXISTING 13 SPACES (9 REGULAR SPACES AND 4 PARALLEL SPACES.)
THE PARKING LOT IS A DURABLE AND DUSTLESS SURFACE.
ALL PARKING SPACES ARE STRIPED.
- THERE IS AN EXISTING SINGLE FACED SIGN, NO OTHER SIGN(S) ARE PROPOSED.
- THIS PROPERTY IS NOT LOCATED IN AN HISTORIC DISTRICT, 100 YEAR FLOOD PLAIN OR CHESAPEAKE BAY CRITICAL AREA.
- THIS PROPERTY IS SERVICED BY PUBLIC UTILITIES.
- THERE ARE NO DEFICIENCIES FOR THIS AREA SHOWN ON THE 2016 BASIC SERVICE MAPS WATER, SEWER AND TRANSPORTATION.
- FLOOR AREA RATIO: MAXIMUM ALLOWED 4.0 (F.A.R. FOR THIS PROPERTY IS 0.22.)
- THE EXISTING BUILDING LOCATION AND DIMENSIONS AS WELL AS PAVING LAYOUT ARE BASED ON A LOCATION DRAWING PROVIDED BY THE THE OWNER.
- THIS PLAN WAS PREPARED USING A SIGNED, SEALED LOCATION DRAWING, GIS DATABASE, SHA PLATS, COUNTY PLATS, AND UTILITY CONSTRUCTION DRAWINGS. A BOUNDARY SURVEY WAS NOT COMPLETED.
- A.O.S. = 2 AREAS - (1 @ 627 s.f. and 2 @ 695 s.f.) = 1322 s.f. TOTAL
RATIO: 0.361 (1322 / 3658.92)
MINIMUM PERMITTED AMENITY OPEN SPACE SHALL BE (0.20).
- ALL SIGNS TO COMPLY WITH SECTION 450, B.C.Z.R.

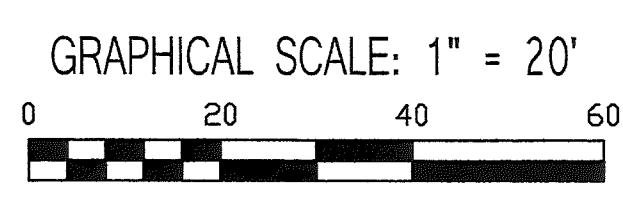
#2017-0010-SPH

RD

SITERITE
SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
410-828-9060

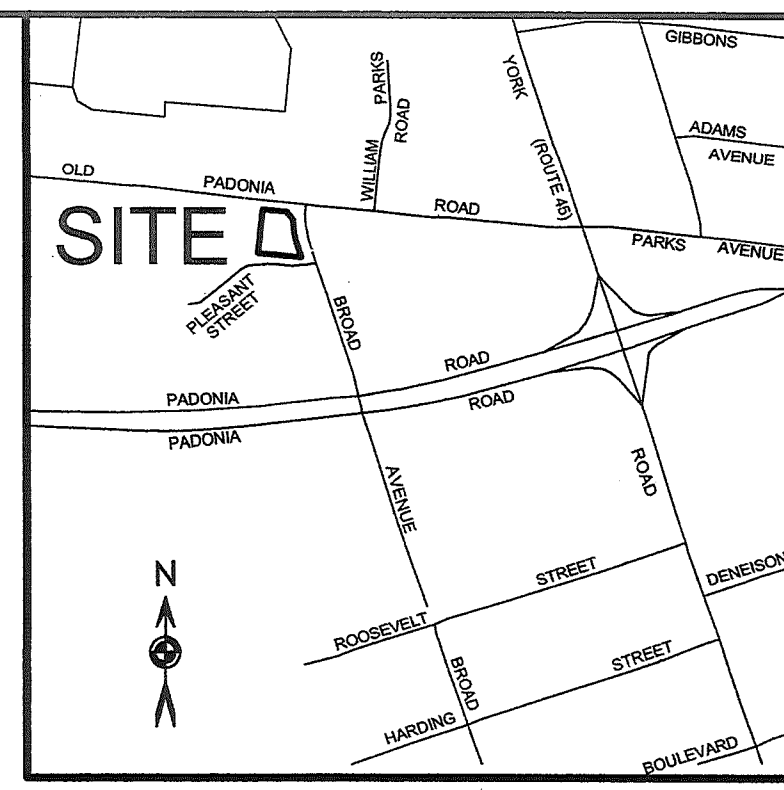
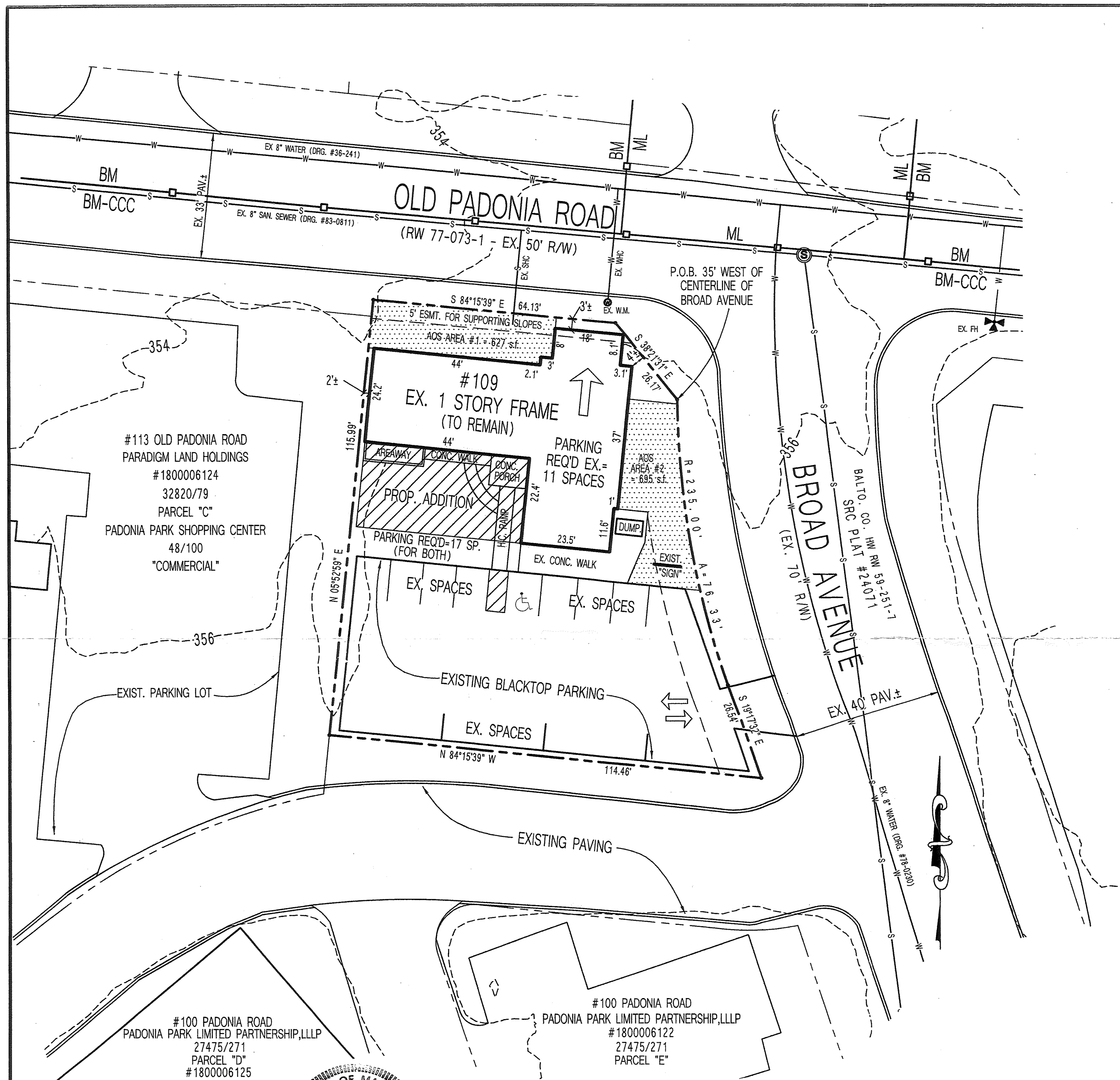


7/06/16
Michael V. Moskunas



OWNER
DENTAL PROPERTIES LLC
1302 MUSGROVE ROAD
LUTH-TIMONIUM, MD. 21093-1635
DEED REF.: 36049/90
TAX I.D. #0803047475
PHONE: (410)935-8016

PLAN TO ACCOMPANY SPECIAL HEARING		
# 109 OLD PADONIA ROAD		
PART OF LOT 17,18,19 & 20		
"TIMONIUM HEIGHTS" PLAT 5/82		
TAX I.D. #0803047475		
TAX MAP: 0051 PARCEL: 0754		
8TH ELECTION DISTRICT 3RD COUNCIL DISTRICT		
BALTIMORE COUNTY, MARYLAND		
Scale: 1" = 20'	Date: 06/23/2016	JOB #10463
Drawn: M.V.M.	Checked: B.L.M.	SURVEY'D: N/A



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#2017-0010-SPH

R.D.

PETITIONER'S

EXHIBIT NO. 1

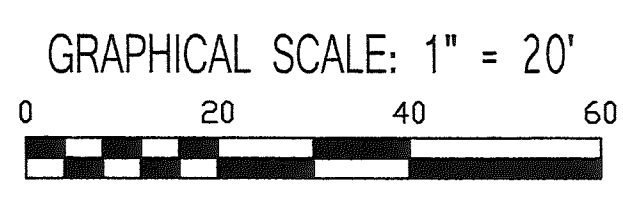
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7/06/16
Michael V. Moskuna





My Neighborhood Map

Created By
Baltimore County
My Neighborhood

This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

