

IN RE: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(521 E. Joppa Road) *

9th Election District *

5th Council District *

521 E. Joppa Road, LLC. *

Legal Owner *

Nursez R US- *Lessee* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0182-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of 521 E. Joppa Road, LLC, legal owner and Nursez R US, lessee ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to amend the previously approved plan in Case No. 1983-281-X. In addition, a Petition for Variance seeks to allow an amenity open space area of 20% of the gross site area in lieu of the required 25%. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Shontel Adams and landscape architect Thomas Hoff appeared in support of the requests. Abraham L. Hurdle, Esq. represented the Petitioners. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. No substantive Zoning Advisory Committee (ZAC) comments were received.

The subject property is approximately 0.655 acres in size and is zoned RO & DR 10.5. Though the property was originally improved with a single-family dwelling, a class B office building was constructed at the site in or about 1983, pursuant to a special exception granted in Case No. 1983-0281-X. Petitioner proposes to lease a portion of the building to operate an adult day care facility at the site, which Mr. Hoff indicated was a permitted use in the RO zone. Only interior alterations will be made to the leased space. The primary reason for the petition is to "legitimize" the Class B office building use. That is, though

ORDER RECEIVED FOR FILING

Date 3/10/17

By Sen

the 1983 regulations (which are applicable in this case pursuant to B.C.Z.R. §502.8) required amenity open space of 25% of the gross site area, only 20% was ever provided when the building was initially constructed. The sole variance request seeks to permit this 20% open space in lieu of the required 25%.

SPECIAL HEARING

The Petition for special hearing is in essence a "housekeeping" request, in that it seeks to amend the site plan submitted and approved in the 1983 case. Mr. Hoff produced a copy of that plan (Petitioners' Ex. 2) and explained there would be no exterior changes or construction of any sort. As such, the petition will be granted, and the site plan marked and admitted herein as Petitioners' Exhibit 1 shall amend and supersede the original plan which was admitted as Exhibit 2.

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The property has irregular dimensions and is therefore unique. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to operate the new business at the location. Finally, as demonstrated by the lack of County and/or community opposition, I do not believe granting the requests would have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED this 10th day of March, **2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning

ORDER RECEIVED FOR FILING

Date 3/10/17

By sen

Regulations ("B.C.Z.R) to amend the previously approved plan in Case No. 1983-281-X, as shown on the site plan marked herein as Petitioners' Exhibit 1, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the petition for variance to allow an amenity open space area of 20% of the gross site area in lieu of the required 25%, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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.

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 3/10/17

By sln



KEVIN KAMENETZ
County Executive

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

March 10, 2017

Abraham L. Hurdle, Esq.
19 East Fayette Street
Baltimore, Maryland 21202

RE: Petitions for Special Hearing and Variance
Case No. 2017-10182-SPHA
Property: 521 E. Joppa Road

Dear Mr. Hurdle:

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:slh
Enclosure



PETITION FOR ZONING HEARING(S)

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

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

Address 521 EAST JOPPA RD which is presently zoned RO & DR 10.5
Deed References: 24594/406 10 Digit Tax Account # 2000011068
Property Owner(s) Printed Name(s) 521 E JOPPA RD LLC

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

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

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

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:

NURSEZ R US - SHONTEL ADAMS

Name- Type or Print

Shontel Adams

Signature

521 EAST JOPPA RD., TOWSON, MD

Mailing Address

City

State

21286

410-844-3127

NURSEZRUS1@GMAIL.COM

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

ABRAHAM L. HURDLE

Name- Type or Print

Signature

19 EAST FAYETTE ST., BALTIMORE, MD

Mailing Address

City

State

21202

410-685-5100

ALH@ALHURDLELAW.COM

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

521 E JOPPA RD LLC THOMAS E. DALEY

Name #1 - Type or Print

Name #2 - Type or Print

Thomas E Daley

Signature #1

Signature #2

1004 SOUTH TALBOT ST., ST. MICHAELS, MD

Mailing Address

City

State

21663

Zip Code

Telephone #

Email Address

Representative to be contacted:

THOMAS J. HOFF

Name - Type or Print

Signature

512 VIRGINIA AVE., TOWSON, MD

Mailing Address

City

State

21286

410-296-3669

TOM@THOMASJHOFF.COM

Zip Code

Telephone #

Email Address

CASE NUMBER 2017-0182-SPHA Filing Date 1/10/2017

Do Not Schedule Dates:

Reviewer *TH*

REV. 10/4/11

ORDER RECEIVED FOR FILING
3/10/17
2017

ATTACHMENT TO ACCOMPANY SPECIAL HEARING TO AMEND THE
APPROVED SPECIAL EXCEPTION AND TO ACCOMPANY PETITION FOR
VARIANCES
521 EAST JOPPA ROAD

SPECIAL HEARING RELIEF REQUESTED:

1. SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED PLAN IN
CASE NO. 1983-281-X.

ZONING VARIANCE RELIEF REQUESTED:

PURSUANT TO SECTION 502.8 AND 204.3.B. (FORMERLY 203.3.B.) OF THE
CURRENT BCZR TO PERMIT:

1. SECTION 203.4. (1983 BCZR) – VARIANCE TO ALLOW AN AMENITY OPEN
SPACE AREA OF 20% OF THE GROSS SITE AREA IN LIEU OF THE
REQUIRED 25%.
2. AND ANY OTHER VARIANCES THAT ARE DEEMED NECESSARY BY THE
ADMINISTRATIVE LAW JUDGE.

2017-0182-SPHA

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

January 5, 2017

Description of 521 East Joppa Road to Accompany Special Hearing to amend the approved Special Exception and to accompany Petition for Variances, 9th Election District, 5th Councilmanic District

BEGINNING FOR THE SAME at a point on the south side of East Joppa Road (R/W 70'), 935 feet more or less east of the centerline of Fairmount Avenue.

Thence binding on the south side of East Joppa Road,

- 1) South 62 degrees 39 minutes East 87.8 feet, thence leaving the south side of East Joppa Road,
- 2) South 26 degrees 33 minutes West 260.8 feet, thence,
- 3) South 76 degrees 52 minutes West 113.45 feet, thence,
- 4) North 26 degrees 33 minutes East 333.0 feet, to the place of beginning.

Containing 0.595 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



2017-0182-SPHA



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

No. 142847

Date: 1/10/17

PAID RECEIPT

BUSINESS ACTUAL TIME INQ
1/10/2017 1/10/2017 09:14:00 1

NO. 142847
RECEIPT # 702602 1/10/2017 OFLH

Dept 5 528 ZONING VERIFICATION
Ch NO. 142847

Recpt Tot \$1,000.00
\$1,000.00 CK \$0.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	506	000		6150						1000.00

Total: 1000.00

Rec From: Nurser R Us

For: 521 E. Joppa Rd

2017-0182-SPHA

DISTRIBUTION

WHITE - CASHIER - PINK - AGENCY - YELLOW - CUSTOMER - GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



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 4777355

Sold To:

Nursez R Us - Shontel Adams - CU00584992
521 E Joppa Rd
Towson, MD 212865419

Bill To:

Nursez R Us - Shontel Adams - CU00584992
521 E Joppa Rd
Towson, MD 212865419

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

Feb 16, 2017

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: # 2017-0182-SPHA
521 East Joppa Road
S/s of East Joppa Road, 935 ft., E/of centerline of Fairmount Road
9th Election District - 5th Councilmanic District
Legal Owner(s) 521 E. Joppa Road, LLC, Thomas Daley
Contract Purchaser/Lessee: Nursez R Us, Shontel Adams

SPECIAL HEARING: to amend the previously approved plan in case 1983-281-X.

VARIANCE: 1. To allow an amenity open space area of 20% of the gross site area in lieu of the required 25% 2. Any other variances that are deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, March 9, 2017 at 1:30 p.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.

2/135 Feb. 16 4777355

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2017-182-SPHA

PETITIONER/DEVELOPER

THOMAS Hoff

DATE OF HEARING/CLOSING:

3/9/17

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT

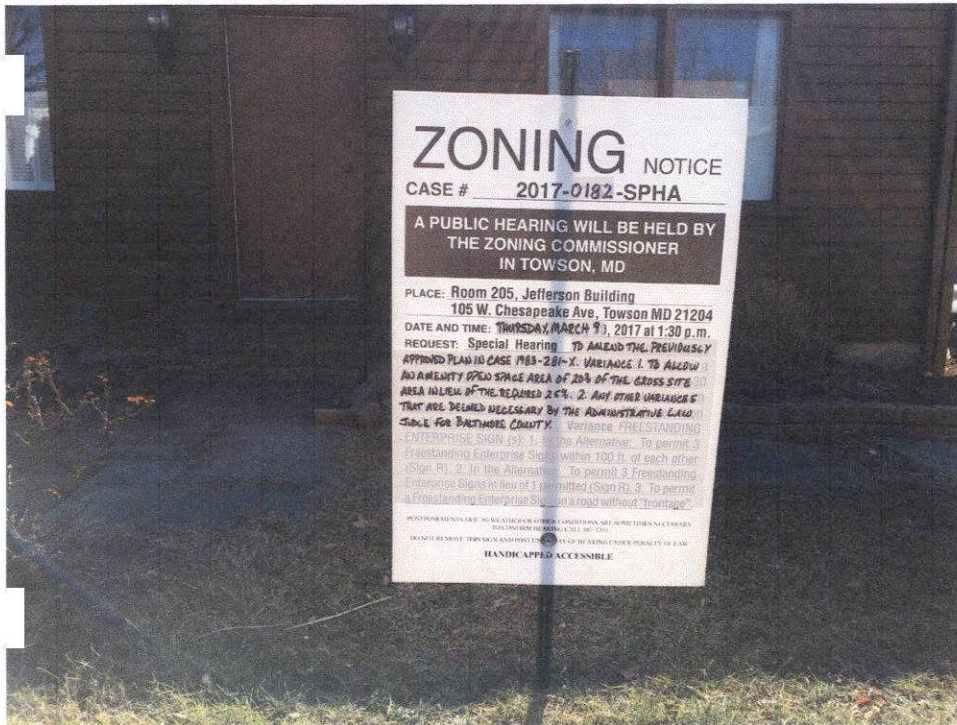
521 EAST TOPPA ROAD

THIS SIGN(S) WERE POSTED ON February 17, 2017
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 2/17/17
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411



ZONING NOTICE

CASE # 2017-0182-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave, Towson MD 21204

DATE AND TIME: THURSDAY, MARCH 9, 2017 at 1:30 p.m.

REQUEST: Special Hearing TO AMEND THE PREVIOUSLY
APPROVED PLAN IN CASE 1983-281-X. VARIANCE 1 TO ALLOW
AN AMOUNT OF OPEN SPACE AREA OF 20% OF THE GROSS SITE
AREA IN LIEU OF THE REQUIRED 26%. 2. ANY OTHER VARIANCES
THAT ARE DEEMED NECESSARY BY THE ADMINISTRATIVE LEGAL
COUNSEL FOR BALTIMORE COUNTY.

Variance: FREESTANDING
ENTERPRISE SIGN (sk 1, in the Alternative. To permit 3
freestanding Enterprise Signs within 100 ft. of each other
(Sign R). 2. In the Alternative. To permit 3 Freestanding
Enterprise Signs in lieu of 1 permitted (Sign R). 3. To permit
a Freestanding Enterprise Sign on a road without "frontage".

POSTED FOR THE: TO WEATHER OR OTHER CONDITIONS ARE IN THE TOWN'S INTEREST
TO CONSIDER THE SIGN, CALL 410-330-1200

DO NOT REMOVE THIS SIGN AND POSTING. VIOLATION IS A VIOLATION UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE

myadmg 2/17/17

**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: 2017-0182-SPHA

Property Address: 521 EAST JOPPA ROAD

Property Description: _____

Legal Owners (Petitioners): 521 E. JOPPA RD LLC

Contract Purchaser/Lessee: NURSEZ R US

PLEASE FORWARD ADVERTISING BILL TO:

Name: SHONTEL ADAMS

Company/Firm (if applicable): NURSEZ R US

Address: 521 EAST JOPPA RD
TOWSON, MD 21286

Telephone Number: 410-844-3127

Revised 5/20/2014

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 16, 2017 Issue - Jeffersonian

Please forward billing to:
Shontel Adams
Nursez R US
521 E. Joppa Road
Towson, MD 21286

410-844-3127

NOTICE OF ZONING HEARING

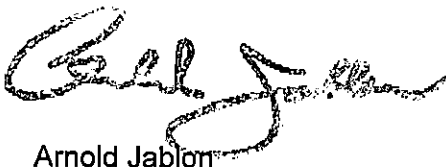
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0182-SPHA

521 East Joppa Road
S/s of East Joppa Road, 935 ft. E/of centerline of Fairmount Road
9th Election District – 5th Councilmanic District
Legal Owners: 521 E. Joppa Road, LLC, Thomas Daley
Contract Purchaser/Lessee: Nursez R Us, Shontel Adams

Special Hearing to amend the previously approved plan in case 1983-281-X. Variance 1. To allow an amenity open space area of 20% of the gross site area in lieu of the required 25%. 2. Any other variances that are deemed necessary by the Administrative Law judge for Baltimore County.

Hearing: Thursday, March 9, 2017 at 1:30 p.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.



KEVIN KAMENETZ
County Executive

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

January 31, 2017

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: 2017-0182-SPHA

521 East Joppa Road

S/s of East Joppa Road, 935 ft. E/of centerline of Fairmount Road

9th Election District – 5th Councilmanic District

Legal Owners: 521 E. Joppa Road, LLC, Thomas Daley

Contract Purchaser/Lessee: Nursez R Us, Shontel Adams

Special Hearing to amend the previously approved plan in case 1983-281-X. Variance 1. To allow an amenity open space area of 20% of the gross site area in lieu of the required 25%. 2. Any other variances that are deemed necessary by the Administrative Law judge for Baltimore County.

Hearing: Thursday, March 9, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a circular stamp. The stamp contains the text "Arnold Jablon" and "Director".

Arnold Jablon
Director

AJ:kl

C: Abraham Hurdle, 19 E. Fayette Street, Baltimore 21202
Nursez R Us, Shontel Adams, 521 E. Joppa Road, Towson 21286
521 E. Joppa Road, LLC, Thomas Daley, 1004 S. Talbot Street, St. Michaels 21663
Thomas Hoff, 512 Virginia Avenue, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 17, 2017.**
- (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
County Executive

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

March 2, 2017

521 E Joppa Road LLC
Thomas E Daley
1004 S Talbot Street
St Michaels MD 21663

RE: Case Number: 2017-0182 SPHA, Address: 521 E Joppa Road

Dear Mr. Daley:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 10, 2017. 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
Abraham L Hurdle, Esquire, 19 E Fayette Street, Baltimore MD 21202
Thomas J Hoff, 512 Virginia Avenue, Towson MD 21286
Nursez R Us-Shontel Adams, 521 E Joppa Road, Towson MD 21286

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



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

Date: 1/17/17

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. 2017-0182-SHA.

*Special Hearing Variance
521 E. Joppa Road, LLC. Thomas E. Daley
521 East Joppa 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,

A handwritten signature in black ink, appearing to read 'Richard Zeller', is written over a horizontal line.

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

WW/RAZ

3-9

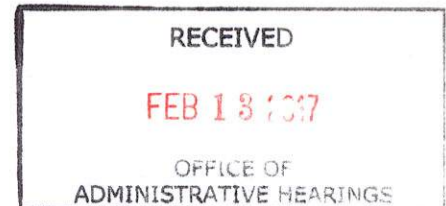
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 2/9/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-182



INFORMATION:

Property Address: 521 East Joppa Road
Petitioner: 521 E Joppa Road LLC, Thomas Daley
Zoning: RO, DR 10.5
Requested Action: Special Hearing, Variance

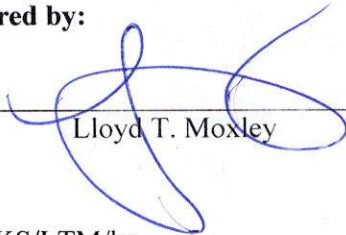
The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should amend the previously approved plan in zoning case no. 1983-281-X, and for a variance to allow an amenity open space area of 20% of the gross site area in lieu of the required 25%.

A site visit was conducted on January 24, 2017.

This Department has no objection to granting the petitioned zoning relief.

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
Thomas J. Hoff
Abraham L. Hurdle, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

RECEIVED

FEB 1 2017

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 27, 2017

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

SUBJECT: Zoning Advisory Committee Meeting
For January 23, 2017
Item No. 2017-0179, 0180, 0181, 0182, 0184 and 0185

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

DAK:CEN

cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC01232017.doc

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
521 East Joppa Road; S/S E Joppa Road,
935' E of c/line of Fairmount Road
9th Election & 5th Councilmanic Districts
Legal Owner(s): 521 E Joppa Road, LLC
Contract Purchaser(s): Nursez R US
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2017-182-SPHA

* * * * *

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

JAN 18 2017

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 18th day of January, 2017, a copy of the foregoing Entry of Appearance was mailed to Thomas Hoff, 512 Virginia Avenue, Towson, Maryland 21286 and Abraham Hurdle, 19 East Fayette Street, Baltimore, Maryland 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: April 12, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0182-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on April 10, 2017. 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

CASE NUMBER 2017-0182-
DATE SPHA

PETITIONER'S SIGN-IN SHEET

[illegible]

[Real Property Data Search](#) [Guide to searching the database](#)
[Search Result for BALTIMORE COUNTY](#)

View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 09 Account Number - 2000011068							
Owner Information										
Owner Name:		521 E JOPPA RD LLC			Use:		COMMERCIAL			
Mailing Address:		1701 EMMORTON RD BEL AIR MD 21014-5601			Principal Residence:		NO			
					Deed Reference:		/24594/ 00406			
Location & Structure Information										
Premises Address:		521 E JOPPA RD BALTIMORE 21286-			Legal Description:		LT SS E JOPPA RD .5529 AC 800 E FAIRMONT AV			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:	
0070	0009	0108		0000				2017		
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Enclosed Area			Finished Basement Area		Property Land Area		County Use	
							24,040 SF		15	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
Value Information										
			Base Value		Value		Phase-in Assessments			
					As of 01/01/2017		As of 07/01/2016		As of 07/01/2017	
Land:			769,000		769,000					
Improvements			477,900		572,200					
Total:			1,246,900		1,341,200		1,246,900		1,278,333	
Preferential Land:			0						0	
Transfer Information										
Seller: DALEY THOMAS EDWARD				Date: 10/11/2006				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /24594/ 00406				Deed2:		
Seller:				Date:				Price:		
Type:				Deed1:				Deed2:		
Seller:				Date:				Price:		
Type:				Deed1:				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		0.00 0.00				
Tax Exempt:				Special Tax Recapture:						
Exempt Class:				NONE						
Homestead Application Information										
Homestead Application Status: No Application										

Case No.: 2017-0182-SPTA

Exhibit Sheet

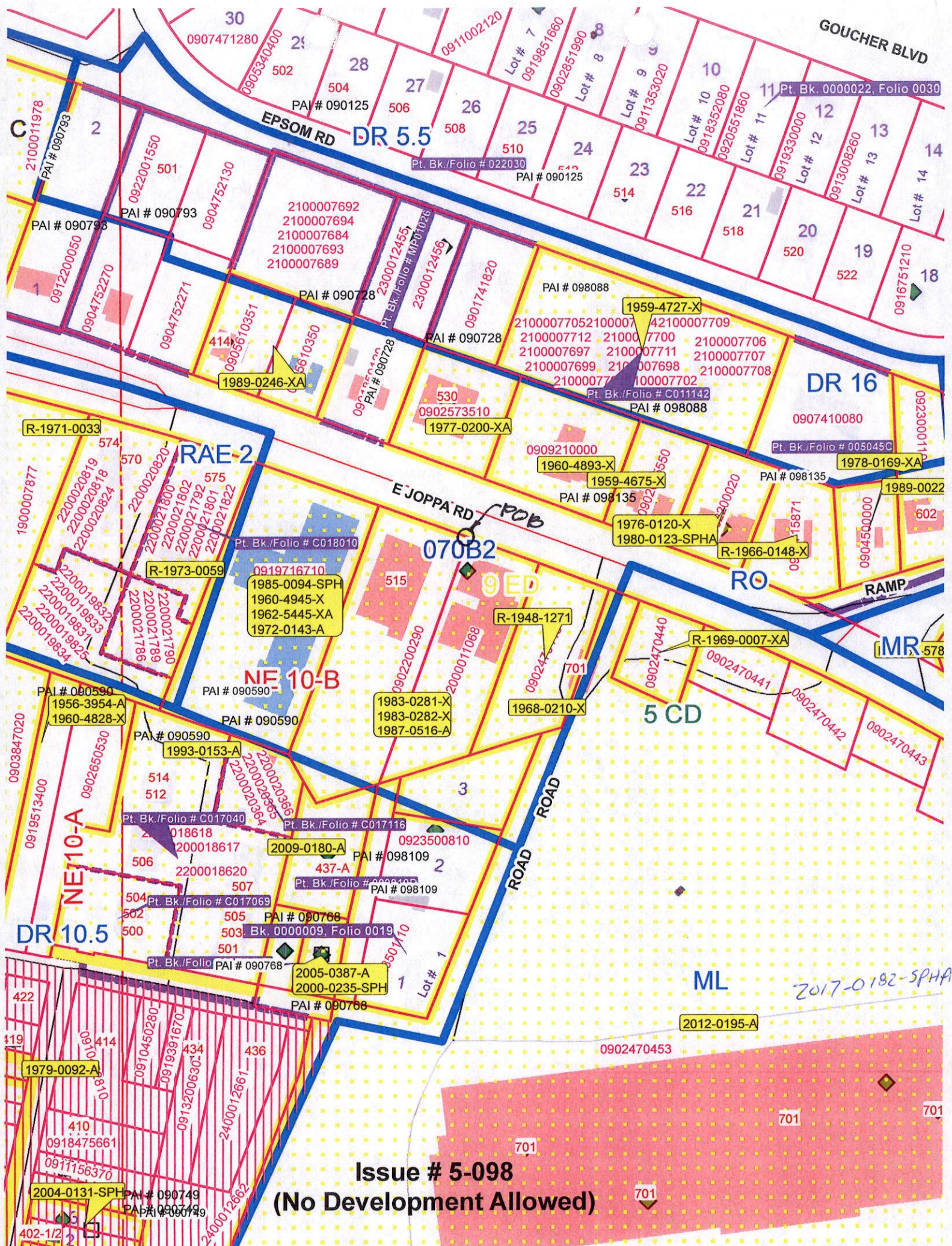
Petitioner/Developer

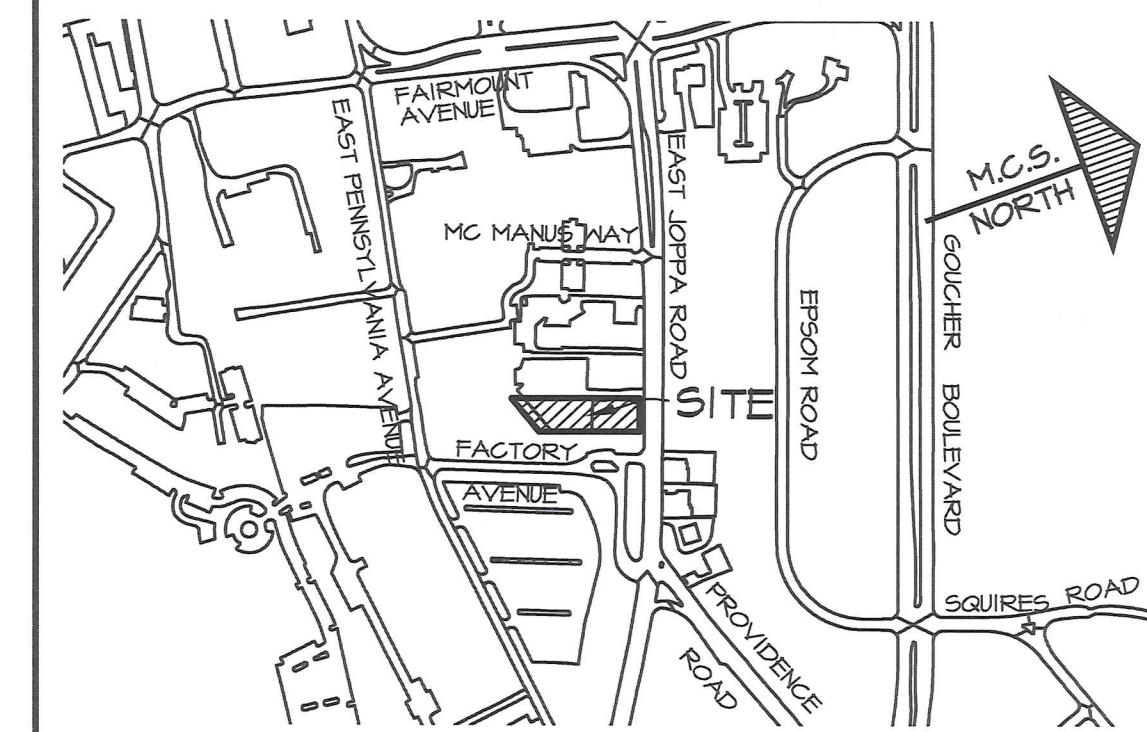
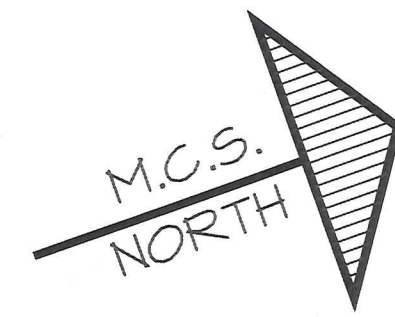
DW
A-12-17

Protestant

slw
3-10-17

No. 1	site plan	
No. 2	plan from 1983 SX case	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





VICINITY MAP
SCALE: 1"=500'

SITE DATA:	
SITE AREA - GROSS	0.655 AC±, 28,556 SF±
SITE AREA - NET	0.545 AC±, 25,422 SF±
ZONING MAPS	070B2
EXISTING ZONING	R2 & DR 10.5
AREA IN R2	0.648 AC±, 28,256 SF
AREA IN DR 10.5	0.007 AC±, 300 SF
EXISTING USE	GENERAL & DENTAL OFFICES
PROPOSED USE	ADULT DAY CARE, GENERAL & DENTAL OFFICES
EXISTING BLDG. AREA	
DENTAL OFFICE	4,020 SF
GENERAL OFFICE	7,150 SF
DAY CARE	620 SF
TOTAL	11,790 SF
F.A.R. ALLOWED	0.5 (SECTION 101, 1983 BCZR)
F.A.R. SHOWN	11,790/28,556 = 0.41
AMENITY OPEN SPACE REQUIRED	
25% OF 28,556 SF =	7,139 SF
AMENITY OPEN SPACE PROVIDED	5,804 SF

PARKING CALCULATIONS:	
PARKING REQUIRED (PER SECTION 409.2.b.(4)&(5), 1983 BCZR)	
DENTAL OFFICE	
4,020 SF@1/300 =	13.4
GENERAL OFFICE	
7,150 SF@1/300 =	23.8
FIRST FLOOR	
3,575 SF@1/300 =	11.9
SECOND FLOOR	
3,575 SF@1/500 =	7.1
TOTAL REQUIRED =	32.4 ± 33

PARKING PROPOSED	
STANDARD SPACES	34
ACCESSIBLE SPACES	2
TOTAL PROPOSED	36

- ZONING RELIEF REQUESTED:**
SPECIAL HEARING RELIEF REQUESTED:
1. SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED PLAN IN CASE NO. 1983-281-X.
- ZONING VARIANCE RELIEF REQUESTED:**
PURSUANT TO SECTION 502.8 AND 204.3.B. (FORMERLY 203.3.B) OF THE CURRENT BCZR TO PERMIT:
1. SECTION 203.4 (1983 BCZR) - VARIANCE TO ALLOW AN AMENITY OPEN SPACE AREA OF 20% OF THE GROSS SITE AREA IN LIEU OF THE REQUIRED 25%.
2. AND ANY OTHER VARIANCES THAT ARE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

ZONING CASE HISTORY:
ZONING CASE NO. 1983-281-X
SPECIAL EXCEPTION FOR A CLASS 'B' OFFICE BUILDING, GRANTED 4/29/83.

CRG/DEVELOPMENT PLAN HISTORY:
CRG PLAN WAS APPROVED 4/20/83.

OWNER:
521 E JOPPA RD LLC
1004 SOUTH TALBOT ST.
ST. MICHAELS, MD 21663
DEED REF 24594/406
TAX #2000011068
MAP TO, GRID 09, PARCEL 108

2017-182-5PHA

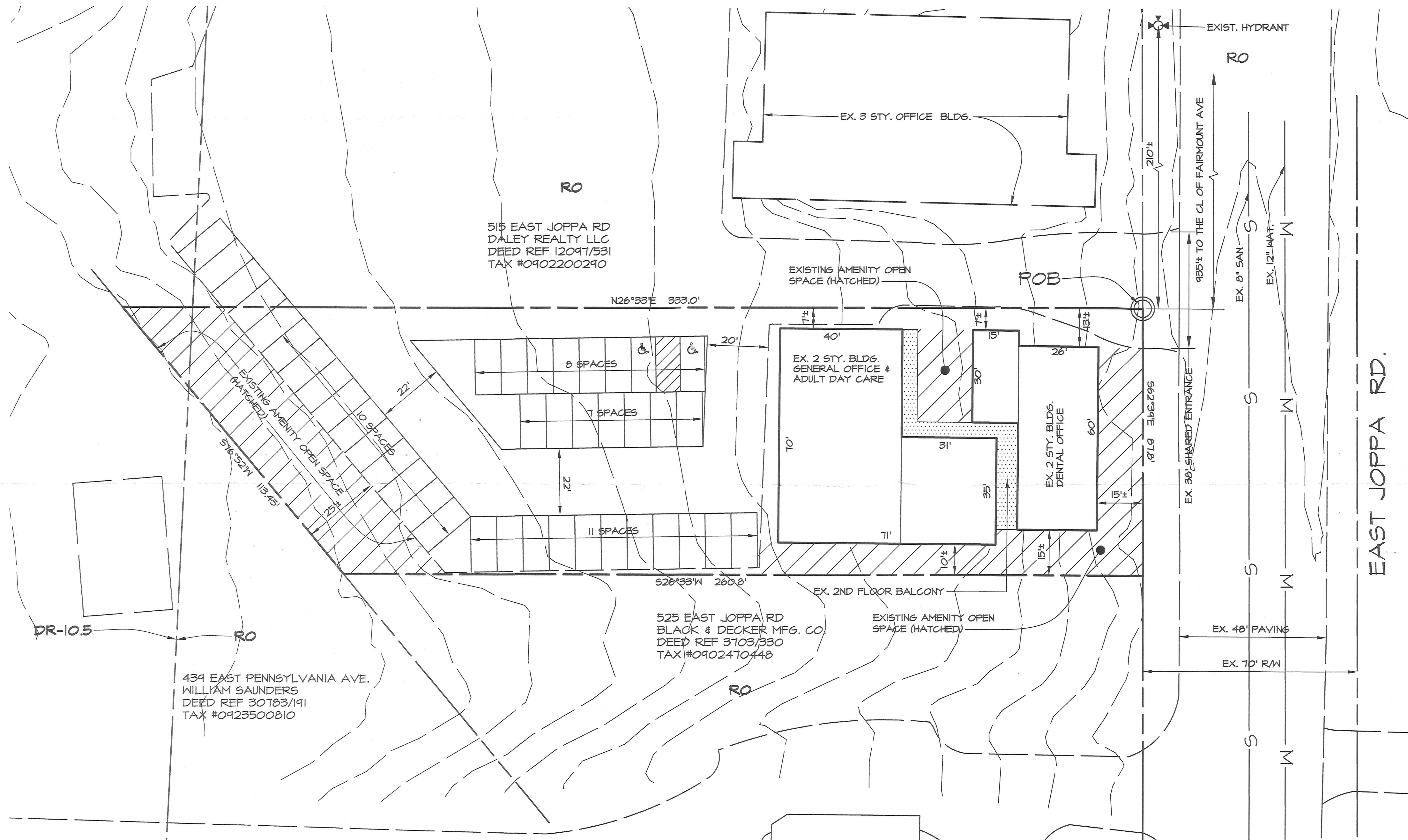
SITE PLAN TO ACCOMPANY SPECIAL HEARING TO AMEND THE APPROVED SPECIAL EXCEPTION AND TO ACCOMPANY PETITION FOR VARIANCES

521 EAST JOPPA ROAD
9th ELECTION DISTRICT, 5th COUNCILMANIC, BALTIMORE COUNTY, MD

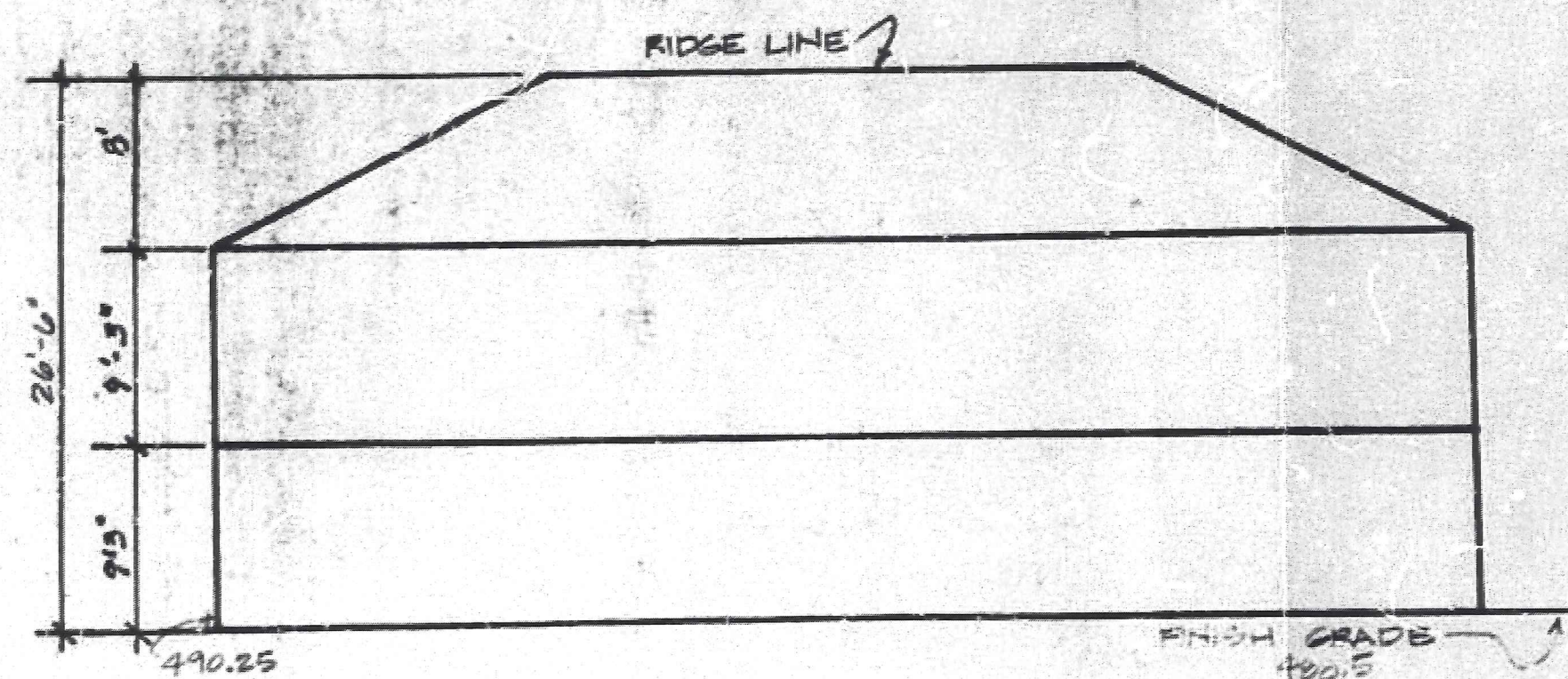
THOMAS J. HOFF	SCALE: AS SHOWN
LAND DEVELOPMENT CONSULTANTS LANDSCAPE ARCHITECTS	DATE: 01/09/17
512 VIRGINIA AVENUE TOWSON, MARYLAND 21286	JOB NO.: 0658-01
410-296-8668 FAX 410-825-3887	DESIGNED: TJH
REVISIONS: PETITIONER'S	DRAWN: TJH
EXHIBIT NO. 1	DRAWING NUMBER:
	Z-1
THIS DRAWING WAS MADE IN THE USA	SHEET 1 OF 1



- GENERAL NOTES:**
1. PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
 2. THERE IS NO 100 YEAR FLOODPLAIN ON SITE.
 3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
 4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
 5. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
 6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM DEEDS AND FLATS.
 7. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS.
 8. THERE ARE NO RECENT PRIOR COMMERCIAL PERMITS ON THIS SITE.
 9. THERE ARE NO BASIC SERVICES ISSUES ON THIS PROPERTY.
 10. THE PARKING SPACES SHOWN ARE 8.5'x18' IN SIZE.

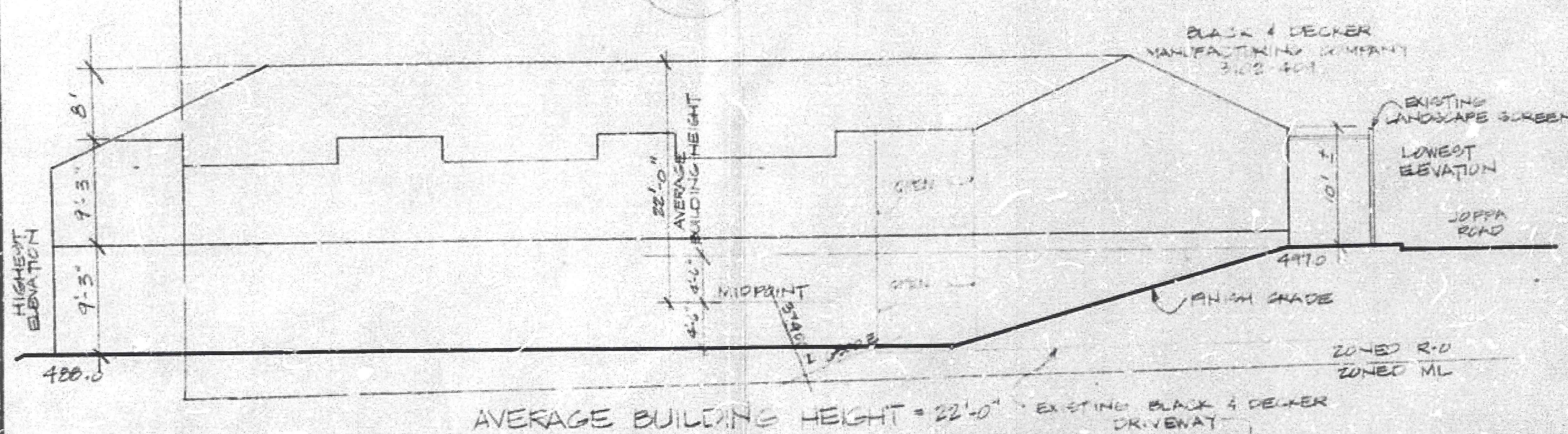
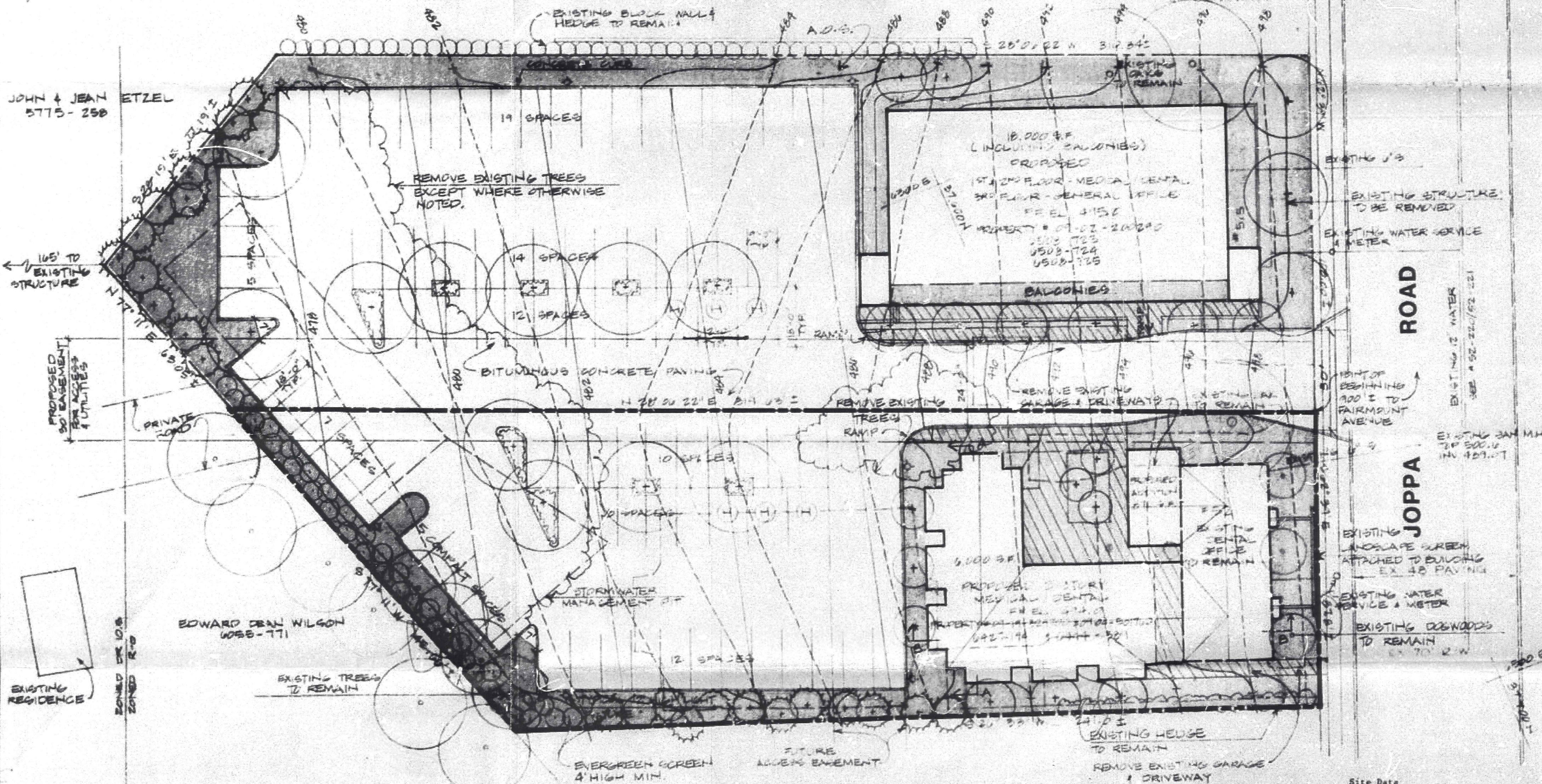


SITE PLAN
SCALE: 1"=20'



AVERAGE BUILDING HEIGHT = 26'-6"
NOT TO SCALE SECTION AA

STEWART CORP
4200-BT
ZONED R-0



AVERAGE BUILDING HEIGHT = 22'-0"
EXISTING BLACK & DECKER DRIVEWAY

515 East Joppa Road:

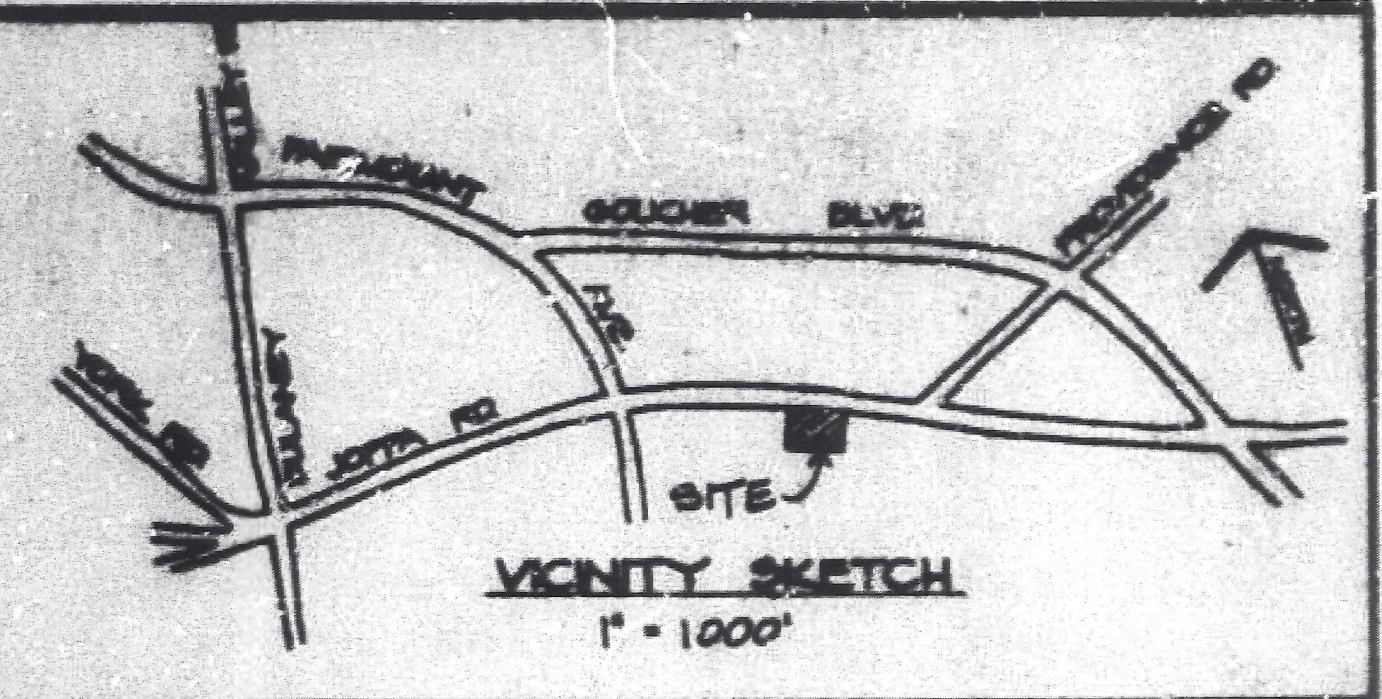
1. Site Area	38,955 S.F. (INCLUDES 50' OF JOPPA ROAD)
Gross	38,955 S.F.
Net	36,433 S.F.
2. Proposed Building Area	
1st Floor	6,000 S.F.
2nd & 3rd Floors	10,706 S.F.
TOTAL	16,706 S.F. (EXCLUDES BALCONIES)
3. Parking Required	
1st Floor (1/300)	20
2nd Floor (1/300)	17.8
3rd Floor (1/300)	10.7
TOTAL	48.5 = 49 Spaces Required
Parking Provided	58 Spaces
4. Amenity Open Space Required	38,955 S.F. x .25 = 9,739 S.F.
Amenity Open Space Provided	10,552 S.F. = 27,042
5. Average Daily Trips	
Medical/Dental 65/1,000 S.F.	
General Office 12.3/1,000 S.F.	
11,353 S.F. @ 65/1,000 S.F.	737.9
5,353 S.F. @ 12.3/1,000 S.F.	65.8
TOTAL ADT'S	803.7

Site Data

521 East Joppa Road

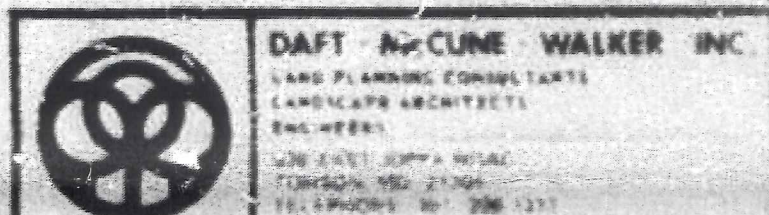
1. Site Area	25,673 S.F. (INCLUDES 50' OF JOPPA ROAD)
Gross	25,673 S.F.
Net	27,033 S.F.
2. Proposed Building Area	16,706 S.F. (EXCLUDES EXISTING STRUCTURE)
1st Floor	6,000 S.F.
2nd Floor	10,706 S.F.
TOTAL	16,706 S.F.
3. Parking Required	32.8 = 33 Spaces Required
1st & 2nd Floors (1/300)	
Parking Provided	39 Spaces (INCLUDES COMPACT CARS)
4. Amenity Open Space Required	29,673 S.F. x .25 = 7,418.3
Amenity Open Space Provided	7,528 S.F. = 25.5 %
5. Average daily trips	
Medical/Dental 65/1,000 S.F.	
General Office 12.3/1,000 S.F.	
9,844 S.F. @ 65/1,000 S.F.	639.86
5,353 S.F. @ 12.3/1,000 S.F.	65.8
TOTAL ADT'S	705.66

PETITIONER'S
EXHIBIT NO. 2



General Notes

- Owner: 515 East Joppa Road
515 Associates
8600 LaSalle Road
Suite 310 - Chester Building
Baltimore, Maryland 21204
Telephone (301) 321-9726
- 521 East Joppa Road
Thomas Foley, D.D.S.
521 East Joppa Road
Towson, Maryland 21204
Telephone (301) 321-9477
- 9th Election District; Councilmanic District No. 4;
Census Tract - 909.
- Watershed 22; Subwatershed 55.
- Current Zoning on the site is R-0.
- The subject property is serviced by public sewer and water. The proposed buildings will be connected to the existing water and sanitary sewer services to the respective lot.
- Soils on the site are Glenelg, 0-82.
- Access to 521 East Joppa Road is by means of an easement adjacent to the west lot line on the property shown as 515 East Joppa Road. Prior to the issuance of a building permit for 521 East Joppa Road, that Owner must present to Baltimore County evidence that such access easement exists.
- In the event that 515 and 521 East Joppa Road are not developed jointly, 521 East Joppa Road would be evaluated separately for stormwater management requirements.
- Proposed structures will be brick, wood and glass with a maximum height not to exceed 35 feet. Architectural plans have been filed with the Zoning Office in accordance with the requirements for Special Exception.
- Building address will be located on Joppa Road elevation of 515 in accordance with applicable requirements for signage.
- All outdoor lighting shall be 250 watt on 12 foot poles in locations shown on plan and will be directed away from the surrounding residences.
- Should the existing oak tree at the northwest corner of 521 be removed in the future, the driveway entrance will be widened to 35 feet at that time.
- MTA bus line no. 55 runs on Joppa Road in front of the subject property.
- The site has no wetlands, geological formations, archeological sites, critical areas, endangered species habitats, hazardous materials, streams, flood plains or proposed loading facilities.



521 E. JOPPA ROAD ZONING PLAT FOR SPECIAL EXCEPTION



DATE	REVISIONS
5-1-83	REVISION #1
5-12-83	REVISION #2

SCALE	1"=20'-0"	SHEET
JOB ORDER NO.	59009	1
ISSUE DATE	APRIL 26, 1983	Revised 5-13-83