



# PETITION FOR ZONING VARIANCE(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 11723 Reisterstown Road

which is presently zoned RO & DR 3.5

Deed References: 40472/73

10 Digit Tax Account # 0412020300

Property Owner(s) Printed Name(s) Mohamed Elnadi

(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

Please see attached.

3. ☒ a **Variance** from Section(s)

Please see attached.

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

## TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

**Legal Owner(s) Affirmation:** I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

### Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

### Attorney for Petitioner:

Jason T. Vettori Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Ave, Ste 200 Towson MD

Mailing Address City State

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

Zip Code Telephone # Email Address

### Legal Owners (Petitioners):

Mohamed Elnadi

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1682 Woodstock Road Woodstock MD

Mailing Address City State

21136 (972) 900-0794 melnadi@gmail.com

Zip Code Telephone # Email Address

### Representative to be contacted:

Jason T. Vettori Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Ave, Ste 200 Towson MD

Mailing Address City State

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

Zip Code Telephone # Email Address

CASE NUMBER 2020-0139-SMXX Filing Date 6/17/20

Do Not Schedule Dates:

Reviewer JS

**Petition for Zoning Hearing**  
**for**  
**11723 Reisterstown Road**

**Special Exception**  
**to use the herein described property for:**

1. A Class B office building as provided in BCZR § 204.3.B.2;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

**Variance**  
**From Section(s):**

1. 204.3.B.2.a of the BCZR to allow 100% of the total adjusted gross floor area of the office building to be occupied by medical offices in lieu of 25%;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

**Special Hearing**  
**to determine whether the Zoning Commissioner should approve:**

1. The full use of the Class B office building for a dental office as provided in BCZR § 204.3.B.2.b;
2. A modified parking plan to resolve the undue hardship caused by the requirements for parking space or loading space as provided in BCZR § 409.12.B;
3. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

2020-0139-SP4 X A

June 11, 2020

ZONING DESCRIPTION FOR  
#11723 REISTERSTOWN ROAD

Beginning at a point on the northeast side of Reisterstown Road, which is 80 feet wide, at the distance of 15 feet southeast of Virginia Avenue, which 30 feet wide. Thence the following courses and distances: **(1)** North 50 degrees 26 minutes 00 seconds East 128.20 feet; thence **(2)** South 35 degrees 34 minutes 00 seconds East 75.00 feet; thence **(3)** South 50 degrees 26 minutes 00 seconds West 128.20 feet; thence **(4)** North 35 degrees 34 minutes 00 seconds West 75.00 feet to the point of beginning as recorded in Deed Liber J.L.E. 40472, folio 73, saving and excepting that parcel of land described in Deed Liber C.H.K. 1207, folio 210, containing 0.22 acres. Located in the Fourth Election District and Second Council District.



James G. Wiest  
Professional Land Surveyor  
MD Registration No. 21390  
License Expires February 5, 2022

2020-0139-SP4X4

# The Daily Record

200 St. Paul Place Suite 2480  
Baltimore, Maryland 21202  
1 (443) 524-8100  
www.thedailyrecord.com

## PUBLISHER'S AFFIDAVIT

Order #: 11921250  
Case #: 2020-0139-SPHXA  
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:  
2020-0139-SPHXA

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

9/25/2020



Darlene Miller, Public Notice Coordinator  
(Representative Signature)

### Baltimore County

#### 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 virtual hearing the property identified herein as follows:

#### CASE NUMBER: 2020-0139-SPHXA

11723 Reisterstown Road

East corner of intersection of Reisterstown Road and Virginia Avenue

4th Election District - 4th Councilmanic District

Legal Owners: Mohamed Elmradi

Special Hearing The full use of the Class B office building for a dental office as provided in BCZR 204.3.B.2.b. A modified parking plan to resolve the undue hardship caused by the requirements for parking spaces or loading space as provided in BCZR 409.12.B. For such other and further relief as may be deemed necessary by the Administrative Law Judge. Special Exception for A Class B office building as provided in BCZR 204.3.B2. For such further relief as may be deemed necessary by the Administrative Law Judge. Variance to allow 100% of the total adjusted gross floor area of the building to be occupied by medical offices in lieu of 25%. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Friday, October 16, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to [www.baltimorecountymd.gov/adminhearings](http://www.baltimorecountymd.gov/adminhearings) no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff  
Director of Permits, Approvals and Inspections for Baltimore County

s25



JOHN A. OLSZEWSKI, JR.  
September 22, 2020

MICHAEL D. MALLINOFF, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

## 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 virtual hearing on the property identified herein as follows:

**CASE NUMBER: 2020-0139-SPHXA**

11723 Reisterstown Road

East corner of intersection of Reisterstown Road and Virginia Avenue

4<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: Mohamed Elnadi

Special Hearing The full use of the Class B office building for a dental office as provided in BCZR 204.3.B.2.b. A modified parking plan to resolve the undue hardship caused by the requirements for parking spaces or loading space as provided in BCZR 409.12.B. For such other and further relief as may be deemed necessary by the Administrative Law Judge. Special Exception for A Class B office building as provided in BCZR 204.3.B2. For such further relief as may be deemed necessary by the Administrative Law Judge. Variance to allow 100% of the total adjusted gross floor area of the building to be occupied by medical offices in lieu of 25%. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

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Michael Mallinoff  
Director

MM:kl

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204  
Mohammed Elnadi, 1682 Woodstock Road, Woodstock 21136

**NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 26, 2020**

TO: THE DAILY RECORD  
Friday, September 25, 2020 - Issue

Please forward billing to:

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

410-821-0070

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## 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 virtual hearing on the property identified herein as follows:

**CASE NUMBER: 2020-0139-SPHXA**

11723 Reisterstown Road

East corner of intersection of Reisterstown Road and Virginia Avenue

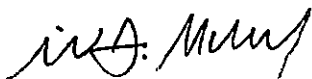
4<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: Mohamed Elnadi

Special Hearing The full use of the Class B office building for a dental office as provided in BCZR 204.3.B.2.b. A modified parking plan to resolve the undue hardship caused by the requirements for parking spaces or loading space as provided in BCZR 409.12.B. For such other and further relief as may be deemed necessary by the Administrative Law Judge. Special Exception for A Class B office building as provided in BCZR 204.3.B2. For such further relief as may be deemed necessary by the Administrative Law Judge. Variance to allow 100% of the total adjusted gross floor area of the building to be occupied by medical offices in lieu of 25%. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

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Michael Mallinoff  
Director of Permits, Approvals and Inspections for Baltimore County

RE: PETITION FOR SPECIAL HEARING  
SPECIAL EXCEPTION AND VARIANCE  
11723 Reisterstown Road; E corner of  
Reisterstown Road & Virginia Avenue  
4<sup>th</sup> Election & 4<sup>th</sup> Councilmanic Districts  
Legal Owner(s): Mohamed Elnadi  
Petitioner(s)

\* BEFORE THE OFFICE  
\* OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* 2020-139-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

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of June, 2020, a copy of the foregoing Entry of Appearance was emailed to Jason Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, [jvettori@sgs-law.com](mailto:jvettori@sgs-law.com), 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 twenty (20) 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.**

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**For Newspaper Advertising:**

Case Number: 2020-0139-SPHX4

Property Address: 11723 Reisterstown Road

Property Description: \_\_\_\_\_

Legal Owners (Petitioners): Mohamed Elnadi

Contract Purchaser/Lessee: \_\_\_\_\_

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Jason T. Vettori

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

Address: 600 Washington Avenue, Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070

Revised 7/9/2015



## *Baltimore County, Maryland*

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building  
105 West Chesapeake Avenue, Room 204  
Towson, Maryland 21204

410-887-2188  
Fax: 410-823-4236

PETER MAX ZIMMERMAN  
People's Counsel

August 11, 2020

CAROLE S. DEMILIO  
Deputy People's Counsel

SENT VIA EMAIL

Paul M. Mayhew, Managing Administrative Law Judge  
The Jefferson Building  
105 W. Chesapeake Avenue, Suite 103  
Towson, Maryland 21204

Re: Mohamed Elnadi  
11723 Reisterstown Road  
Case No. 2020-139-SPHXA

Dear Judge Mayhew,

This zoning petition requests a special exception and variance to approve a Class B office building in the R.O. Zone with 100% dental office use, exceeding the 25% maximum medical office use. The special exception is generated because Petitioner is enlarging the building with an addition, thereby making it a Class B office building. There is also a request for a modified parking plan relating to parking spaces and loading.

The proposed 100% dental office variance is effectively for a use variance. This is not permitted. BCZR Sec. 307.1 allows for height and area, off-street parking, and sign variances, but not use variances. Loyola Federal Savings & Loan v. Buschman 227 Md. 243, 246-51 (1961); McLean v. Soley 270 Md. 208, 213-15 (1973).

The property is on Reisterstown Road in Owing Mills. It is split-zoned R.O. (Residential-Office)/D.R. 3.5 (Density Residential). The site plan shows the predominant zone is R.O, with a rear sliver of D.R. 3.5. So the relevant zone is R.O. This brings into play BCZR Sec. 204.

BCZR Sec. 101.1 divides Office Buildings into Class A and Class B categories. Class A are converted dwellings without external enlargement. Class B are office buildings which are not Class A. In other words, these are new or enlarged buildings.

BCZR Sec. 204.3 provides Class A office buildings are permitted by right. But they are limited to 25% total adjusted gross floor area for medical office use. BCZR Sec. 204.3.A.2. Class B office buildings are permitted by special exception. BCZR Sec. 204.3.B.2. Again, they are limited to 25% floor area for medical use. There are also bulk and other standards.

Petitioner acquired the property by deed dated July 18, 2018. SDAT Data enclosed. Whether in residential or office use when acquired by Petitioner, he apparently converted it to 100% dental office use. We have asked the permits office for any recent permit applications related to conversion for dental office use. We have found none so far. Nor have we found any zoning request to exceed the 25% limit for Class A conversions, although it also would be disqualified as a use variance. So, we are dealing with a request to add to a dental office use which already appears to exceed the 25% limit.

Upon Petitioner's request to enlarge the building with an addition, it was apparently brought to his attention that the Class B special exception requirements came into play, along with the 25% medical office limit. There is no genuine dispute that a dental office use is a type of medical office use. The petition is filed on this basis.<sup>1</sup>

The legislative history begins with Bill 13-80, which established the R.O. Zone, including the framework for Class A and B Office Buildings. It was at that time codified in BCZR Sec. 203. The amendment most important to the present case came about in Bill 151-88. This added and detailed the 25% adjusted gross floor area limits for medical offices.

There were also amendments in 37-88 and Bills 185-94. These included amendments to the definition of Class B office building, with Bill 186-94 formulating the current definition. Bill 186-94 also recodified the R.O. Zone to BCZR Sec. 204.<sup>2</sup>

Our office has contended the 25% medical office limit is essentially a use limitation. The enclosed County Board of Appeals (CBA) decision in Case No. 95-108-SPHXA (1995), Peter Ferra, Petitioner, 405 Main Street (405 Reisterstown Road), confirms this analysis on Page 4. The CBA found the existing 61% medical office use, which predated the 1988 legislation, was grandfathered, but if the property were split into two lots, "the 61% floor area for the existing medical office use now located on a new lot would no longer be grandfathered and would therefore be an illegal use."

More recently, Administrative Law Judge John Beverungen held the 25% limit is a use limitation and thus not variable. Case No. 2015-0001-SPHA (2014), Candace Holt, Petitioner, 8613 Old Harford Road. ALJ Beverungen wrote, on page 2 of his opinion,

"The Petitioner recently purchased the property from Mr. Baumgartner, who operated an HVAC business from the site. Petitioner previously leased space for her

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<sup>1</sup> A brief survey revealed dentistry is also known as dental medicine or oral medicine, a branch of medicine that consists of the study, diagnosis, prevention and treatment of diseases, disorders and conditions of the oral cavity, dentition, facial, and jaw area. The enclosed Wikipedia piece is helpful. We also learned dental schools award degrees either in dental surgery - DDS - or dental medicine --- DMD. An enclosed Colgate article informs that the Baltimore College of Medicine granted the first DDS in 1893. Harvard started a short time later with a DMD.

<sup>2</sup> To elaborate the legislative history, we have enclosed each of the aforementioned Bills.

practice at 8611 Old Harford Road (next door), and the owner of that property was granted zoning relief in Case No. 2012-0218-SPHA to have 100% medical use in an R.O. zone. Petitioner's Exhibit 8. Having reviewed this Order and the B.C.Z.R., I do not believe that variance relief can be granted to permit 100% medical use. I think this would constitute a "use" variance, since the 25% limitation is found in the "use regulations" for the R.O. zone. B.C.Z.R. § 204.3. Section 307 of the B.C.Z.R. permits variances of height, area, parking and sign standards only, and to grant the requested relief would be changing the use of the property to a medical office building, which is antithetical to the goals the R.O. zone."

We went back and reviewed our file for Case No. 2012-0218-SPHA, Candace Holt 8611 Old Harford Road. Ms. Holt presented as a licensed massage therapist and acupuncturist. Zoning Commissioner/Administrative Law Judge Timothy Kotroco approved her variance request for 100% medical office use. While this was treated as a medical office use, our office viewed it as perhaps on the borderline of medical office use. There were no protestants. We did not appeal.

When Ms. Holt decided to move to 8613 Old Harford Road, there was opposition from The Greater Parkville Community Association and a new owner of 8611 Old Harford Road, Thomas Wedge. There was also a problem with the proposed commercial parking in a residential zone. Upon careful review and effective reconsideration, ALJ Beverungen maintained the view that the use is a medical office use but ruled that the variance would be a use variance. We agree. We also believe that this precedent is important and should be followed, especially where we have a more traditional historic medical use.

The County Council is presumed to be aware of administrative decisions and interpretations, especially quasi-judicial rulings. Where the legislature has not amended the law to alter the quasi-judicial interpretation, there is an implication of adoption. See Comptroller of Treasury v. John C. Louis Co. 285 Md. 527, 544-55 (1979). There has been no material legislative change since the decisions here.

Another factor weighing against the idea of an area variance is that the uniqueness/practical difficulty standard does not generically correlate to excessive density. Conceptually, there is never any unique aspect of property to justify an increase in density over that explicitly allowed. In addition, the 25% use limit may be viewed as analogous to residential density. BCZR Sec. 307.1 prohibits residential density variances.

It should be kept in mind that the R.O. Zone limit plausibly addresses the intense parking which tends to accompany medical office uses and may be incompatible in or around mixed and transitional residential areas. Petitioner's additional request for a modified parking plan reflects a parking problem. The request is for 6 parking spaces instead of the minimum 9 spaces, and to be excused from providing any spaces for off-street loading and unloading. BCZR Secs. 409.6.A.2, 409.11. The prerequisite for a modified parking plan under BCZR Sec. 409.12 is "undue hardship." This is a very strict standard. It is translated as "unable to secure a reasonable return from or make reasonable use of the property." Green v. Bair 77 Md. App. 144, 151 (1988), Moylan, J., denial of medical office expansion. It is difficult to foresee how this petition could satisfy this standard. There are any other available general office and other uses permitted.

Petitioner has understandably brought to our attention the Planning Department's July 8, 2020 supportive comment. DOP says, "The proposed (dental office) should not negatively affect the adjacent residential properties." The comment does not address the use variance issue and leaves it to the Administrative Law Judge to review the parking issues.

Even if we assume *arguendo* that the proposal here is not offensive to the residential area, we must emphasize that we are dealing with the rule of law. As Robert Bolt gave voice to Thomas More in Man For All Seasons (1960), the focus must be on what is legal, not what is "right," the latter being a more elusive inquiry.

As with many legal regimes, zoning law may encompass some uses which arguably appear inoffensive, along with those considered clearly offensive. The Supreme Court classically addressed this in Village of Euclid v. Ambler Realty Co. 272 U.S. 365, 387-89 (1926):

"Here, however, the exclusion is in general terms of all industrial establishments, and it may thereby happen that not only offensive or dangerous industries will be excluded, but those which are neither offensive nor dangerous will share the same fate. But this is no more than happens in respect of many practice-forbidding laws which this court has upheld, although drawn in general terms so as to include individual cases that may turn out to be innocuous in themselves. Hebe Co. v. Shaw, 248 U. S. 297, 303, 39 S. Ct. 125, 63 L. Ed. 255; Pierce Oil Corp. v. City of Hope, 248 U. S. 498, 500, 39 S. Ct. 172, 63 L. Ed. 381. The inclusion of a reasonable margin, to insure effective enforcement, will not put upon a law, otherwise valid, the stamp of invalidity. Such laws may also find their justification in the fact that, in some fields, the bad fades into the good by such insensible degrees that the two are not capable of being readily distinguished and separated in terms of legislation. In the light of these considerations, we are not prepared to say that the end in view was not sufficient to justify the general rule of the ordinance, although some industries of an innocent character might fall within the proscribed class. It cannot be said that the ordinance in this respect 'passes the bounds of reason and assumes the character of a merely arbitrary fiat.' Purity Extract Co. v. Lynch, 226 U. S. 192, 204, 33 S. Ct. 44, 47 (57 L. Ed. 184)."

As with many types of law, some land use laws may disallow activities which arguably are inoffensive either generally or in particular instances. Other such laws may allow activities which are offensive. This occurs often in development cases where the plan may comply with applicable regulations despite credible citizen opposition based on a variety of impacts. There are subjective disagreements as to what is right and what is wrong.

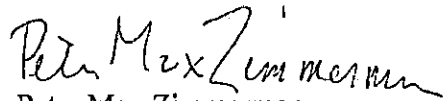
The legislature has wide discretion to make judgments and draw lines. Lonaconing Trap Club v. Maryland Department of Environment 410 Md. 326 (2009). There has never been any challenge to the validity of the R.O. Zone limit on medical office use. The law must be applied as intended, with the legislature available to make modifications and improvements in any direction.

In the end, we are dealing with legislation and the rule of law.

Paul Mayhew, Managing Administrative Law Judge  
August 11, 2020  
Page 5

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Peter Max Zimmerman". The signature is written in dark ink and is positioned above the printed name.

Peter Max Zimmerman  
People's Counsel for Baltimore County

cc: Jason Vettori, Esquire (with enclosures)  
C. Peter Gutwald, Director of Planning (with enclosures)  
Carl Richards, Zoning Supervisor (with enclosures)



JOHN A. OLSZEWSKI, JR.  
*County Executive*

MICHAEL D. MALLINOFF, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

October 5, 2020

Jason T. Vettori,  
600 Washington Ave Ste 200  
Towson MD 21204

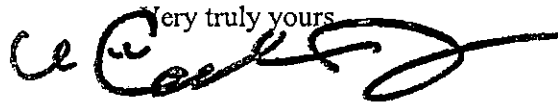
RE: Case Number: 2020-0139-SPHXA, 11723 Reisterstown Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 09, 2020. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,  


W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

# BALTIMORE COUNTY, MARYLAND

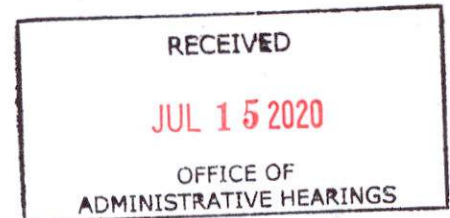
## INTER-OFFICE MEMORANDUM

**TO:** Michael D. Mallinoff  
Director, Department of Permits, Approvals and Inspections

**DATE:** 7/8/2020

**FROM:** C. Pete Gutwald  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 20-139



**INFORMATION:**

**Property Address:** 11723 Reisterstown Road

**Petitioner:** Mohamed Elnadi

**Zoning:** RO, DR 3.5

**Requested Action:** Special Exception, Variance, Special Hearing

The Department of Planning has reviewed the petition for the following:

Special Exception to use the herein described property for:

1. A Class B office building as provided in the Baltimore County Zoning Regulations (BCZR) Section 204.3.B.2;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

Variance from Section(s):

1. 204.3.B.2.a of the BCZR to allow 100% of the total adjusted floor gross area of the office building to be occupied by medical offices in lieu of 25%;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

Special Hearing to determine whether the Zoning Commissioner should approve:

1. The full use of the Class B office building for a dental office as provided in BCZR Section 204.3.B.2.b;
2. A modified parking plan to resolve the undue hardship caused by the requirements for parking space or loading space as provided in BCZR Section 409.12.B;
3. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

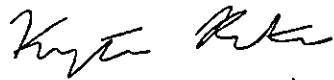
A site visit was conducted on June 24, 2020. The property and structure (office) appear to be well maintained. The subject property is adjacent to several commercially zoned properties along Reisterstown Road, a major commercial corridor. The proposed use (dental office) should not negatively impact the adjacent residential properties.

The Department of Planning has no objections to the requested relief conditioned upon the following:

1. No temporary freestanding signs shall be installed along the Reisterstown Road frontage. All signage shall comply with Section 450 of the Baltimore County Zoning Regulations (BCZR).
2. To the satisfaction of the administrative law judge, the petitioner should demonstrate how the proposed six (6) parking spaces will provide enough parking for employees and patients. No parking shall be permitted outside the designated parking area.

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

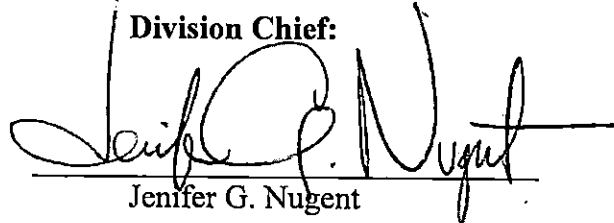
**Prepared by:**



---

Krystle Patchak

**Division Chief:**



---

Jennifer G. Nugent

CPG/JGN/kma/

c: Bill Skibinski

Jason T. Vettori, Smith, Gildea & Schmidt, LLC  
Office of the Administrative Hearings  
People's Counsel for Baltimore County



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

JOHN A. OLSZEWSKI, JR.  
County Executive

MICHAEL D. MALLINOFF, *Director*  
Department of Permits,  
Approvals & Inspections

**TO:** Michael D. Mallinoff  
Director, Department of Permits, Approvals and Inspections

**DATE:** 7/8/2020

**FROM:** C. Pete Gutwald  
Director, Department of Planning

**SUBJECT:** ZONING ADVISORY COMMITTEE COMMENTS  
Case Number: 20-139

### INFORMATION:

**Property Address:** 11723 Reisterstown Road  
**Petitioner:** Mohamed Elnadi  
**Zoning:** RO, DR 3.5  
**Requested Action:** Special Exception, Variance, Special Hearing

The Department of Planning has reviewed the petition for the following:

Special Exception to use the herein described property for:

1. A Class B office building as provided in the Baltimore County Zoning Regulations (BCZR) Section 204.3.B.2;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

Variance from Section(s):

1. 204.3.B.2.a of the BCZR to allow 100% of the total adjusted floor gross area of the office building to be occupied by medical offices in lieu of 25%;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

Special Hearing to determine whether the Zoning Commissioner should approve:

1. The full use of the Class B office building for a dental office as provided in BCZR Section 204.3.B.2.b;
2. A modified parking plan to resolve the undue hardship caused by the requirements for parking space or loading space as provided in BCZR Section 409.12.B;
3. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

A site visit was conducted on June 24, 2020. The property and structure (office) appear to be well maintained. The subject property is adjacent to several commercially zoned properties along Reisterstown Road, a major commercial corridor. The proposed use (dental office) should not negatively impact the adjacent residential properties.



The Department of Planning has no objections to the requested relief conditioned upon the following:  
JOHN A. OLSZEWSKI, JR.

MICHAEL D. MALLINOFF, *Director*

*County Executive*

*Department of Permits,  
Approvals & Inspections*

1. No temporary freestanding signs shall be installed along the Reisterstown Road Frontage. All signage shall comply with Section 450 of the Baltimore County Zoning Regulations (BCZR).
2. To the satisfaction of the administrative law judge, the petitioner should demonstrate how the proposed six (6) parking spaces will provide enough parking for employees and patients. No parking shall be permitted outside the designated parking area.

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

Prepared by:

A handwritten signature in cursive script, appearing to read "Krystle Patchak".

Krystle Patchak

Division Chief:

A handwritten signature in cursive script, appearing to read "Jenifer G. Nugent".

Jenifer G. Nugent

CPG/JGN/kma/

c: Bill Skibinski  
Jason T. Vettori, Smith, Gildea & Schmidt, LLC  
Office of the Administrative Hearings  
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.  
*County Executive*

MICHAEL D. MALLINOFF, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge  
Office of Administrative Hearings

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

DATE: June 23, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0139-SPHXA  
Address 11723 Reisterstown Road  
(Einadi Property)

Zoning Advisory Committee Meeting of **June 29, 2020.**

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

Reviewer: Steve Ford

# BALTIMORE COUNTY, MARYLAND

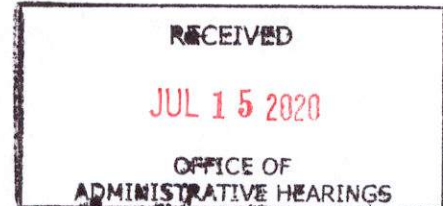
## INTER-OFFICE MEMORANDUM

**TO:** Michael D. Mallinoff  
Director, Department of Permits, Approvals and Inspections

**DATE:** 7/8/2020

**FROM:** C. Pete Gutwald  
Director, Department of Planning

**SUBJECT:** ZONING ADVISORY COMMITTEE COMMENTS  
Case Number: 20-139



**INFORMATION:**

**Property Address:** 11723 Reisterstown Road  
**Petitioner:** Mohamed Elnadi  
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**Requested Action:** Special Exception, Variance, Special Hearing

The Department of Planning has reviewed the petition for the following:

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1. A Class B office building as provided in the Baltimore County Zoning Regulations (BCZR) Section 204.3.B.2;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

Variance from Section(s):

1. 204.3.B.2.a of the BCZR to allow 100% of the total adjusted floor gross area of the office building to be occupied by medical offices in lieu of 25%;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

Special Hearing to determine whether the Zoning Commissioner should approve:

1. The full use of the Class B office building for a dental office as provided in BCZR Section 204.3.B.2.b;
2. A modified parking plan to resolve the undue hardship caused by the requirements for parking space or loading space as provided in BCZR Section 409.12.B;
3. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

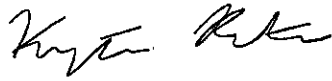
A site visit was conducted on June 24, 2020. The property and structure (office) appear to be well maintained. The subject property is adjacent to several commercially zoned properties along Reisterstown Road, a major commercial corridor. The proposed use (dental office) should not negatively impact the adjacent residential properties.

The Department of Planning has no objections to the requested relief conditioned upon the following:

1. No temporary freestanding signs shall be installed along the Reisterstown Road frontage. All signage shall comply with Section 450 of the Baltimore County Zoning Regulations (BCZR).
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For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

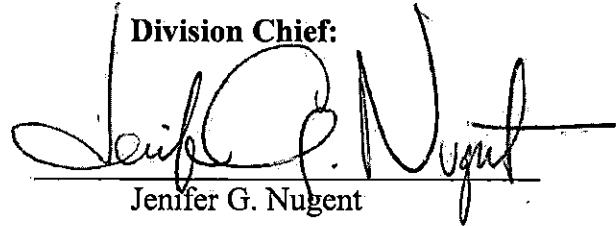
**Prepared by:**



---

Krystle Patchak

**Division Chief:**



---

Jenifer G. Nugent

CPG/JGN/kma/

c: Bill Skibinski  
Jason T. Vettori, Smith, Gildea & Schmidt, LLC  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

**MDOT**  
MARYLAND DEPARTMENT  
OF TRANSPORTATION  

---

STATE HIGHWAY  
ADMINISTRATION

Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Gregory Slater  
Secretary  
Tim Smith, P.E.  
Administrator

June 22, 2020

Ms. Kristen Lewis  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
111 West Chesapeake Avenue  
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. **2020-0139-SPHXA**

**Special Hearing, Variance, Special Exception**  
**Mohamed Elnadi**  
**11723 Reisterstown 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@mdot.maryland.gov](mailto:rzeller@mdot.maryland.gov)).

Sincerely,

Wendy Wolcott, P.L.A.  
Metropolitan District Engineer  
Maryland Department of Transportation  
State Highway Administration  
District 4 - Baltimore and Harford Counties

WW/RAZ

# CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/25/2020

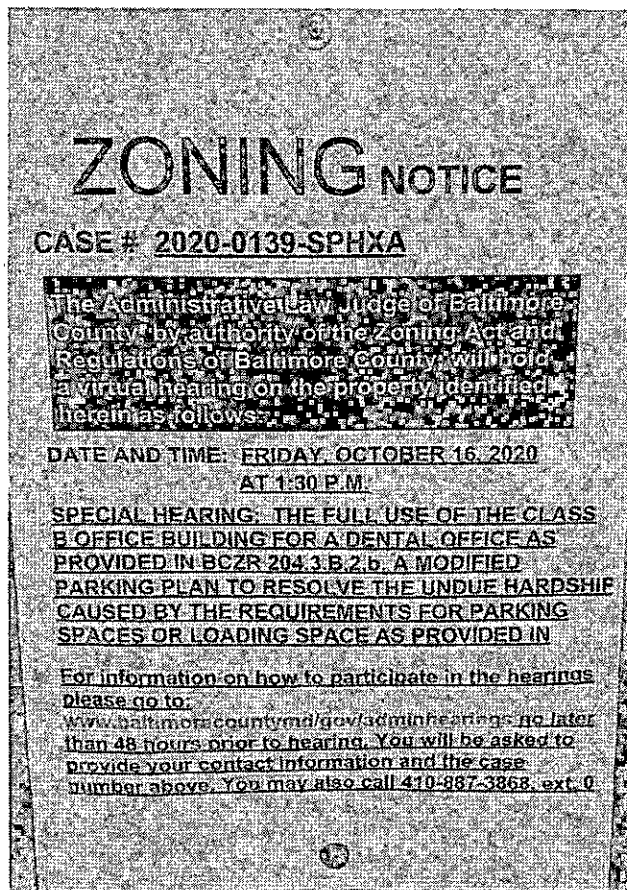
Case Number: 2020-0139-SPHXA

Petitioner / Developer: JASON VETTORI, ESQ. ~  
MOHAMMED ELNADI

Date of Hearing: OCTOBER 16, 2020

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:  
11723 REISTERSTOWN ROAD

The sign(s) were posted on: SEPTEMBER 25, 2020



SIGN #1

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, MD 21030  
(City, State, Zip of Sign Poster)

410-666-5366  
(Telephone Number of Sign Poster)

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

No. 195695

Date: 6/17/20

| Fund   | Dept | Unit | Sub Unit | Rev Source/<br>Obj | Sub Rev/<br>Sub Obj | Dept Obj | BS Acct | Amount    |
|--------|------|------|----------|--------------------|---------------------|----------|---------|-----------|
| 001    | 806  | 0000 |          | 6150               |                     |          |         | \$1200.00 |
|        |      |      |          |                    |                     |          |         |           |
|        |      |      |          |                    |                     |          |         |           |
|        |      |      |          |                    |                     |          |         |           |
|        |      |      |          |                    |                     |          |         |           |
| Total: |      |      |          |                    |                     |          |         | \$1200.00 |

Rec

From: MOHAMED ELNADI

For: 2020-0139-SPHXA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S  
VALIDATION

NOW DENTISTRY, INC. 11-17

8125 PULASKI HWY  
ROSEDALE MD 21237-2843

1339

7-163/520 MD  
383

DATE 05/29/2020

PAY  
TO THE  
ORDER OF

Baltimore county

\$ 1200.00

One thousand two hundred

DOLLARS



Bank of America

ACH R/T 052001633

FOR 11723 Reisterstown Road

001339 052001633 446032887522

**Debra Wiley**

---

**From:** Linda Okeefe <luckylinda1954@yahoo.com>  
**Sent:** Monday, October 12, 2020 11:49 PM  
**To:** Administrative Hearings  
**Subject:** Certifications  
**Attachments:** Briar point Cert..jpeg; Briar Point Photos.docx; Mill Run Circle Cert. .jpeg; 1st Set Sign Mill Run Circle Photos.docx; 2nd & 3rd Set of Signs Mill Run Circle photos.docx; Reisterstown Rd. Cert. .jpeg; 2ND & 3rd Sign Photos Reisterstown Rd. .docx; Reisterstown Rd. Group Photos.docx

**CAUTION:** This message from luckylinda1954@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Donna,

I am attaching the 2nd Certifications along with photos for your records. of Case # 2020-0133-SPH @ 4005 Briar Point Road. Case # 2020-0144-A @ 10240 (aka 10210) Mill Run Circle, & Case # 2020-0139-SPHXA @ 11723 Reisterstown Road.

I hope you are doing well and it's good to be busy again.  
Thank you,

Linda

Linda O'Keefe  
523 Penny Lane  
Hunt Valley MD 21030  
Phone # 410-666-5366  
Cell# 443-604-6431  
Fax# 410-666-0929  
luckylinda1954@yahoo.com

# SECOND CERTIFICATE OF POSTING

ATTENTION: DONNA MIGNON

DATE: 10/12/2020

Case Number: 2020-0139-SPHXA

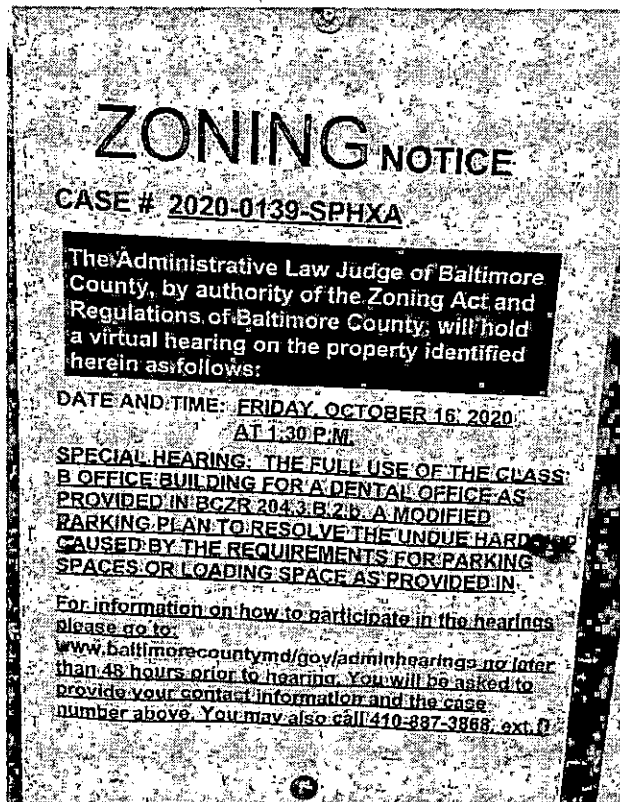
Petitioner / Developer: JASON VETTORI, ESQ. ~  
MOHAMMED ELNADI

Date of Hearing: OCTOBER 16, 2020

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:  
11723 REISTERSTOWN ROAD

The sign(s) were posted on: **SEPTEMBER 25, 2020**

The sign(s) were re-photographed on: **OCTOBER 12, 2020**



1<sup>ST</sup> Sign

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)

# ZONING NOTICE

CASE # 2020-0139-SPHXA

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

DATE AND TIME: FRIDAY, OCTOBER 16, 2020  
AT 1:30 P.M.

BCZR 409.12.B. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE, SPECIAL EXEMPTION FOR A CLASS B OFFICE BUILDING AS PROVIDED IN BCZR 204.3.B2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE

For information on how to participate in the hearing, please go to:  
[www.baltimorecountymd.gov/adminhearings](http://www.baltimorecountymd.gov/adminhearings) no later than 48 hours prior to hearing. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868, ext. 0.

# ZONING NOTICE

CASE # 2020-0139-SPHXA

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

DATE AND TIME: FRIDAY, OCTOBER 16, 2020  
AT 1:30 P.M.

ADMINISTRATIVE LAW JUDGE, VARIANCE TO ALLOW 100% OF THE TOTAL ADJUSTED GROSS FLOOR AREA OF THE BUILDING TO BE OCCUPIED BY THE MEDICAL OFFICES IN LIEU OF 25% FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE. 11723 REISTERSTOWN ROAD

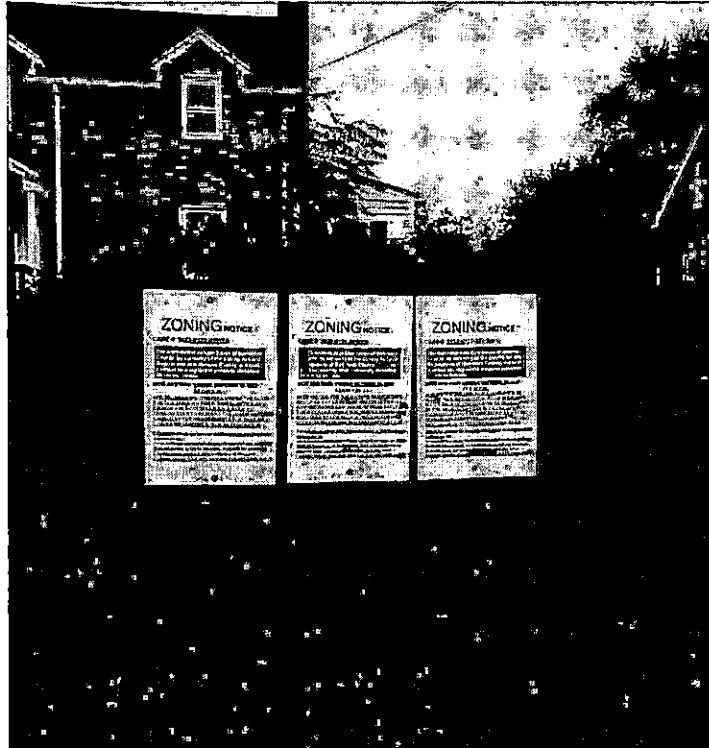
For information on how to participate in the hearing, please go to:  
[www.baltimorecountymd.gov/adminhearings](http://www.baltimorecountymd.gov/adminhearings) no later than 48 hours prior to hearing. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868, ext. 0.

2nd Sign Re-Photographed

3rd Sign Re-Photographed

11723 Reisterstown Road

CASE # 2020-0139-SPHXA



1<sup>st</sup> Set of Signs Re-Photographed @ 11723 Reisterstown Road ~ 10/12/2020



2<sup>nd</sup> Set of Signs Re-Photographed @ 11723 Reisterstown Road ~ 10/12/2020

**CASE # 2020-0139-SPHXA**

Debra Wiley

---

**From:** Zachary Wilkins <zwilkins@sgs-law.com>  
**Sent:** Wednesday, October 7, 2020 1:06 PM  
**To:** Debra Wiley  
**Subject:** Accepted: Zoning Hearing - Case No. 2020-0139-SPHXA - 11723 Reisterstown Rd.

CAUTION: This message from zwilkins@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

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JOHN A. OLSZEWSKI, JR.  
September 22, 2020

MICHAEL D. MALLINOFF, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

## 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 virtual hearing on the property identified herein as follows:

**CASE NUMBER: 2020-0139-SPHXA**

11723 Reisterstown Road

East corner of intersection of Reisterstown Road and Virginia Avenue

4<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: Mohamed Elnadi

Special Hearing The full use of the Class B office building for a dental office as provided in BCZR 204.3.B.2.b. A modified parking plan to resolve the undue hardship caused by the requirements for parking spaces or loading space as provided in BCZR 409.12.B. For such other and further relief as may be deemed necessary by the Administrative Law Judge. Special Exception for A Class B office building as provided in BCZR 204.3.B2. For such further relief as may be deemed necessary by the Administrative Law Judge. Variance to allow 100% of the total adjusted gross floor area of the building to be occupied by medical offices in lieu of 25%. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Friday, October 16, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to [www.baltimorecountymd.gov/adminhearings](http://www.baltimorecountymd.gov/adminhearings) no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff  
Director

MM:kl

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204  
Mohammed Elnadi, 1682 Woodstock Road, Woodstock 21136

**NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 26, 2020**

## Real Property Data Search

## Search Result for BALTIMORE COUNTY

| View Map                                                  |          | View GroundRent Redemption                   |               | View GroundRent Registration |                           |
|-----------------------------------------------------------|----------|----------------------------------------------|---------------|------------------------------|---------------------------|
| Special Tax Recapture: None                               |          |                                              |               |                              |                           |
| Account Identifier:                                       |          | District - 04 Account Number - 0412020300    |               |                              |                           |
| Owner Information                                         |          |                                              |               |                              |                           |
| Owner Name:                                               |          | ELNADI MOHAMED                               |               | Use:                         | COMMERCIAL                |
|                                                           |          |                                              |               | Principal Residence:         | NO                        |
| Mailing Address:                                          |          | 1682 WOODSTOCK RD<br>WOODSTOCK MD 21163-     |               | Deed Reference:              | /40472/ 00073             |
| Location & Structure Information                          |          |                                              |               |                              |                           |
| Premises Address:                                         |          | 11723 REISTERSTOWN RD<br>REISTERSTOWN 21136- |               | Legal Description:           | PT LT 13-14<br>SLADE PLAT |
| Map:                                                      | Grid:    | Parcel:                                      | Neighborhood: | Subdivision:                 | Section:                  |
| 0057                                                      | 0006     | 0463                                         | 20000.04      | 0000                         |                           |
|                                                           |          |                                              |               | Block:                       | Lot:                      |
|                                                           |          |                                              |               |                              |                           |
|                                                           |          |                                              |               | Assessment Year:             | Plat No:                  |
|                                                           |          |                                              |               | 2020                         | Plat Ref:                 |
| Town: None                                                |          |                                              |               |                              |                           |
| Primary Structure Built                                   |          | Above Grade Living Area                      |               | Finished Basement Area       |                           |
| 1949                                                      |          | 1,125 SF                                     |               | 9,583 SF                     |                           |
|                                                           |          |                                              |               | County Use                   |                           |
|                                                           |          |                                              |               | 06                           |                           |
| Stories                                                   | Basement | Type                                         | Exterior      | Quality                      | Full/Half Bath            |
|                                                           |          | OFFICE BUILDING                              | /             | C3                           |                           |
| Garage                                                    |          |                                              |               |                              |                           |
| Last Notice of Major Improvements                         |          |                                              |               |                              |                           |
| Value Information                                         |          |                                              |               |                              |                           |
|                                                           |          | Base Value                                   | Value         |                              | Phase-in Assessments      |
|                                                           |          |                                              | As of         |                              | As of                     |
|                                                           |          |                                              | 01/01/2020    |                              | 07/01/2020                |
|                                                           |          |                                              |               |                              | As of                     |
|                                                           |          |                                              |               |                              | 07/01/2021                |
| Land:                                                     |          | 139,500                                      | 139,500       |                              |                           |
| Improvements                                              |          | 97,700                                       | 110,200       |                              |                           |
| Total:                                                    |          | 237,200                                      | 249,700       |                              | 241,367                   |
| Preferential Land:                                        |          | 0                                            |               |                              | 245,533                   |
|                                                           |          |                                              |               |                              | 0                         |
| Transfer Information                                      |          |                                              |               |                              |                           |
| Seller: VESPIGNANI ARTHUR C                               |          | Date: 07/18/2018                             |               | Price: \$265,000             |                           |
| Type: ARMS LENGTH IMPROVED                                |          | Deed1: /40472/ 00073                         |               | Deed2:                       |                           |
| Seller: VESPIGNANI CLEMENTINA                             |          | Date: 12/29/2003                             |               | Price: \$80,000              |                           |
| Type: ARMS LENGTH IMPROVED                                |          | Deed1: /19354/ 00641                         |               | Deed2:                       |                           |
| Seller: LEISTER EVA J                                     |          | Date: 01/28/1983                             |               | Price: \$90,000              |                           |
| Type: ARMS LENGTH IMPROVED                                |          | Deed1: /06483/ 00220                         |               | Deed2:                       |                           |
| Exemption Information                                     |          |                                              |               |                              |                           |
| Partial Exempt Assessments:                               |          | Class                                        | 07/01/2020    |                              | 07/01/2021                |
| County:                                                   |          | 000                                          | 0.00          |                              |                           |
| State:                                                    |          | 000                                          | 0.00          |                              |                           |
| Municipal:                                                |          | 000                                          | 0.00 0.00     |                              | 0.00 0.00                 |
| Special Tax Recapture: None                               |          |                                              |               |                              |                           |
| Homestead Application Information                         |          |                                              |               |                              |                           |
| Homestead Application Status: No Application              |          |                                              |               |                              |                           |
| Homeowners' Tax Credit Application Information            |          |                                              |               |                              |                           |
| Homeowners' Tax Credit Application Status: No Application |          |                                              |               | Date:                        |                           |



# 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 11723 Relsterstown Road

which is presently zoned RO & DR 3.5

Deed References: 40472/73

10 Digit Tax Account # 0412020300

Property Owner(s) Printed Name(s) Mohamed Elnadi

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

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

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

Please see attached.

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

Please see attached.

3. ☒ a **Variance** from Section(s)

Please see attached.

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

## TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bound 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:

Jason T. Vettori Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Ave, Ste 200 Towson MD

Mailing Address City State

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

Zip Code Telephone # Email Address

### Legal Owners (Petitioners):

Mohamed Elnadi

Name #1 Type or Print

Name #2 Type or Print

Signature #1

Signature # 2

1682 Woodstock Road Woodstock MD

Mailing Address City State

21136 (972) 900-0794 melnadi@gmail.com

Zip Code Telephone # Email Address

### Representative to be contacted:

Jason T. Vettori Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Ave, Ste 200 Towson MD

Mailing Address City State

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

Zip Code Telephone # Email Address

CASE NUMBER 2020-0139-SAHM Filing Date 6/17/20

Do Not Schedule Dates: Reviewer JS

## Debra Wiley

---

**From:** Kristen L Lewis  
**Sent:** Tuesday, September 22, 2020 3:05 PM  
**To:** Donna Mignon; Debra Wiley  
**Subject:** webex  
**Attachments:** 20200922144954704.pdf

Hello ladies,

Here is the second one. Thank you,

Kristen Lewis  
PAI – Zoning Review  
410-887-3391

## Panelist List

| Name                              | Email address                  | Phone number | Time Zone     | Language | Locale |
|-----------------------------------|--------------------------------|--------------|---------------|----------|--------|
| Donna Mignon<br>(Alternate Host)  | dmignon@baltimorecountymd.gov  | 1-           | New York Time | English  | U.S.   |
| Henry Ayakwah<br>(Alternate Host) | hayakwah@baltimorecountymd.gov | 1-           | New York Time | English  | U.S.   |
| Jason Vettori                     | jvettori@sgs-law.com           | 1-           | New York Time | English  | U.S.   |
| Mohamed Elnadi                    | melnadi@gmail.com              | 1-           | New York Time | English  | U.S.   |
| Paul Mayhew                       | pmayhew@baltimorecountymd.gov  | 1-           | New York Time | English  | U.S.   |

2020-0139-SPHWA

## Debra Wiley

---

**From:** Debra Wiley  
**Sent:** Tuesday, September 22, 2020 3:16 PM  
**To:** Kristen L Lewis  
**Subject:** Link - 2020-0139-SPHXA - 11723 Reisterstown Rd.

### Event Information

**Event:** Zoning Hearing - Case No. 2020-0139-SPHXA - 11723 Reisterstown Rd.  
**Type:** Listed Event  
**Event address for attendees:** <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eee02>  
**Event address for panelists:** <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e949d>  
**Date and time:** Friday, October 16, 2020 1:30 pm  
Eastern Daylight Time (New York, GMT-04:00)  
**Duration:** 1 hour  
**Description:** Zoning Hearing  
Case No. 2020-0139-SPHXA  
11723 Reisterstown Road  
Mohamed Elnadi  
**Event number:** 172 569 7211  
**Event password:** 1234  
**Host key:** 223581  
**Alternate Host:** Donna Mignon, Henry Ayakwah  
**Panelist Info:**  
**Panelist password:**  
**Panelist numeric password:** 781441  
**Video Address:** [1725697211@baltimorecountymd.webex.com](mailto:1725697211@baltimorecountymd.webex.com)  
You can also dial 173.243.2.68 and enter your meeting number.  
**Audio conference:** US Toll  
+1-415-655-0001  
[Show all global call-in numbers](#)  
Access code: 172 569 7211

**Debra Wiley**

---

**From:** messenger@webex.com  
**Sent:** Tuesday, September 22, 2020 3:15 PM  
**To:** Debra Wiley  
**Subject:** Email delivery status for Web seminar: Zoning Hearing - Case No. 2020-0139-SPHXA - 11723 Reisterstown Rd.

**CAUTION:** This message from messenger@webex.com originated from a non-Baltimore County Government or non-BCPL email system. Hover over any links before clicking and use caution opening attachments.



## Webex sent the email message "Invitation for Alternate Host" for your event.

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## Debra Wiley

---

**Subject:** Web seminar scheduled: Zoning Hearing - Case No. 2020-0139-SPHXA - 11723  
Reisterstown Rd.  
**Location:** <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e9e201cb3adda14a556748e67d381ec77>  
**Start:** Fri 10/16/2020 1:30 PM  
**End:** Fri 10/16/2020 2:30 PM  
**Show Time As:** Tentative  
**Recurrence:** (none)  
**Organizer:** webex

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**When it's time, start the Webex event here.**

Host: Debra Wiley (dwiley@baltimorecountymd.gov)  
Event number (access code): 172 569 7211

Friday, October 16, 2020 1:30 pm, Eastern Daylight Time (New York, GMT-04:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e9e201cb3adda14a556748e67d3>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e1bec540908c31647f329ca3ff58a>



### Audio conference information

+1-415-655-0001 US Toll

Global call-in numbers

### Join from a video system or application

Dial 1725697211@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 781441

If you are a host, click here to view host information:

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e6f6bfc06f1fe33601f91706f5ce942cb>

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**Debra Wiley**

---

**From:** messenger@webex.com  
**Sent:** Tuesday, September 22, 2020 3:15 PM  
**To:** Debra Wiley  
**Subject:** Email delivery status for Web seminar: Zoning Hearing - Case No. 2020-0139-SPHXA - 11723 Reisterstown Rd.

**CAUTION:** This message from messenger@webex.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments



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Number of email addresses the message could not be sent to: 0

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# ZAC AGENDA

---

**Case Number:** 2020-0139-SPHXA **Reviewer:** Jason Seidelman

**Existng Use:** COMMERCIAL **Proposed Use:** COMMERCIAL

**Type:** SPECIAL HEARING, VARIANCE, SPECIAL EXCEPTION

**Legal Owner:** Mohamed Einadi

**Contract Purchaser:** No Contract Purchaser was set.

**Critical Area:** No **Flood Plain:** No **Historic:** No **Election Dist:** 4 **Council Dist:** 4

**Property Address:** 11723 REISTERSTOWN RD

**Location:** East Corner of intersection of Reisterstown Road (80') and Virginia Ave (35').

**Existing Zoning:** RO

**Area:** 9,583 SQ FT

**Proposed Zoning:**

SPECIAL HEARING:

The full use of the Class B office building for a dental office as provided in BCZR 204.3.B.2.b.

A modified parking plan to resolve the undue hardship caused by the requirements for parking spaces or loading space as provided in BCZR 409.12.B.

For such other and further relief as may be deemed necessary by the Administrative Law Judge.

VARIANCE:

204.3.B.2.a of the BCZR to allow 100% of the total adjusted gross floor area of the building to be occupied by medical offices in lieu of 25%.

For such other and further relief as may be deemed necessary by the Administrative Law Judge.

SPECIAL EXCEPTION:

A Class B office building as provided in BCZR 204.3.B2.

For such further relief as may be deemed necessary by the Administrative Law Judge.

**Attorney:** Jason T. Vettori Smith, Gildea & Schmidt, LLC

**Prior Zoning Cases:** None

**Concurrent Cases:** None

**Violation Cases:** None

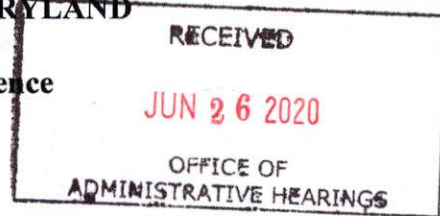
**Closing Date:**

**Miscellaneous Notes:**

---

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge  
Office of Administrative Hearings

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

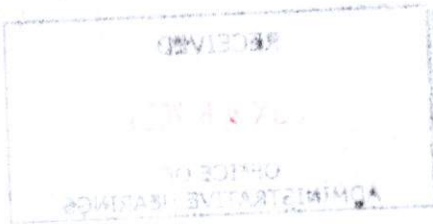
DATE: June 23, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0139-SPHXA  
Address 11723 Reisterstown Road  
(Einadi Property)

Zoning Advisory Committee Meeting of **June 29, 2020**.

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

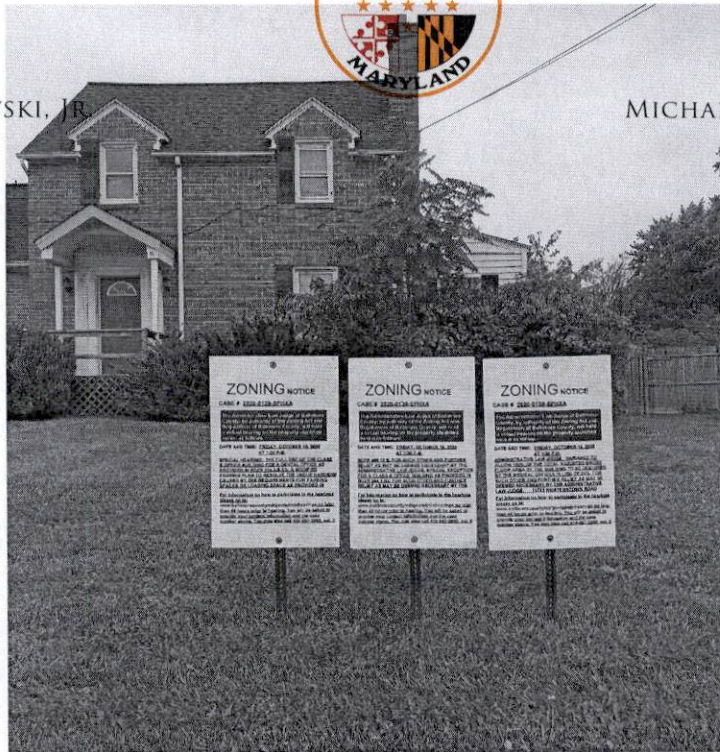
Reviewer: Steve Ford





JOHN A. OLSZEWSKI, JR.  
County Executive

MICHAEL D. MALLINOFF, Director  
Department of Permits,  
Approvals & Inspections



Background Photo 1<sup>st</sup> Set of Signs @ 11723 Reisterstown Rd. ~ 9/25/2020



Background Photo 2<sup>nd</sup> Set of Signs @ 11723 Reisterstown Rd. ~ 9/25/2020

**CASE # 2020-0139-SPHXA**



JOHN A. OLSZEWSKI, JR.  
County Executive

## ZONING NOTICE

CASE # 2020-0139-SPHXA

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

DATE AND TIME: FRIDAY, OCTOBER 16, 2020  
AT 1:30 P.M.

BCZR 409.12.B. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE. SPECIAL EXCEPTION FOR A CLASS B OFFICE BUILDING AS PROVIDED IN BCZR 204.3.B2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE

For information on how to participate in the hearings please go to:  
[www.baltimorecountymd.gov/adminhearings](http://www.baltimorecountymd.gov/adminhearings) no later than 48 hours prior to hearing. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868, ext. 0

Sign #2

MICHAEL D. MALLINOFF, Director  
Department of Permits,  
Approvals & Inspections

## ZONING NOTICE

CASE # 2020-0139-SPHXA

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

DATE AND TIME: FRIDAY, OCTOBER 16, 2020  
AT 1:30 P.M.

ADMINISTRATIVE LAW JUDGE. VARIANCE TO ALLOW 100% OF THE TOTAL ADJUSTED GROSS FLOOR AREA OF THE BUILDING TO BE OCCUPIED BY THE MEDICAL OFFICES IN LIEU OF 25%. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE. 11723 REISTERSTOWN ROAD

For information on how to participate in the hearings please go to:  
[www.baltimorecountymd.gov/adminhearings](http://www.baltimorecountymd.gov/adminhearings) no later than 48 hours prior to hearing. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868, ext. 0

SIGN #3

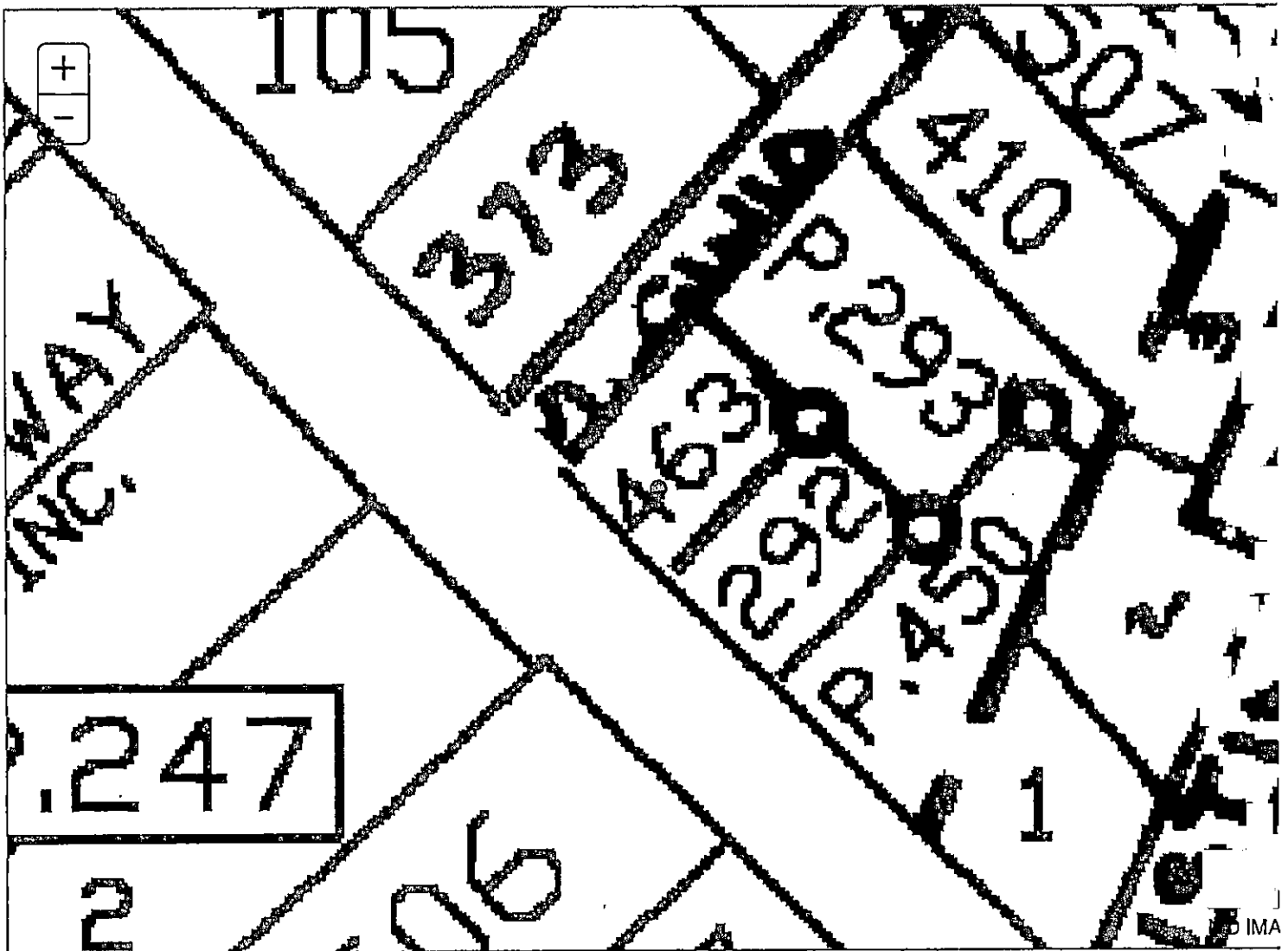
CASE # 2020-0139-SPHXA

## Real Property Data Search

## Search Result for BALTIMORE COUNTY

| View Map                                                  |          |                 | View GroundRent Redemption                   |                      |                        |            | View GroundRent Registration      |                  |                           |  |
|-----------------------------------------------------------|----------|-----------------|----------------------------------------------|----------------------|------------------------|------------|-----------------------------------|------------------|---------------------------|--|
| Special Tax Recapture: None                               |          |                 |                                              |                      |                        |            |                                   |                  |                           |  |
| Account Identifier:                                       |          |                 | District - 04 Account Number - 0412020300    |                      |                        |            |                                   |                  |                           |  |
| Owner Information                                         |          |                 |                                              |                      |                        |            |                                   |                  |                           |  |
| Owner Name:                                               |          |                 | ELNADI MOHAMED                               |                      |                        |            | Use:                              |                  | COMMERCIAL                |  |
|                                                           |          |                 |                                              |                      |                        |            | Principal Residence:              |                  | NO                        |  |
| Mailing Address:                                          |          |                 | 1682 WOODSTOCK RD<br>WOODSTOCK MD 21163-     |                      |                        |            | Deed Reference:                   |                  | /40472/ 00073             |  |
| Location & Structure Information                          |          |                 |                                              |                      |                        |            |                                   |                  |                           |  |
| Premises Address:                                         |          |                 | 11723 REISTERSTOWN RD<br>REISTERSTOWN 21136- |                      |                        |            | Legal Description:                |                  | PT LT 13-14<br>SLADE PLAT |  |
| Map:                                                      | Grid:    | Parcel:         | Neighborhood:                                | Subdivision:         | Section:               | Block:     | Lot:                              | Assessment Year: | Plat No:                  |  |
| 0057                                                      | 0006     | 0463            | 20000.04                                     | 0000                 |                        |            |                                   | 2020             | Plat Ref:                 |  |
| Town: None                                                |          |                 |                                              |                      |                        |            |                                   |                  |                           |  |
| Primary Structure Built                                   |          |                 | Above Grade Living Area                      |                      | Finished Basement Area |            | Property Land Area                |                  | County Use                |  |
| 1949                                                      |          |                 | 1,125 SF                                     |                      |                        |            | 9,583 SF                          |                  | 06                        |  |
| Stories                                                   | Basement | Type            | Exterior                                     | Quality              | Full/Half Bath         | Garage     | Last Notice of Major Improvements |                  |                           |  |
|                                                           |          | OFFICE BUILDING | /                                            | C3                   |                        |            |                                   |                  |                           |  |
| Value Information                                         |          |                 |                                              |                      |                        |            |                                   |                  |                           |  |
|                                                           |          |                 | Base Value                                   |                      | Value                  |            | Phase-in Assessments              |                  |                           |  |
|                                                           |          |                 |                                              |                      | As of                  |            | As of                             |                  | As of                     |  |
|                                                           |          |                 |                                              |                      | 01/01/2020             |            | 07/01/2019                        |                  | 07/01/2020                |  |
| Land:                                                     |          |                 | 139,500                                      |                      | 139,500                |            |                                   |                  |                           |  |
| Improvements                                              |          |                 | 97,700                                       |                      | 110,200                |            |                                   |                  |                           |  |
| Total:                                                    |          |                 | 237,200                                      |                      | 249,700                |            | 237,200                           |                  | 241,367                   |  |
| Preferential Land:                                        |          |                 | 0                                            |                      |                        |            |                                   |                  | 0                         |  |
| Transfer Information                                      |          |                 |                                              |                      |                        |            |                                   |                  |                           |  |
| Seller: VESPIGNANI ARTHUR C                               |          |                 |                                              | Date: 07/18/2018     |                        |            |                                   | Price: \$265,000 |                           |  |
| Type: ARMS LENGTH IMPROVED                                |          |                 |                                              | Deed1: /40472/ 00073 |                        |            |                                   | Deed2:           |                           |  |
| Seller: VESPIGNANI CLEMENTINA                             |          |                 |                                              | Date: 12/29/2003     |                        |            |                                   | Price: \$80,000  |                           |  |
| Type: ARMS LENGTH IMPROVED                                |          |                 |                                              | Deed1: /19354/ 00641 |                        |            |                                   | Deed2:           |                           |  |
| Seller: LEISTER EVA J                                     |          |                 |                                              | Date: 01/28/1983     |                        |            |                                   | Price: \$90,000  |                           |  |
| Type: ARMS LENGTH IMPROVED                                |          |                 |                                              | Deed1: /06483/ 00220 |                        |            |                                   | Deed2:           |                           |  |
| Exemption Information                                     |          |                 |                                              |                      |                        |            |                                   |                  |                           |  |
| Partial Exempt Assessments:                               |          |                 | Class                                        |                      |                        | 07/01/2019 |                                   |                  | 07/01/2020                |  |
| County:                                                   |          |                 | 000                                          |                      |                        | 0.00       |                                   |                  |                           |  |
| State:                                                    |          |                 | 000                                          |                      |                        | 0.00       |                                   |                  |                           |  |
| Municipal:                                                |          |                 | 000                                          |                      |                        | 0.00 0.00  |                                   |                  | 0.00 0.00                 |  |
| Special Tax Recapture: None                               |          |                 |                                              |                      |                        |            |                                   |                  |                           |  |
| Homestead Application Information                         |          |                 |                                              |                      |                        |            |                                   |                  |                           |  |
| Homestead Application Status: No Application              |          |                 |                                              |                      |                        |            |                                   |                  |                           |  |
| Homeowners' Tax Credit Application Information            |          |                 |                                              |                      |                        |            |                                   |                  |                           |  |
| Homeowners' Tax Credit Application Status: No Application |          |                 |                                              |                      |                        |            | Date:                             |                  |                           |  |

District: **04** Account Number: **0412020300**



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) (<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 <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>).

# County Council of Baltimore County Maryland

Legislative Session 1980, Legislative Day No. 2

BILL NO. 13-80

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Mr. Ronald Hickernell, Councilman

---

By the County Council, January 21, 1980

---

## A BILL ENTITLED

AN ACT to establish a "Residential-office" classification, by adding Classification "R-O" to Section 100.1.A.2; by adding new definitions "Bank", "Office", "Office Building, Class B", and "Office Building, Class A" to Section 101; by adding new Section 203 — "Residential-Office (R-O) Zones" to Article 2; and by repealing and re-enacting, with amendments, Section 1B01.1.A.14.e., all of the Baltimore County Zoning Regulations.

WHEREAS, the County Council has received a final report from the Baltimore County Planning Board and has held a public hearing thereon recommending adoption of legislation in regard to the establishment of a residential-office zoning classification, now therefore

SECTION, 1. *Be it enacted by the County Council of Baltimore County, Maryland, that new Classification "R-O" to Section 100.1.A.2; new definitions "Bank", "Office", "Office Building, Class B" and "Office Building, Class A" to Section 101; new Section 203 — "Residential-Office (R-O) Zones" to Article 2, be and they are hereby added to the Baltimore County Zoning Regulations, to read as follows:*

100.1 — Baltimore County is hereby divided into zones and districts in accordance with this subsection.

A. Zones

2. R-O (Residential Office, 5.5 dwelling units per acre)

Section 101 — Definitions

Bank. The term "bank" includes bank station, building and loan association, savings and loan association, credit union, and similar chartered financial institutions.

Office. The term "office" does not include a bank, a post office, nor an establishment where merchandise is stored on or sold from the premises.

Office building, Class A: A principal building that was originally constructed as a 1-family or 2-family detached dwelling and that is converted to office use without any external enlargement for the purpose of creating the office space or otherwise accommodating the office use. For the purposes of this definition, enclosure of a porch of a house does not constitute external enlargement.

Office building, Class B: A principal building that—

1. Is devoted primarily to office use, clinic or group-medical-center use (including the practice of dentistry), or opticians' or optometrists' establishments;
2. Is not attached to any other building;
3. Is the only building on the lot on which it is situated;
4. Has a floor area ratio of no more than 0.5; and
5. Is no higher than 35 feet.

Article 2 — Elevator — Apartment Residence Zones, RESIDENTIAL-OFFICE (R-O) ZONES, Business and Manufacturing Zones, and Districts

Section 203 — RESIDENTIAL-OFFICE (R-O) ZONES

203.1 — Declaration of Findings. It is found:

- A. That residential use of certain sites may not be economically and socially feasible in some predominantly moderate-density residential areas that are within or near town centers, are near C.C.C. districts, or lie along commercial motorways;

B. That neither business zoning nor high-density residential zoning of those sites is appropriate; and

C. That, with appropriate restrictions, houses converted to offices and, in some cases, small Class B office buildings and similar buildings are suitable, economically feasible uses of such sites.

203.2 — Statement of Legislative Policy. This R-O zoning classification is established, pursuant to the findings stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other, similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones. It is intended that buildings and uses in R-O zones shall be highly compatible with the present or prospective uses of nearby residential property. It is not the R-O classification's purpose to accommodate a substantial part of the demand for office space, it being the intent of these Zoning Regulations that office-space demand should be met primarily in C.T. districts, C.C.C. districts, and, to a lesser extent, in other commercial areas.

203.3 — Use Regulations

A. Uses Permitted as of Right. The following uses, only, are permitted as of right in any R-O zone:

1. Uses permitted as of right and as limited in D.R. 5.5 zones
2. Class A office buildings and their accessory uses

B. Uses Permitted by Special Exception. The following uses, only, may be permitted by special exception in an R-O zone:

1. Uses permitted by special exception and as limited in D.R. 5.5 zones.
2. Class B office buildings
3. VETERINARIANS' OFFICES

C. Signs and Display. In addition to signs permitted under Subsection 413.1, 1 stationary outside identification sign if permitted, provided that the sign if not illuminated, does not project more than 6 inches from the building, and does not have a surface area exceeding 15 8 square feet. No other signs or displays of any kind visible from outside the building are permitted.

(Page 4 — Bill No. 13-80)

203.4 — Bulk Regulations. Uses permitted under Item 203.3.A.1, uses permitted under Item 203.3.B.1, and new structures accessory to Class A office buildings are governed by the bulk regulations of D.R. 5.5 zones. (Class A office buildings themselves, which by definition may not be enlarged, are not subject to bulk regulations, nor are unenlarged structures accessory to the original houses.) For uses permitted under Item 203.3.B.2, the area devoted to amenity open space must be at least 25 percent of the gross site area.

203.5 — Development Plan. The use or development of any property in an R-O zone may not be changed from that existing on the effective date of the classification's application to that property, except in accordance with a development plan approved as set forth below, unless the change in use is confined to a change in the number of dwelling units in accordance with the provisions of Section 402.

A. Content. The development plan shall show:

1. Locations, heights, coverage, floor areas, character, and exterior materials of all proposed structures, principal uses, and of all existing structures to be retained;
2. Any existing structure to be removed;
3. Any sign visible outdoors;
4. Hours of operation and maximum numbers of employees;
5. Parking and loading facilities;
6. Storm-drain systems, water lines, sewerage, and all streets or drives giving access to or lying within the site, including proposed entrances and exits and any proposed service-drive easement or other reservation;
7. Existing bodies of water, watercourses, 100-year flood-plains, major vegetation, and unusual natural formations, and proposed changes with respect to any of these;
8. Proposed screening and landscaping;
9. Existing topography and proposed major changes in grade;  
and
10. Proposed amenity open space.

mitted under Item  
.B.1, and new struc-  
governed by the bulk  
buildings themselves,  
e not subject to bulk  
essory to the original  
B.2, the area devoted  
rcent of the gross site

development of any  
from that existing on  
ition to that property,  
approved as set forth  
l to a change in the  
th the provisions of

l show:

reas, character, and  
principal uses, and of

mbers of employees;

erage, and all streets  
the site, including  
posed service-drive

ses, 100-year flood-  
ral formations, and

or changes in grade;

The development plan may show the location of a precise building envelope in lieu of the precise location of a building; may show precise maximums and minimums in lieu of fixed values; may set forth lists (reasonably limited) of precisely described possible uses of a given space, in lieu of specifying a single use; and may otherwise reasonably allow for flexibility or alternatives, provided that appropriate precise limits are set forth.

#### B. Procedure and Requirements

1. Before submitting a permit application for use or development of a property in an R-O zone, the applicant shall submit a preliminary development plan to the Office of Planning and Zoning for review by the Director as to suitability for official submission. The Director may establish reasonable requirements for the form or number of prints to be submitted.

2. The Planning Board shall approve or disapprove the plan within 90 days after the plan is presented to it. If the Planning Board disapproves the plan, it shall submit the reasons for disapproval, in writing within 10 days, to the applicant.

3. Any amendment to an approved development plan shall be submitted for approval in accordance with the requirements for approval of the original plan set forth in this paragraph.

C. Considerations in Planning Board Review. In reviewing the development plan for a property in an R-O zone, the Planning Board shall consider whether it would achieve compatibility of the proposed development with surrounding uses; tree preservation; protection of watercourses and bodies of water from erosion and siltation; safety, convenience, and amenity for the neighborhood; and other purposes of these Regulations. If the Board finds that the plan is inconsistent with these purposes, it shall disapprove the plan.

~~SECTION 2. Be it further enacted, that the line "Offices or office buildings" in the table in Section 1B02.1 be and the same is hereby repealed.~~

~~SECTION 3 2. Be it further enacted, that Section 1B01.1.A.14.e of the Baltimore County Zoning Regulations, be and it is hereby repealed and re-enacted, with amendments, to read as follows:~~

~~1B01.1.A.14.e. — Offices or studios of [physicians, dentists,] lawyers, architects, engineers, artists, musicians, or other profes-~~

(Page 6 — Bill No. 13-80)

sional persons, *not including physicians and dentists*, provided that any such office or studio [.] is established within the same building as that serving as the professional person's bona fide residence; does not occupy more than 25 per cent of the total floor area of such residence; and does not involve the employment of more than one non-resident [professional associate nor two other nonresident employees] employee.

SECTION 4.3. *And be it further enacted*, that this Act take effect forty-five days after its enactment.

READ AND PASSED this 4th day of February, 1980.

By Order

Thomas Toporovich, Secretary

PRESENTED to the County Executive, for his approval this 5th day of February, 1980.

Thomas Toporovich, Secretary

APPROVED AND ENACTED: 2/7/80

Donald P. Hutchinson,  
County Executive

I HEREBY CERTIFY THAT BILL NO. 13-80 IS TRUE AND  
CORRECT AND TOOK EFFECT ON MARCH 23, 1980.

Norman W. Lauenstein,  
Chairman, County Council

EXPLANATION: *Italics indicate new matter added to existing law.*  
[Brackets] indicate matter stricken from existing law.  
CAPITALS indicate amendments to bill.  
~~Strike-out~~ indicates matter stricken out of bill.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
LEGISLATIVE SESSION 1988, LEGISLATIVE DAY NO. 6  
BILL NO. 37-88

MS. BARBARA F. BACHUR, COUNCILMAN

BY THE COUNTY COUNCIL, MARCH 21, 1988

A BILL ENTITLED

AN ACT concerning

Zoning Regulations - Hospitals and Nursing Homes

FOR the purpose of revising the definitions of certain types of health care facilities; permitting nursing homes in all types of Planned Unit Developments; exempting the reconstruction of certain nursing homes from RTA requirements; providing a definition of a medical office and of a medical clinic; authorizing the location of a medical clinic in business and manufacturing zones; prohibiting their location in residential or residential office zones; and generally relating to the regulation of health care facilities in Baltimore County.

BY repealing

Section 101 - Definitions, the definition of "Hospital" and "Convalescent Home" and Section 407

Baltimore County Zoning Regulations, as amended

BY adding

Section 101 - Definitions, the definition of "Hospital", "Nursing Home", "Medical Clinic", "Medical Office", and "Medical Practitioner"

BY repealing and re-enacting, with amendments,

Section 101 - Definitions, the definition of "office" and "Office Building, Class B", and  
Sections 1A01.2.C.12., 1A02.2.B.16., 1A02.2.B.17., 1A04.2.A.5., 1A04.2.B.10., 1B01.1.A.9., 1B01.8.1.C.12., 2C0.2.A.3., 2C0.2.B.2., 2C1.2.A.3., 2C1.2.B.2., 2C3.3.A.2, 2C3.3.B.2., 2C4.3.A.2., 2C5.3.A.1., 2C7.3.A.4, 2D0.9, 2D6.4, 241.1, 253.1, 4D0.2.D.4., 4D0.3.D.4., and 4D0.4.D.4.

Baltimore County Zoning Regulations, as amended

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.

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon, now therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 101-Definitions, the definitions of "Hospital" and "Convalescent Home" and Section 407 of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed.

SECTION 2. AND BE IT FURTHER ENACTED, that Section 101 - Definitions, the definitions of "Hospital", "Nursing Home", "Medical Clinic", "Medical Office", and "Medical Practitioner", be and they are hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

Section 101 - Definitions

HOSPITAL: AN INSTITUTION WHICH IS LICENSED AS A HOSPITAL BY THE STATE AND WHICH RECEIVES INPATIENTS AND PROVIDES MEDICAL, SURGICAL, PSYCHIATRIC OR OBSTETRICAL CARE. THIS TERM INCLUDES ANY HEALTH-RELATED FACILITIES WHICH ARE ESTABLISHED IN CONNECTION WITH A HOSPITAL AND ARE LOCATED ON THE SAME SITE AS THE HOSPITAL. SUCH HEALTH-RELATED FACILITIES SHALL INCLUDE, BUT NOT BE LIMITED TO, DIAGNOSTIC FACILITIES, REHABILITATION CENTERS, LABORATORIES, TRAINING FACILITIES, OUTPATIENT CARE FACILITIES, FACILITIES FOR CHRONIC OR CONVALESCENT CARE AND ELDERLY HOUSING FACILITIES.

NURSING HOME: (FORMERLY CONVALESCENT HOME): A FACILITY WHICH PROVIDES BOARD, SHELTER, AND NURSING CARE TO CHRONIC OR CONVALESCENT PATIENTS. THIS TERM ALSO INCLUDES FACILITIES WHICH PROVIDE DOMICILIARY CARE WITHIN A NURSING HOME.

MEDICAL CLINIC: A PLACE FOR THE TREATMENT OF OUTPATIENTS BY ONE OR MORE MEDICAL PRACTITIONERS, INCLUDING, BUT NOT LIMITED TO, SURGICAL CENTERS, AMBUCLATORY CARE CENTERS, DIAGNOSTIC CENTERS, BIRTHING CENTERS AND DIALYSIS SATELLITE UNITS.

1. MEDICAL OFFICE: A PLACE FOR THE TREATMENT OF OUTPATIENTS BY  
2. ONE OR MORE MEDICAL PRACTITIONERS. THIS TERM DOES NOT INCLUDE A  
3. VETERINARIAN'S OFFICE, MEDICAL CLINIC, SURGICAL CENTER, AMBULATORY CARE  
4. CENTER, DIAGNOSTIC CENTER, BIRTHING CENTER, OR DIALYSIS SATELLITE UNIT.

5. MEDICAL PRACTITIONER: A PHYSICIAN, DENTIST, OPTOMETRIST,  
6. CHIROPRACTOR, PODIATRIST, PSYCHOLOGIST, PHYSICAL THERAPIST, NURSE, OR  
7. OTHER SIMILAR HEALTH PROFESSIONAL LICENSED BY THE STATE.

8. SECTION 3. AND BE IT FURTHER ENACTED, that Section 101 -  
9. Definitions, the definition of "office" and "Office Building, Class B",  
10. and Sections 1A01.2.C.12., 1A02.2.B.16., 1A02.2.B.17., 1A04.2.A.5.,  
11. 1A04.2.B.10., 1B01.B.1.C.12., 200.2.A.3., 200.2.B.2., 201.2.A.3.,  
12. 201.2.B.2., 203.3.A.2., 203.3.B.2., 204.3.A.2., 205.3.A.1., 207.3.A.4.,  
13. 210.9, 236.4., 241.1, 253.1, 430.2.D.4., 430.3.D.4., and 430.4.D.4. of  
14. the Baltimore County Zoning Regulations, as amended, be and they are  
15. hereby repealed and re-enacted, with amendments, to read as follows:

16. OFFICE: The term "office" does not include a bank, a post  
17. office, a veterinarian's office, nor an establishment where merchandise  
18. is stored on or sold from the premises. THE TERM DOES INCLUDE A  
19. MEDICAL OFFICE.

20. Office building, Class B: A principal building that-

21. 1. Is devoted primarily to office use (, clinic or  
22. group-medical-center use (including the practice of dentistry),) or  
23. opticians' (or optometrists') establishments;

24. 2. Is not attached to any other building;

25. 3. Is the only building on the lot on which it is situated;  
26. other than accessory storage for maintenance buildings, or, if a  
27. conversion from a Class A office building, those existing buildings  
28. which were accessory to the Class A office building;

1. 4. Together with any accessory buildings, has a floor area  
2. ratio of no more than 0.5; and

3. 5. Is no higher than 35 feet. (Bill No. 13, 1980.)

4. Section 1A01 - R.C. 2 Zones

5. 1A01.2 - Use Regulations

6. C. Uses permitted by Special Exception.

7. 12. Offices for agriculture - related uses (;  
8. physicians' or dentists' offices as principal uses)

9. Section 1A02 - R.C. 3 Zones

10. 1A02.2 - Use Regulations

11. R. Uses permitted by Special Exception.

12. 16. (Nursing homes,) Convalescent homes (or  
13. sanitariums)

14. (17. Physicians' or dentists' offices)

15. Section 1A04 - R.C. 5 Zone

16. 1A04.2 - Use Regulations

17. A. Uses permitted as of right.

18. (5. Hospitals)

19. B. Uses permitted by Special Exception.

20. (10. Office of doctor or dentist)

1. Section 1800 - D.R. Zones
2. 1801.1.A. Uses Permitted as of Right
3. 9. Hospitals [(see Section 407)]
4. 1801.1.B.1.C. Exceptions to residential transition.
5. 12. NOTWITHSTANDING THE PROVISIONS OF SECTION 104, THE
6. RECONSTRUCTION OF AN EXISTING BUILDING WHICH IS DESTROYED BY FIRE
7. OR OTHER CASUALTY. HOWEVER, SUCH RECONSTRUCTION MAY NOT INCREASE THE
8. SIZE OR GROUND FLOOR AREA OF THE STRUCTURE OR ALTER THE LOCATION OR USE
9. OF THE STRUCTURE.
10. Section 200 - R.A.E.I Zones
11. 200.2
12. A. Uses Permitted
13. 3. The following retail or service uses, in any
14. apartment building of 50 or more dwelling units, subject to the
15. limitations of Paragraph B:
16. 14. Chiropractors' offices
17. 5. Clinics or group medical centers (including the
18. practice of dentistry))
19. 13. Opticians' (or optometrists') offices
20. B. Supplementary Use Regulations.

1. 2. No individual use permitted under Subparagraph A.3
2. shall occupy more than 600 square feet of gross floor area; except,
3. however, that this limitation shall not apply to the following:
4. (clinics or group medical centers;)
5. Food stores, which shall not, however, occupy more than
6. 5,000 square feet of floor area in any building;
7. Restaurants.
8. Section 201 - R.A.E.2 Zones
9. 201.2
10. A. Uses Permitted
11. 3. The following retail or service uses, in any
12. apartment building of 50 or more dwelling units, subject to the
13. limitations of Paragraph B:
14. 17. Chiropractors' offices
15. 8. Clinics or group medical centers (including the
16. practice of dentistry))
17. 13. Opticians' (or optometrists') offices
18. B. Supplementary Use Regulations.
19. 2. No individual use permitted under Subparagraph A.3
20. shall occupy more than 1000 square feet of gross floor area; except,
21. however, that this limitation shall not apply to the following:
22. Banks, building and loan associations, and similar
23. chartered financial institutions;

1. (Clinics and group medical centers)) Food stores, which
2. shall not, however, occupy more than 5000 square feet of floor area;

3. Restaurants.

4. Section 203 - R0 Zones

5. 203.3 Use Regulations

6. A. Uses Permitted As of Right.

7. 2. Class A office buildings CONTAINING OFFICES OR
8. MEDICAL OFFICES and their accessory uses including parking.

9. B. Uses Permitted by Special Exception

10. 2. Class B office buildings CONTAINING OFFICES OR
11. MEDICAL OFFICES, EXCEPT THAT NO MORE THAN 25% OF THE TOTAL ADJUSTED
12. GROSS FLOOR AREA OF THE OFFICE BUILDING MAY BE OCCUPIED BY MEDICAL
13. OFFICES.

14. Section 204 - O-1 Zones

15. 204.3 Use Regulations

16. A. Uses permitted as of right

17. 2. Class A, Class B, or Class C office buildings
18. CONTAINING OFFICES, MEDICAL OFFICES, OR MEDICAL CLINICS.

19. Section 205 - O-2 Zones

20. 205.3 Use Regulations

21. A. Uses permitted as of right

1. 1. Class A, Class B or Class C, office buildings
2. CONTAINING OFFICES, MEDICAL OFFICES, OR MEDICAL CLINICS

3. Section 207 - O.T. Zone

4. 207.3 Permitted Uses

5. A. Principal Uses

6. 4. Hospital (, clinics, or group medical centers
7. [including the practice of dentistry])

8. B.L. Zone - Business, Local

9. Section 230

10. The following uses only are permitted (See section 230.12):

11. 230.9

12. MEDICAL CLINIC

13. B.R. Zone - Business, Roadside

14. Section 236 - Use Regulations

15. 236.4 - Special Exceptions

16. (Hospital, Class B (see Section 407));)

17. M.R. Zone - Manufacturing Restricted

18. 241.1 - The following uses are permitted, provided their
19. operations are entirely within enclosed buildings except where approval
20. of the development plan indicates otherwise;

1. Office and office buildings AND MEDICAL CLINIC;
2. M.L. Zone - Manufacturing, Light
3. 253.1 - Uses permitted as of right. The uses listed in this
4. subsection, only, shall be permitted as of right in M.L. zones, subject
5. to any conditions hereinafter prescribed.
6. 33. Offices or Office Buildings OR MEDICAL CLINICS
7. Section 430 - Unit Developments
8. 430.2 - Neighborhood Development
9. D. Uses permitted.
10. 4. Institutions; churches; private schools; NURSING
11. HOMES.
12. 430.3 - Community Developments
13. D. Uses permitted.
14. 4. The following institutional uses:
15. 4. NURSING HOMES.
16. 430.4 - Town Developments
17. D. Use Regulations
18. 4. The following institutional uses:
19. 4. NURSING HOMES.
20. Section 4. And be it further enacted, that this Act shall take
21. effect forty-five days after its enactment.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 1988, Legislative Day No. 18

BILL NO. 151-88

MS. BARBARA F. BACHUR, COUNCILWOMAN

BY THE COUNTY COUNCIL, OCTOBER 3, 1988



A BILL ENTITLED

AN ACT concerning

Residential - Office Zone

FOR the purpose of amending the Baltimore County Zoning Regulations and the Baltimore County Development Regulations in order to generally revise the R-O Zoning classification relating to the conditions and requirements imposed upon the conversion of certain types of buildings, and generally relating to the permitted uses, conditions, restrictions, limitations, and requirements imposed upon uses in R-O Zones in Baltimore County.

BY repealing and re-enacting, with amendments,

Section 101 - the definitions of "Building Height" and "Office Building, Class B"

Baltimore County Zoning Regulations, as amended.

BY adding

Section 101 - alphabetically, the definition of "Principal Arterial"

Baltimore County Zoning Regulations, as amended.

BY repealing and re-enacting, with amendments,

Sections 203.2, 203.3, 203.4, 203.6, 204.4.B., 205.4.C., and 409.7B

Baltimore County Zoning Regulations, as amended.

BY adding

Section 502.8

Baltimore County Zoning Regulations, as amended.

BY repealing and re-enacting, with amendments,

Section 22-104(a)

Title 22 - Planning, Zoning and Subdivision Control

Baltimore County Code, 1978, 1986 Supplement

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.

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon, now, therefore,

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the definitions of "Building Height" and "Office Building, Class B" in Section 101 of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed and re-enacted, with amendments, to read as follows:

Section 101 - Definitions

Building Height: [The vertical distance measured from the average grade to the average elevation of the roof of the highest story.] THE HEIGHT OF THE HIGHEST POINT ON A BUILDING OR OTHER STRUCTURE AS MEASURED BY THE VERTICAL DISTANCE FROM THE HIGHEST POINT ON THE STRUCTURE TO THE HORIZONTAL PROJECTION OF THE CLOSEST POINT AT EXTERIOR GRADE. IN INSTANCES WHERE IT IS OBVIOUS THAT THE EXTERIOR GRADE HAS BEEN ARTIFICIALLY BUILT UP ABOVE NATURAL OR SURROUNDING FINISHED GRADE, THE VERTICAL DISTANCE WILL BE MEASURED BY PROJECTING THE NATURAL OR SURROUNDING FINISHED EXTERIOR GRADE TO THE CLOSEST POINT (FOUNDATION WALL).

Office Building, Class B: A principal building that

[1.] Is devoted primarily to office use or opticians' establishments[;].

[2. Is not attached to any other building;

3. Is the only building on the lot on which it is situated;

4. Has a floor area ratio of no more than 0.5; and

5. Is no higher than 35 feet.]

SECTION 2. And be it further enacted, that the definition of "Principal Arterial" be and it is hereby added to Section 101 of the Baltimore County Zoning Regulations, as amended, to read as follows:

Section 101 - Definitions

1. PRINCIPAL ARTERIAL: A MOTORWAY, OR PORTION THEREOF WHICH:  
2. 1) IS OR IS INTENDED FOR TRAVEL TO OR FROM MAJOR ACTIVITY CENTERS;  
3. AND 2) WHICH IS DESIGNATED AS SUCH ON THE MOST RECENTLY APPROVED  
4. FEDERAL HIGHWAY FUNCTIONAL CLASSIFICATION MAP FOR THE BALTIMORE  
5. URBANIZED AREA.

6. SECTION 3. And be it further enacted, that Sections 203.2,  
7. 203.3, 203.4, 203.6, 204.4.B., 205.4.C., and 409.7B of the Baltimore  
8. County Zoning Regulations, as amended, be and they are hereby  
9. repealed and re-enacted, with amendments, to read as follows:

10. 203.2 - Statement of Legislative Policy. The R-O zoning  
11. classification is established, pursuant to the findings stated above,  
12. to accommodate houses converted to office buildings and some small  
13. class B office buildings in predominantly residential areas on sites  
14. that, because of adjacent commercial activity, heavy commercial  
15. traffic, or other, similar factors, can no longer reasonably be  
16. restricted solely to uses allowable in moderate-density residential  
17. zones. It is intended that buildings and uses in R-O zones shall [be  
18. highly compatible with the ] NOT INTRUDE UPON OR DISTURB present or  
19. prospective uses of nearby residential property. It is not the R-O  
20. classification's purpose to accommodate a substantial part of the  
21. demand for office space, it being the intent of these Zoning  
22. Regulations that office-space demand should be met primarily in C.T.  
23. districts, C.C.C. districts, and, to a lesser extent, in other  
24. commercial areas.

25. 203.3 - Use Regulations.

26. A. Uses Permitted as of Right. The following uses,  
27. only, are permitted as of right in any R-O zone:

28. 1. Uses permitted as of right and as limited in  
29. D.R. 5.5 zones or

1. 2. Class A office buildings containing offices  
2. or medical offices and their accessory uses including parking, except  
3. that no more than 25% of the total adjusted gross floor area of the  
4. office building may be occupied by medical offices.

5. B. Uses Permitted by Special Exception. The  
6. following uses, only, may be permitted by special exception in an R-O  
7. zone, IF SUCH USE HAS AN APPROVED CRG PLAN PRIOR TO THE GRANTING OF A  
8. SPECIAL EXCEPTION:

9. 1. Uses permitted by special exception and as  
10. limited in D.R. 5.5 zones or

11. 2. (A) Class B office buildings containing  
12. offices or medical offices, except that no more than 25% of the total  
13. adjusted gross floor area of the office building may be occupied by  
14. medical offices. A Class B office building in existence prior to the  
15. effective date of this legislation with medical offices in excess of  
16. 25% of the adjusted gross floor area is a conforming use if it is in  
17. compliance with the terms of its special exception. Such an office  
18. building may be expanded if the expansion meets the current parking  
19. requirements for medical offices.

20. (B) UP TO 100% OF THE TOTAL ADJUSTED GROSS  
21. FLOOR AREA OF A CLASS B OFFICE BUILDING MAY BE OCCUPIED BY MEDICAL  
22. OFFICES IF:

23. (1) THE FLOOR AREA RATIO OF THE  
24. PROPOSED CLASS B OFFICE BUILDING IS NOT GREATER THAN 0.20;

25. (2) A DOCUMENTED SITE PLAN AND A  
26. SPECIAL EXCEPTION FOR A CLASS B OFFICE BUILDING HAVE BEEN APPROVED BY  
27. THE ZONING COMMISSIONER OR THE BOARD OF APPEALS, EITHER ON APPEAL OR  
28. AS A RESULT OF ITS ORIGINAL JURISDICTION, PRIOR TO THE EFFECTIVE DATE  
29. OF BILL 151-88;

30. (3) CONSTRUCTION OF THE CLASS B  
31. BUILDING IS STARTED PRIOR TO THE EXPIRATION DATE OF THE SPECIAL  
32. EXCEPTION AS REQUIRED BY SECTION 502.3; AND

33. (4) PARKING REQUIREMENTS SHALL BE  
34. CALCULATED BY REQUIRING THE MAXIMUM NUMBER OF PARKING SPACES AS

1. DETERMINED BY SECTION 409 OF THESE REGULATIONS, THE REQUIREMENTS OF  
2. THE DOCUMENTED SITE PLAN, OR THE REQUIREMENTS OF THE ORDER GRANTING  
3. THE SPECIAL EXCEPTION, WHICHEVER SHALL YIELD THE GREATEST NUMBER OF  
4. SPACES.

5. C. [Signs and Display.] SIGNS AND OFF-STREET  
6. PARKING REQUIREMENTS.

7. 1. In addition to signs permitted under  
8. Subsection 413.1, 1 stationary outside identification sign is  
9. permitted, provided that the sign is not illuminated, does not  
10. project more than 6 inches from the building, and does not have a  
11. surface area exceeding 8 square feet. No other signs or displays of  
12. any kind visible from outside the building are permitted, EXCEPT THAT  
13. ALONG A PRINCIPAL ARTERIAL AN ADDITIONAL FREE-STANDING SIGN WITH A  
14. SURFACE AREA OF NO MORE THAN 15 SQUARE FEET PER SIDE IS ALSO ALLOWED  
15. IF THERE IS ADJACENT NON-RESIDENTIALLY USED OR NON-RESIDENTIALLY  
16. ZONED FRONTAGE.

17. 2. OFF-STREET PARKING SPACES SHALL BE PROVIDED IN  
18. ACCORDANCE WITH SECTION 409. TO THE EXTENT POSSIBLE PARKING SHALL BE  
19. LOCATED IN THE SIDE OR REAR YARDS OF THE LOT. ALL REQUIRED PARKING  
20. SPACES SHALL BE PROVIDED ON THE SAME LOT AS THE STRUCTURE OR USE TO  
21. WHICH THEY ARE ACCESSORY.

22. [203.4 - Bulk Regulations. Uses permitted under Item  
23. 203.3.A.1, uses permitted under Item 203.3.B.1, and new structures  
24. accessory to Class A office buildings are governed by the bulk  
25. regulations of D.R. 5.5 zones. (Class A office buildings themselves,  
26. which by definition may not be enlarged, are not subject to bulk  
27. regulations, nor are unenlarged structures accessory to the original  
28. houses.) For uses permitted under Item 203.3.B.2, the area devoted  
29. to amenity open space must be at least 25 per cent of the gross site  
30. area.]

1. 203.4 - BULK REGULATIONS OF R-O ZONES. USES PERMITTED AS OF  
2. RIGHT OR BY SPECIAL EXCEPTION ARE GOVERNED BY THE FOLLOWING BULK  
3. REGULATIONS:

4. A. USES PERMITTED UNDER 203.3.A.1., USES PERMITTED UNDER  
5. 203.3.B.1. AND NEW STRUCTURES ACCESSORY TO CLASS A OFFICE BUILDINGS  
6. ARE GOVERNED BY THE BULK REGULATIONS OF D.R. 5.5 ZONES.

7. B. CLASS A OFFICE BUILDINGS THEMSELVES, WHICH BY  
8. DEFINITION MAY NOT BE ENLARGED, ARE NOT SUBJECT TO BULK REGULATIONS,  
9. NOR ARE UNENLARGED STRUCTURES ACCESSORY TO THE ORIGINAL BUILDING.

10. C. CLASS B OFFICE BUILDINGS.

11. 1. MAXIMUM FLOOR AREA RATIO: 0.33;
12. 2. MAXIMUM HEIGHT OF STRUCTURE: 35 FEET
13. 3. MINIMUM FRONT YARD SETBACK: 25 FEET OR THE  
14. AVERAGE OF THE SETBACKS OF THE ADJACENT STRUCTURES, WHICHEVER IS LESS;
15. 4. MINIMUM SIDE YARD SETBACKS: 10 FEET, EXCEPT IF  
16. THE ADJACENT PROPERTY IS PREDOMINANTLY RESIDENTIALLY ZONED OR  
17. RESIDENTIALLY USED, OR IS ADJACENT TO A RESIDENTIAL STREET, IN WHICH  
18. CASE THE SETBACK SHALL BE 20 FEET;
19. 5. MINIMUM REAR YARD SETBACK: 30 FEET;
20. 6. AMENITY OPEN SPACE: SEVEN (7) PERCENT OF THE  
21. INTERIOR OF THE PARKING LOT NOT INCLUDING SETBACK AND BUFFER AREA  
22. REQUIREMENTS SHALL BE PERVIOUS LAND AREA IN ASSOCIATION WITH  
23. PLANTINGS;
24. 7. MAXIMUM LOT SIZE: ONE (1) ACRE EXCEPT THAT IF  
25. LOCATED ON A PRINCIPAL ARTERIAL, AND IF THERE IS ADJACENT  
26. NON-RESIDENTIALLY USED OR NON-RESIDENTIALLY ZONED FRONTAGE, THE  
27. MAXIMUM LOT SIZE MAY BE TWO ACRES.
28. 8. LANDSCAPE REQUIREMENTS. IN ADDITION TO THE  
29. REQUIREMENTS SET FORTH IN THE BALTIMORE COUNTY LANDSCAPE MANUAL:

1. a. ALL PARKING AND DUMPSTER AREAS WHICH ABUT A  
2. RESIDENTIAL ZONE SHALL BE SCREENED BY AN OPAQUE FENCE, WALL OR BERM  
3. IN ASSOCIATION WITH PLANTINGS;

4. b. THE MINIMUM SCREENING HEIGHT SHALL BE FIVE  
5. (5) FEET;

6. c. THE FOLLOWING BUFFERS, WHICH SHALL NOT BE  
7. ENCROACHED UPON BY ABOVE GROUND STORMWATER MANAGEMENT, PARKING OR  
8. DUMPSTER AREAS, BUT WHICH MAY BE BROKEN BY THE ENTRANCEWAY, SHALL BE  
9. PROVIDED:

10. 1. PROPERTY LINES WHICH ABUT ANY PROPERTY  
11. WHICH IS PREDOMINANTLY RESIDENTIALLY ZONED OR RESIDENTIALLY USED OR  
12. WHICH ABUT ANY RESIDENTIAL STREET, MUST HAVE A 20 FOOT LANDSCAPE  
13. BUFFER;

14. 2. PROPERTY LINES WHICH ABUT ANY  
15. NON-RESIDENTIALLY ZONED PROPERTY MUST HAVE A 10 FOOT LANDSCAPE  
16. BUFFER.

17. 203.6 - Conversion of Dwellings to Office Buildings. Any one-  
18. or two-family [detached] dwelling OR APARTMENT BUILDING which is  
19. under application for EITHER A CHANGE IN ZONING CLASSIFICATION TO  
20. R.O. OR FOR A conversion from a residential use to an office use  
21. shall require a special exception if the dwelling has been enlarged  
22. in floor area by ten per cent or more within a period of [one year]  
23. FIVE YEARS prior to the date of application for CHANGE OR  
24. conversion.

25. 204.4 - Bulk Regulations of O-1 Zones

26. B. Class B Office Buildings. The following bulk  
27. regulations apply to any Class B office building and its lot.

28. 1. Minimum setback from any lot line other than a  
29. street line: 20 feet or equal to the height of the buildings  
30. whichever is greater;

31. 2. Minimum setback from any street line: 35 feet;

1. 3. Minimum area devoted to amenity open space: 20  
2. per cent of net lot area.

3. 4. New structures accessory to Class B office  
4. buildings are governed by the bulk regulations of D.R. 5.5 zones for  
5. accessory buildings.

6. 5. MAXIMUM FLOOR AREA RATIO: 0.50

7. 6. MAXIMUM HEIGHT OF STRUCTURES: 35 FEET

8. 205.4 - Bulk Regulations of O-2 Zones

9. C. Class B office buildings. The following bulk  
10. regulations apply to any Class B office building and its lot.

11. 1. Minimum setback from any lot line other than a  
12. street line: 20 feet or equal to the height of the building  
13. whichever is greater;

14. 2. Minimum setback from any street line: 35 feet;

15. 3. Minimum area devoted to amenity open space: 25  
16. per net lot area.

17. 4. New structures accessory to Class B office  
18. buildings are governed by the bulk regulations of D.R. 10.5 zones for  
19. accessory buildings.

20. 5. MAXIMUM FLOOR AREA RATIO: 0.50

21. 6. MAXIMUM HEIGHT OF STRUCTURES: 35 FEET

22. 409.7 Location of Parking.

23. B. Except in C.T. Districts AND R-O ZONES, off-site  
24. parking spaces for uses other than residential and lodging shall be  
25. located within 500 feet walking distance of a building entrance to  
26. the use that such spaces serve. In C.T. districts, such spaces shall  
27. be permitted within 1000 feet walking distance of the building  
28. entrance. In the C.T. district of Towson, such spaces shall be  
29. permitted within 1500 feet walking distance of the building entrance,  
30. provided they are located within the town center boundary. IN R-O

1. ZONES, SUCH SPACES SHALL BE PROVIDED ON THE SAME LOT AS THE STRUCTURE  
2. OR USE TO WHICH THEY ARE ACCESSORY.

3. SECTION 4. And be it further enacted, that Section 502.8 be  
4. and it is hereby added to the Baltimore County Zoning Regulations, as  
5. amended, to read as follows:

6. Section 502 - Special Exceptions

7. 502.8 BILL NO. 151-88 DOES NOT AFFECT THE VALIDITY OF ANY  
8. ORDER GRANTING A SPECIAL EXCEPTION FOR A CLASS B OFFICE BUILDING  
9. PURSUANT TO SUBSECTION 203.3.B. PRIOR TO THE EFFECTIVE DATE OF THE  
10. BILL. ANY SUCH SPECIAL EXCEPTION MAY BE USED IN ACCORDANCE WITH THE  
11. APPLICABLE PROVISIONS OF THESE REGULATIONS IN EFFECT AT THE TIME OF  
12. THE GRANT OF SUCH SPECIAL EXCEPTION AND IN ACCORDANCE WITH THE TERMS  
13. THEREOF, PROVIDED CONSTRUCTION IS STARTED PRIOR TO THE EXPIRATION  
14. DATE OF THE SPECIAL EXCEPTION AS REQUIRED BY SECTION 502.3.

15. SECTION 5. And be it further enacted, that Section 22-104(a)  
16. of Title 22 - Planning, Zoning and Subdivision Control, of the  
17. Baltimore County Code, 1978, 1986 Supplement, be and it is hereby  
18. repealed and re-enacted, with amendments, to read as follows:

19. Section 22-104 - Development in R-O, O-1, O-2, or OT  
20. zone.

21. (a) (1) Development of property in an R-O zone shall be  
22. [designed to achieve compatibility of the proposed development with]  
23. APPROPRIATE TO THE SPECIFIC CIRCUMSTANCES OF THE SITE TAKING INTO  
24. ACCOUNT surrounding uses; tree preservation; protection of  
25. watercourses and bodies of water from erosion and siltation; and  
26. safety, convenience, and amenity for the neighborhoods.

27. (2) IN DETERMINING THE APPROPRIATENESS OF CLASS B  
28. OFFICE BUILDINGS, DESIGN ELEMENTS OF PROPOSED BUILDINGS SHALL BE  
29. EVALUATED IN RELATION TO EXISTING ADJACENT OR SURROUNDING BUILDINGS.

1. UNLESS DETERMINED OTHERWISE BY THE DIRECTOR OF THE OFFICE OF PLANNING  
2. AND ZONING TO BE CONSIDERED APPROPRIATE, NEW BUILDINGS SHALL BE  
3. SIMILAR TO EXISTING ONES IN THE FOLLOWING RESPECTS:

- 4. (i) HEIGHT
- 5. (ii) BULK AND GENERAL MASSING
- 6. (iii) MAJOR DIVISIONS OR RHYTHMS OF THE FACADE
- 7. (iv) PROPORTION OF OPENINGS
- 8. (WINDOW-WALL-RELATION)
- 9. (v) ROOF TREATMENT
- 10. (vi) MATERIALS, COLORS, TEXTURES
- 11. (vii) GENERAL ARCHITECTURAL CHARACTER
- 12. a) HORIZONTAL OR VERTICAL EMPHASIS
- 13. b) SCALE
- 14. c) STYLISTIC FEATURES AND THEMES
- 15. -PORCHES, COLONNADES, PEDIMENTS, CUPOLAS, CORNICES, COINS, DETAIL AND
- 16. ORNAMENT
- 17. (viii) RELATION TO STREET
- 18. (ix) EXTERIOR LIGHTING. BUILDINGS SHALL NOT
- 19. BE LIGHTED ON THE EXTERIOR AND ANY LIGHTING PROVIDED FOR SAFETY
- 20. REASONS SHOULD BE MINIMIZED AND DIRECTED AWAY FROM ADJOINING
- 21. RESIDENTIAL PROPERTY.

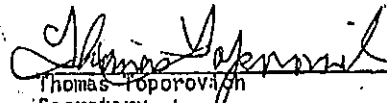
22. SECTION 6. And be it further enacted, that this Act shall  
23. take effect forty-five days after its enactment.

READ AND PASSED this 3<sup>rd</sup> day of October, 1988

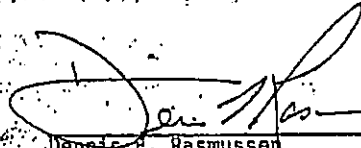
BY ORDER

  
Thomas Toporovich  
Secretary

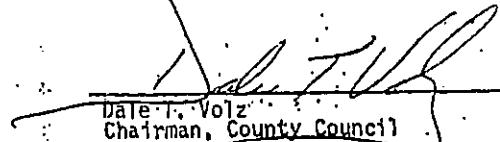
PRESENTED to the County Executive for his approval this 4<sup>th</sup> day  
of October, 1988

  
Thomas Toporovich  
Secretary

APPROVED AND ENACTED:

10/13/88  
  
Dennis P. Rasmussen  
County Executive

I HEREBY CERTIFY THAT BILL NO. 151-88 IS TRUE AND CORRECT AND TOOK  
EFFECT ON November 22, 1988

  
Dale T. Volz  
Chairman, County Council

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
LEGISLATIVE SESSION 1994, LEGISLATIVE DAY NO. 20  
BILL NO. 186-94

MRS. BERGIE L. MANLEY, COUNCILWOMAN

BY THE COUNTY COUNCIL, NOVEMBER 7, 1994

A BILL  
ENTITLED

AN ACT concerning

Office Zones

FOR the purpose of creating the O-3 (Office Park) zone in the Baltimore County Zoning Regulations which will permit only office and no residential development; renaming and combining the O-1 (Office Building) and O-2 (Office Park) Zones to OR-1 and OR-2 (Office Building-Residential) Zones; defining terms; establishing general provisions for all office classifications; modifying use regulations and performance standards in OR-1 and OR-2 zones; amending bulk regulations in R-O zones; conforming certain provisions of the zoning and development regulations; and generally relating to Office Zones.

BY repealing and reenacting with amendments

Section 101-Definitions, the definitions of "Office" and "Office Building,  
Class B"

Baltimore County Zoning Regulations, as amended

By repealing

Section 101-Definitions, the definition of "Office Building, Class C"  
Baltimore County Zoning Regulations, as amended

BY renumbering

Sections 203, 204, 205, 206, 207 and 208 respectively to be Sections 204,  
205, 206, 208, 209 and 210 respectively

Baltimore County Zoning Regulations, as amended

BY adding

Section 203

Baltimore County Zoning Regulations, as amended

BY repealing

Sections 205, 205.1 and 205.2 (as renumbered)

Baltimore County Zoning Regulations, as amended

BY adding

Sections 205, 205.1 and 205.2

Baltimore County Zoning Regulations, as amended

BY repealing and reenacting with amendments

Sections 204.4.C, 205.3, 205.4, 206, 206.1, 206.2, 206.3 and  
206.4 (as renumbered)

Baltimore County Zoning Regulations, as amended by Bill 108-94

BY adding

Sections 207, 207.1, 207.2, 207.3 and 207.4

Baltimore County Zoning Regulations, as amended

By repealing and reenacting with amendments

Section 208 (as renumbered)

Baltimore County Zoning Regulations, as amended

By repealing and reenacting with amendments

Section 26-282 (a)(2)

Title 26 - Planning, Zoning and Subdivision Control

Baltimore County Code, 1988

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.

WHEREAS, the Baltimore County Council has received a final report, dated July 22, 1994, from the Planning Board concerning the subject legislation and has held a public hearing thereon on October 17, 1994, now, therefore

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,  
2. MARYLAND, that Section 101 - Definitions, the definitions of "Office" and "Office  
3. Building, Class B" of the Baltimore County Zoning Regulations, as amended, be and  
4. they are hereby repealed and reenacted, with amendments, to read as follows:

5. Section 101 - Definitions

6. Office: A BUILDING OR PORTION OF A BUILDING USED FOR CONDUCTING THE AFFAIRS  
7. OF A BUSINESS, PROFESSION, SERVICE, INDUSTRY, OR GOVERNMENT, INCLUDING A MEDICAL  
8. OFFICE. The term does not include a bank, a post office, a veterinarian's office  
9. nor an establishment where merchandise is stored on or sold from the premises. [The  
10. term does not include a medical office.]

11. Office Building, Class B: A principal building [that is devoted primarily to  
12. office use or opticians' establishments.] USED FOR OFFICES AND WHICH IS NOT A CLASS  
13. A OFFICE BUILDING.

14. SECTION 2. AND BE IT FURTHER ENACTED, that Section 101-Definitions, the  
15. definition of "Office Building, Class C" of the Baltimore County Zoning Regulations,  
16. as amended, be and it is hereby repealed.

17. SECTION 3. AND BE IT FURTHER ENACTED, that Sections 203, 204, 205, 206, 207  
18. and 208 of the Baltimore County Zoning Regulations, as amended, be and they are  
19. hereby renumbered to read as follows:

20. [203] 204 - Residential-Office (R-O) Zones

1. [204] 205 - O-1 (Office Building) Zones  
2. [205] 206 - O-2 (Office Park) Zones  
3. [206] 208 - Plan - O-1 and O-2 Zones  
4. [207] 209 - O.T. (Office and Technology) Zone  
5. [208] 210 - Service Employment (S-E) Zone

6. SECTION 4. AND BE IT FURTHER ENACTED, that Section 203 be and it is hereby  
7. added to the Baltimore County Zoning Regulations, as amended, to read as follows:

8. 203--GENERAL PROVISIONS: ALL OFFICE CLASSIFICATIONS

9. 203.1--FINDINGS. IT IS FOUND:

10. A. THAT THERE IS A NEED FOR A RANGE OF OFFICE ZONING CLASSIFICATIONS TO  
11. ALLOW FOR DIFFERING NEEDS AND INTENSITY OF USE;

12. B. IT IS TO THE INTERESTS OF THE COUNTY TO HAVE AVAILABLE A VARIETY OF  
13. OFFICE ZONES SO THAT THE ZONE BEST SUITED TO THE NEEDS OF THE MARKET CAN BE APPLIED  
14. AT A SCALE AND WITH A RANGE OF USES AND PROTECTIONS APPROPRIATE TO THE SURROUNDING  
15. LOCALE;

16. C. A VARIETY OF OFFICE ZONING TOOLS IS NEEDED TO MEET THE GOALS FOR  
17. MANAGED GROWTH AND REDEVELOPMENT AS STATED IN THE ADOPTED MASTER PLAN;

18. D. THE REGULATIONS IN THE O-1 (OFFICE BUILDING) ZONE AND THE O-2 (OFFICE  
19. PARK) ZONES ENACTED IN 1980 ARE, FOR THE MOST PART, DUPLICATIVE, AND THERE IS NO  
20. NEED TO APPLY THE O-1 ZONE TO ADDITIONAL LAND.

21. 203.2--PURPOSES. PURSUANT TO THE ABOVE FINDINGS, IT IS THE PURPOSE OF THE  
22. OFFICE ZONES TO ESTABLISH A CONTINUUM OF OFFICE CLASSIFICATIONS TO PROVIDE:

23. A. A LOW-INTENSITY ALTERNATIVE USE FOR DWELLINGS WHICH ARE NO LONGER  
24. DESIRABLE FOR RESIDENTIAL USE (R-O-A);

1. B. A TRANSITION OR BUFFER BETWEEN RESIDENTIAL AND THE MORE INTENSE  
2. OFFICE, RETAIL OR INDUSTRIAL USE OF PROPERTY BY PERMITTING OFFICE DEVELOPMENT HIGHLY  
3. COMPATIBLE WITH RESIDENTIAL USES (R-O, S.E.);

4. C. FOR THE DEVELOPMENT OF OFFICE BUILDINGS AND MODERATE DENSITY  
5. RESIDENTIAL DEVELOPMENT, WITH COMMERCIAL DEVELOPMENT LIMITED TO SERVING THE NEEDS OF  
6. TENANTS (OR-2);

7. D. FOR OFFICE DEVELOPMENT AS THE ONLY PERMITTED PRINCIPAL USE IN AREAS  
8. WHERE PUBLIC SERVICES ARE NOT PLANNED TO SUPPORT ADDITIONAL DWELLINGS (O-3);

9. E. FOR INTENSIVE DEVELOPMENT OF EMPLOYMENT USES WHICH MAY BE COMBINED  
10. WITH HIGH DENSITY RESIDENTIAL USES IN THE COUNTY'S GROWTH AREAS (O.T.).

11. SECTION 5. AND BE IT FURTHER ENACTED, that Sections 205, 205.1 and 205.2 (as  
12. renumbered by this bill) of the Baltimore County Zoning Regulations, as amended, be  
13. and they are hereby repealed.

14. SECTION 6. AND BE IT FURTHER ENACTED, that Sections 205, 205.1 and 205.2 be  
15. and they are hereby added to the Baltimore County Zoning Regulations as amended, to  
16. read as follows:

17. 205--OR-1 (OFFICE BUILDING - RESIDENTIAL) ZONES

18. 205.1--DECLARATION OF FINDINGS.

19. A. IT IS FOUND THAT THE NAME OF THE O-1 (OFFICE BUILDING) ZONING  
20. CLASSIFICATION IS MISLEADING THE PUBLIC BECAUSE THE NAME IMPLIES THAT ONLY OFFICE  
21. BUILDINGS ARE PERMITTED WHEN, IN FACT, THE ZONE DOES PERMIT RESIDENTIAL AND OTHER  
22. USES PERMITTED IN THE D.R. 5.5 ZONE; AND

23. D. IT IS FURTHER FOUND THAT THE O-1 ZONING CLASSIFICATION IS  
24. SUFFICIENTLY SIMILAR TO THE O-2 CLASSIFICATION THAT THERE IS NO LONGER A NEED FOR  
25. TWO SEPARATE ZONES.

1. 205.2--STATEMENT OF LEGISLATIVE POLICY.

2. A. IT IS THE INTENT OF COUNTY THAT THE NAME OF THE O-1 ZONING  
3. CLASSIFICATION BE CHANGED TO THE OR-1 (OFFICE BUILDING-RESIDENTIAL) ZONE.

4. B. PROPERTIES CLASSIFIED AS O-1 BEFORE THE EFFECTIVE DATE OF BILL 186-94  
5. SHALL BE CLASSIFIED AS OR-1 AND SHALL BE SUBJECT TO THE USE AND PERFORMANCE  
6. STANDARDS OF THE OR-1 ZONE.

7. C. THE OR-1 ZONE SHALL NO LONGER BE APPLIED TO PROPERTIES THROUGH THE  
8. COMPREHENSIVE ZONING MAP PROCESS UNDER TITLE 26, SECTION 26-123 OR THROUGH THE CYCLE  
9. ZONING PROCESS OF TITLE 2, SECTION 2-356 OF THE BALTIMORE COUNTY CODE, AFTER THE  
10. EFFECTIVE DATE OF BILL 186-94.

11. SECTION 7. AND BE IT FURTHER ENACTED, that Sections 204.4.C, 205.3, 205.4,  
12. 206, 206.1, 206.2, 206.3 and 206.4 (as renumbered) of the Baltimore County Zoning  
13. Regulations, as amended by Bill 108-94, be and they are hereby repealed and  
14. reenacted with amendments to read as follows:

15. 204--Residential-Office (R-O) Zones

16. 204.4--Bulk Regulations of R-O Zones. Uses permitted as of right or by  
17. special exception are governed by the following bulk regulations:

18. C. Class B office buildings.

19. 1. Maximum floor area ratio: 0.33;
20. 2. Maximum height of structure: 35 feet
21. 3. Minimum front yard setback: 25 feet or the average of the  
22. setbacks of the adjacent structures, whichever is less;
23. 4. Minimum side yard setbacks: 10 feet, except if the adjacent  
24. property is predominantly residentially zoned or residentially used, or is adjacent  
25. to a residential street, in which case the setback shall be 20 feet;
26. 5. Minimum rear yard setback: 30 feet;

1. 6. Amenity open space: seven (7) percent of the interior of the
2. parking lot not including setback and buffer area requirements shall be pervious
3. land area in association with plantings;
4. 7. Maximum lot size: one (1) acre except that if located on a
5. principal arterial, and if there is adjacent non-residentially used or
6. non-residentially zoned frontage, the maximum lot size may be two acres.
7. 8. THE OFFICE BUILDING SHALL BE THE ONLY PRINCIPAL BUILDING ON THE
8. LOT ON WHICH IT IS SITUATED AND SHALL NOT BE ATTACHED TO ANOTHER BUILDING.
9. [8] 9. Landscape requirements. In addition to the requirements set
10. forth in the Baltimore County Landscape Manual:
11. a. All parking and dumpster areas which abut a residential zone
12. shall be screened by an opaque fence, wall or berm in association with plantings;
13. b. the minimum screening height shall be five (5) feet;
14. c. The following buffers, which shall not be encroached upon by
15. above ground stormwater management, parking or dumpster areas, but which may be
16. broken by the entranceway, shall be provided:
17. 1. Property lines which abut any property which is
18. predominantly residentially zoned or residentially used or which abut any
19. residential street, must have a 20 foot landscape buffer;
20. 2. Property lines which abut any non-residentially zoned
21. property must have a 10 foot landscape buffer.
22. 205--OR-1 (Office Building-Residential) Zone
23. 205.3--Use Regulations of OR-1 Zones.
24. A. [Uses permitted as of right.] The following uses, only are permitted
25. [as of] BY right:

1. 1. Uses permitted [as of] BY right and as limited in D.R. 5.5 ..
2. zones. [subject to the requirements of Section 1801.1.B. (Residential Transition
3. Area).]
4. 2. Class A[,], OR Class B[, or Class C] office buildings containing
5. offices, medical offices, or medical clinics.
6. 3. The following accessory commercial uses within Class B [or Class
7. C] office buildings (see also Paragraph C, below):
8. a. Photocopying establishments
9. b. Secretarial-service establishments
10. c. [Eating or drinking establishments] STANDARD RESTAURANTS,
11. CARRY-OUT RESTAURANTS, TAVERNS without dancing or live entertainment
12. d. Travel bureaus
13. e. Banks, INCLUDING ONE EXTERIOR WALK-UP AUTOMATIC TELLER
14. MACHINE FOR EACH BANK LOCATED WITHIN AN OFFICE BUILDING
15. F. OPTICIANS' OR OPTOMETRISTS' ESTABLISHMENTS
16. 4. Accessory uses not included under Item 1, above, but not any
17. accessory commercial uses other than those listed in Item 3 (see Paragraph B, below)
18. B: [Uses allowable by special exception.] The following uses, only, are
19. allowable by special exception:
20. 1. Uses allowable by special exception and as limited in D.R. 5.5
21. zones [subject to the requirements of Section 1801.1.B., (Residential Transition
22. Area)];
23. 2. The following accessory commercial uses within Class B or [Class
24. C] OFFICE BUILDINGS, provided that the Zoning Commissioner or [County Board of
25. Appeals] finds that each such use will primarily serve the principal uses of the lot
26. (see also Paragraph C, below);
27. a. Drug stores



# PETITION FOR ZONING HEARING(S)

*file 10-16  
1:30 PM*

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 11723 Reisterstown Road which is presently zoned RO & DR 3.5  
Deed References: 40472/73 10 Digit Tax Account # 0412020300  
Property Owner(s) Printed Name(s) Mohamed Elnadi

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

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

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

Please see attached.

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

Please see attached.

3. ☒ **a Variance** from Section(s)

Please see attached.

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

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

**Legal Owner(s) Affirmation:** I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

## Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

## Attorney for Petitioner:

Jason T. Vettori Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Ave, Ste 200 Towson MD

Mailing Address City State

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

Zip Code Telephone # Email Address

## Legal Owners (Petitioners):

Mohamed Elnadi

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1682 Woodstock Road Woodstock MD

Mailing Address City State

21136 (972) 900-0794 melnadi@gmail.com

Zip Code Telephone # Email Address

## Representative to be contacted:

Jason T. Vettori Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Ave, Ste 200 Towson MD

Mailing Address City State

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

Zip Code Telephone # Email Address

CASE NUMBER 2020-0139-SMXX Filing Date 6/17/20

Do Not Schedule Dates:

Reviewer JS

**Petition for Zoning Hearing**  
**for**  
**11723 Reisterstown Road**

**Special Exception**  
**to use the herein described property for:**

1. A Class B office building as provided in BCZR § 204.3.B.2;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

**Variance**  
**From Section(s):**

1. 204.3.B.2.a of the BCZR to allow 100% of the total adjusted gross floor area of the office building to be occupied by medical offices in lieu of 25%;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

**Special Hearing**  
**to determine whether the Zoning Commissioner should approve:**

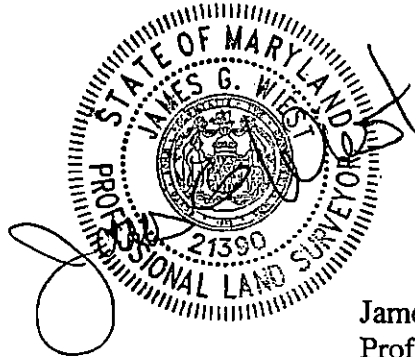
1. The full use of the Class B office building for a dental office as provided in BCZR § 204.3.B.2.b;
2. A modified parking plan to resolve the undue hardship caused by the requirements for parking space or loading space as provided in BCZR § 409.12.B;
3. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

2020-0139-SP4 XA

June 11, 2020

ZONING DESCRIPTION FOR  
#11723 REISTERSTOWN ROAD

Beginning at a point on the northeast side of Reisterstown Road, which is 80 feet wide, at the distance of 15 feet southeast of Virginia Avenue, which 30 feet wide. Thence the following courses and distances: (1) North 50 degrees 26 minutes 00 seconds East 128.20 feet; thence (2) South 35 degrees 34 minutes 00 seconds East 75.00 feet; thence (3) South 50 degrees 26 minutes 00 seconds West 128.20 feet; thence (4) North 35 degrees 34 minutes 00 seconds West 75.00 feet to the point of beginning as recorded in Deed Liber J.L.E. 40472, folio 73, saving and excepting that parcel of land described in Deed Liber C.H.K. 1207, folio 210, containing 0.22 acres. Located in the Fourth Election District and Second Council District.



James G. Wiest  
Professional Land Surveyor  
MD Registration No. 21390  
License Expires February 5, 2022

2020-0139-SP4X1

# BALTIMORE COUNTY, MARYLAND

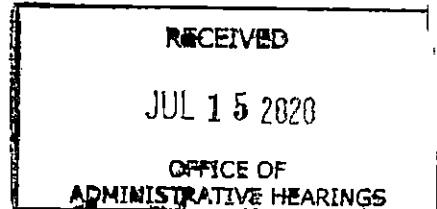
## INTER-OFFICE MEMORANDUM

**TO:** Michael D. Mallinoff  
Director, Department of Permits, Approvals and Inspections

**DATE:** 7/8/2020

**FROM:** C. Pete Gutwald  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 20-139



**INFORMATION:**

**Property Address:** 11723 Reisterstown Road

**Petitioner:** Mohamed Elnadi

**Zoning:** RO, DR 3.5

**Requested Action:** Special Exception, Variance, Special Hearing

The Department of Planning has reviewed the petition for the following:

Special Exception to use the herein described property for:

1. A Class B office building as provided in the Baltimore County Zoning Regulations (BCZR) Section 204.3.B.2;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

Variance from Section(s):

1. 204.3.B.2.a of the BCZR to allow 100% of the total adjusted floor gross area of the office building to be occupied by medical offices in lieu of 25%;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

Special Hearing to determine whether the Zoning Commissioner should approve:

1. The full use of the Class B office building for a dental office as provided in BCZR Section 204.3.B.2.b;
2. A modified parking plan to resolve the undue hardship caused by the requirements for parking space or loading space as provided in BCZR Section 409.12.B;
3. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

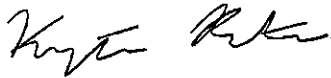
A site visit was conducted on June 24, 2020. The property and structure (office) appear to be well maintained. The subject property is adjacent to several commercially zoned properties along Reisterstown Road, a major commercial corridor. The proposed use (dental office) should not negatively impact the adjacent residential properties.

The Department of Planning has no objections to the requested relief conditioned upon the following:

1. No temporary freestanding signs shall be installed along the Reisterstown Road frontage. All signage shall comply with Section 450 of the Baltimore County Zoning Regulations (BCZR).
2. To the satisfaction of the administrative law judge, the petitioner should demonstrate how the proposed six (6) parking spaces will provide enough parking for employees and patients. No parking shall be permitted outside the designated parking area.

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

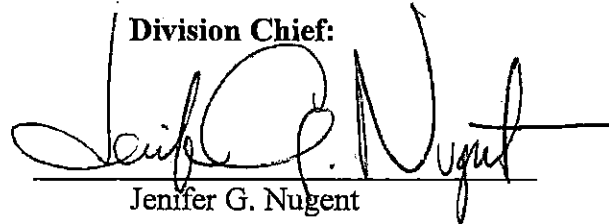
**Prepared by:**



---

Krystle Patchak

**Division Chief:**



---

Jenifer G. Nugent

CPG/JGN/kma/

c: Bill Skibinski  
Jason T. Vettori, Smith, Gildea & Schmidt, LLC  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

**MDOT**  
MARYLAND DEPARTMENT  
OF TRANSPORTATION  
STATE HIGHWAY  
ADMINISTRATION

Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Gregory Slater  
Secretary  
Tim Smith, P.E.  
Administrator

June 22, 2020

Ms. Kristen Lewis  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
111 West Chesapeake Avenue  
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. **2020-0139-SPHXA**

**Special Hearing, Variance, Special Exception**  
**Mohamed Elnadi**  
**11723 Reisterstown 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@mdot.maryland.gov](mailto:rzeller@mdot.maryland.gov)).

Sincerely,

Wendy Wolcott, P.L.A.  
Metropolitan District Engineer  
Maryland Department of Transportation  
State Highway Administration  
District 4 - Baltimore and Harford Counties

WW/RAZ

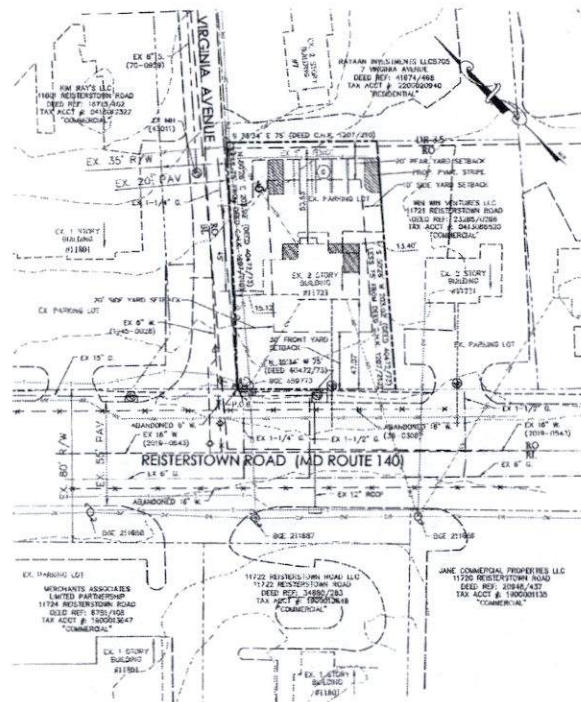
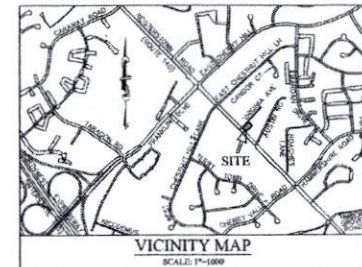
# Petitioner's Exhibit List

Case No.: 2020-139-SPHXA

11723 Reisterstown Road

10/16  
1:30 pm

| <u>Name of Document</u>                                                     | <u>Exhibit No.</u> |
|-----------------------------------------------------------------------------|--------------------|
| Plan to Accompany Petition for Zoning Relief                                | 1                  |
| Aerial of Vicinal Properties and Zoning                                     | 2                  |
| Site Photos                                                                 | 3                  |
| Hearing Notice                                                              | 4                  |
| ZAC Comments                                                                | 5                  |
| Certificates of Posting (Original and 2 <sup>nd</sup> Certification)        | 6A                 |
| Certificate of Publication                                                  | 6B                 |
| Resume – Aaron Kensinger                                                    | 7                  |
| Resume – Anthony Dietz                                                      | 8                  |
| Case No. 1974-287-X Decision                                                | 9A                 |
| Case No. 1974-287-X Plan                                                    | 9B                 |
| Case No. 1989-554-SPHA Decisions (Zoning Commissioner and Board of Appeals) | 10A                |
| Case No. 1989-554-SPHA Plan                                                 | 10B                |
| Case No. 2012-196-SPHXA Decision (waiver)                                   | 11                 |
| BCZR Section 204                                                            | 12                 |
| Bill No. 21-16                                                              | 13                 |



NOTE: PROPERTY INFORMATION HAS BEEN TAKEN FROM DEEDS ON THE GROUND. MODERNITY SURVEY WAS DONE TO LOCATE PROPERTY CORNERS OR MONUMENTS.

PROPOSED ADDITIONS: 243.09 s.f.

TRASH AND RECYCLING WILL BE PRIVATELY MAINTAINED. NO DUMPSTER WILL BE USED.

- SITE DATA**
1. ALL TRACT AREA: PARCEL #113 - 0.224 AC (9,553 SF)
  2. SITE IS ZONED RD & DR 3.5, 200' SCALE MAP 07571
  3. OWNER: LINDA MOHAMED
  4. 1888 MONTICLOAK RD, WOODRUCK, MD 21151
  5. EXIST. ACCOUNT NUMBER: 0430000000
  6. EXIST. ADDRESS: 773
  7. TAX MAP NO. 87, WARD 4, PARCELS: 483
  8. THIS SITE IS LOCATED WITHIN THE OWINGS FALLS WATERSHED.
  9. THIS SITE IS NOT LOCATED IN ANY FUTURE BASIC SERVICES MAP AREAS ACCORDING TO THE 2000 BASIC SERVICES MAPS, PURSUANT TO SECTION 142.2, BICR (JULY 10, 2001).
  10. THIS SITE IS NOT LOCATED WITHIN A FLOOD PLAIN.
  11. THIS SITE IS NOT LOCATED WITHIN THE OWINGS FALLS BAY CRITICAL AREA.
  12. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
  13. THIS SITE HAS NO ACTIVE ZONING VIOLATIONS.
  14. CURRENT USE: COMMERCIAL
  15. PROPOSED USE: COMMERCIAL
  16. NO EXISTING DRIVE ON SITE.

**PRIOR ZONING HISTORY**

NO PRIOR ZONING CASES FOUND

**FLOOR AREA RATIO (FAR)**

GRAND FLOOR AREA: 1,824.58 SF

OFFICE SITE AREA: 8,262 SF (DEED)

FLOOR AREA RATIO: 1,824.58 SF / 8,262 SF = 0.2209 ALLOWED PERMITTED (0.3)

**PARKING SPACE REQUIREMENTS**

OFFICE DENTAL OFFICE: 1,824.58 SF

PROPOSED DENTAL OFFICE: 1,824.58 SF (1,824.58 SF / 1,824.58 SF = 1.0)

CURRENT NUMBER PROVIDED: 8 SPACES

REQUIREMENT: 1 SPACE PER 1,000 SF, 1.0

**SPECIAL EXCEPTION TO USE THE DESCRIBED PROPERTY FOR:**

1. A CLASS B OFFICE BUILDING AS PROVIDED IN SECTION 142.2

2. AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

**VARIANCE FROM SECTION 142.2**

1. 25% OF THE TOTAL ADJUSTED FLOOR AREA OF THE OFFICE BUILDING TO BE OCCUPIED BY OFFICES IN USE OF 2011

2. AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

**SPECIAL HEARING TO DETERMINE WHETHER THE ZONING COMMISSIONER SHOULD APPROVE:**

1. THE USE OF THE CLASS B OFFICE BUILDING FOR A DENTAL OFFICE AS PROVIDED IN SECTION 142.2

2. A MODIFIED PARKING PLAN TO RESOLVE THE UNLAWFUL HARDSHIP CAUSED BY THE REQUIREMENTS FOR PARKING SPACE OR LOADING SPACE PROVIDED IN SECTION 142.2

3. AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

**LEGEND**

- EX. SANITARY MANHOLE
- EX. STORM DRAIN MANHOLE
- EX. WELT
- EX. WATER METER
- EX. FIRE HYDRANT
- EX. WATER VALVE
- EX. CULVERT
- EX. UTILITY POLE
- EX. CUT WIRE
- EX. TO BE TOUCHED
- EX. OVERHEAD WIRE
- EX. GAS (SIZE NOTED)
- EX. WATER (SIZE NOTED)
- EX. STORMWATER (SIZE & MATERIAL NOTED)
- EX. SANITARY SEWER (SIZE & MATERIAL NOTED)
- EX. UNDERGROUND ELECTRIC (DIRECT BURY OR CONDUIT)
- EX. STRUCTURE
- EX. TELECOM
- EX. ABANDONED UTILITY
- EX. EDGE OF PAVING
- EX. ZONING LINE

**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. 30228, EXPIRATION DATE: 03/31/22



**LITTLE & ASSOCIATES**  
ENGINEERS--LAND PLANNERS--SURVEYORS  
10710 GLORY ROAD  
HUNT VALLEY, MARYLAND 21031  
PHONE: (443) 702-5620 FAX: (443) 589-2401  
LITTLE & ASSOCIATES IS A DIVISION OF CONSULT ENGINEERS, INC.

PETITIONER'S 1

CASE NO.: 2020-XXXX-XXX  
PLAN TO ACCOMPANY ZONING PETITION  
#11723 REISTERSTOWN ROAD  
DISTRICT 4c2 BALTIMORE COUNTY, MD  
SCALE: 1"=30' MARCH 29, 2020



AERIAL EXHIBIT  
#11723 REISTERSTOWN ROAD  
DISTRICT 4c2 BALTIMORE COUNTY, MD  
SCALE: 1"=100' OCTOBER 8, 2020

BALTIMORE COUNTY, MD  
OCTOBER 8, 2020

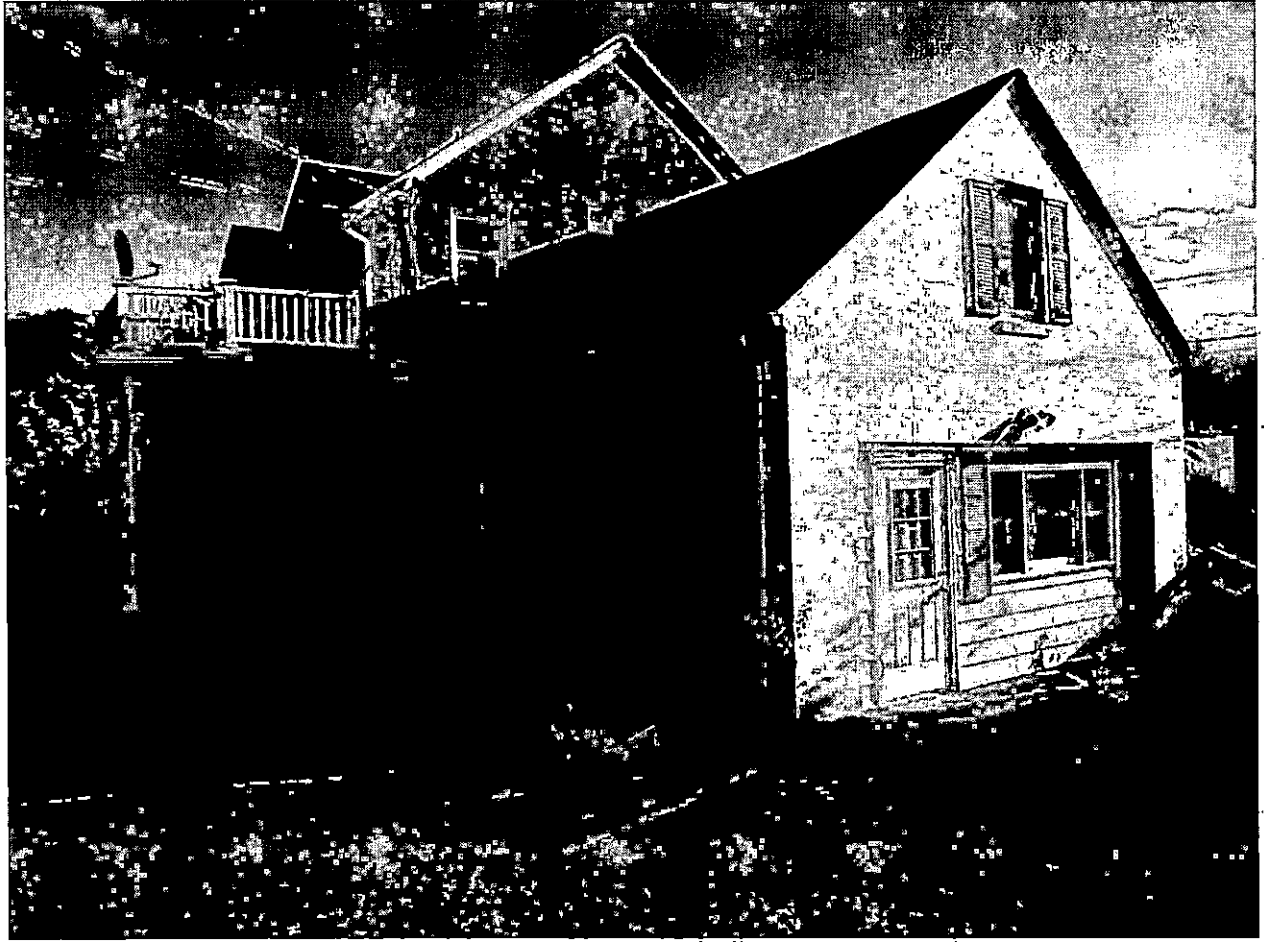
201046.00



October 8<sup>th</sup>, 2020-Photograph from rear parking lot of 11723 Reisterstown Road, facing southwest toward building and Reisterstown Road. Virginia Avenue is to right of photo.

PETITIONER'S 3

3



October 8<sup>th</sup>, 2020-Photograph from edge of Virginia Avenue and existing parking lot of 11723 Reisterstown Road, facing south toward building's north corner. Reisterstown Road is to the right of the photo.



October 8<sup>th</sup>, 2020-Photograph from opposite side of Virginia Avenue facing toward northwest side of 11723 Reisterstown Road. Photo taken facing southeast, toward building. Virginia Avenue is in the foreground and Reisterstown Road is to the right of the photo.



October 8<sup>th</sup>, 2020-Photograph from Reisterstown Road facing toward front, southwest side of 11723 Reisterstown Road. Photo taken facing northeast, toward building. Virginia Avenue is to the left of the photo.



October 8<sup>th</sup>, 2020-Photograph from intersection of Reisterstown Road and Virginia Avenue facing northeast along Virginia Avenue. 11723 Reisterstown Road is on right side of photograph. Reisterstown road behind photographer.



JOHN A. OLSZEWSKI, JR.  
September 22, 2020

MICHAEL D. MALLINOFF, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

## 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 virtual hearing on the property identified herein as follows:

**CASE NUMBER: 2020-0139-SPHXA**

11723 Reisterstown Road

East corner of intersection of Reisterstown Road and Virginia Avenue

4<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: Mohamed Elnadi

Special Hearing The full use of the Class B office building for a dental office as provided in BCZR 204.3.B.2.b. A modified parking plan to resolve the undue hardship caused by the requirements for parking spaces or loading space as provided in BCZR 409.12.B. For such other and further relief as may be deemed necessary by the Administrative Law Judge. Special Exception for A Class B office building as provided in BCZR 204.3.B2. For such further relief as may be deemed necessary by the Administrative Law Judge. Variance to allow 100% of the total adjusted gross floor area of the building to be occupied by medical offices in lieu of 25%. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Friday, October 16, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to [www.baltimorecountymd.gov/adminhearings](http://www.baltimorecountymd.gov/adminhearings) no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff  
Director

MM:kl

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204  
Mohammed Elnadi, 1682 Woodstock Road, Woodstock 21136

**NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 26, 2020**





JOHN A. OLSZEWSKI, JR.  
County Executive

MICHAEL D. MALLINOFF, *Director*  
Department of Permits,  
Approvals & Inspections

October 5, 2020

Jason T. Vettori,  
600 Washington Ave Ste 200  
Towson, MD 21204

RE: Case Number: 2020-0139-SPHXA, 11723 Reisterstown Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 09, 2020. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel





# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

JOHN A. OLSZEWSKI, JR.  
County Executive

MICHAEL D. MALLINOFF, *Director*  
Department of Permits,  
Approvals & Inspections

**TO:** Michael D. Mallinoff  
Director, Department of Permits, Approvals and Inspections

**DATE:** 7/8/2020

**FROM:** C. Pete Gutwald  
Director, Department of Planning

**SUBJECT:** ZONING ADVISORY COMMITTEE COMMENTS  
Case Number: 20-139

### INFORMATION:

**Property Address:** 11723 Reisterstown Road  
**Petitioner:** Mohamed Elnadi  
**Zoning:** RO, DR 3.5  
**Requested Action:** Special Exception, Variance, Special Hearing

The Department of Planning has reviewed the petition for the following:

Special Exception to use the herein described property for:

1. A Class B office building as provided in the Baltimore County Zoning Regulations (BCZR) Section 204.3.B.2;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

Variance from Section(s):

1. 204.3.B.2.a of the BCZR to allow 100% of the total adjusted floor gross area of the office building to be occupied by medical offices in lieu of 25%;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

Special Hearing to determine whether the Zoning Commissioner should approve:

1. The full use of the Class B office building for a dental office as provided in BCZR Section 204.3.B.2.b;
2. A modified parking plan to resolve the undue hardship caused by the requirements for parking space or loading space as provided in BCZR Section 409.12.B;
3. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

A site visit was conducted on June 24, 2020. The property and structure (office) appear to be well maintained. The subject property is adjacent to several commercially zoned properties along Reisterstown Road, a major commercial corridor. The proposed use (dental office) should not negatively impact the adjacent residential properties.

**MDOT**  
MARYLAND DEPARTMENT  
OF TRANSPORTATION  
STATE HIGHWAY  
ADMINISTRATION

Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Gregory Slater  
Secretary  
Tim Smith, P.E.  
Administrator

June 22, 2020

Ms. Kristen Lewis  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
111 West Chesapeake Avenue  
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. **2020-0139-SPHXA**

**Special Hearing, Variance, Special Exception**  
**Mohamed Elnadi**  
**11723 Reisterstown 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@mdot.maryland.gov](mailto:rzeller@mdot.maryland.gov)).

Sincerely,

Wendy Wolcott, P.L.A.  
Metropolitan District Engineer  
Maryland Department of Transportation  
State Highway Administration  
District 4 - Baltimore and Harford Counties

WW/RAZ

# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN LEWIS

**DATE:** 9/25/2020

**Case Number:** 2020-0139-SPHXA

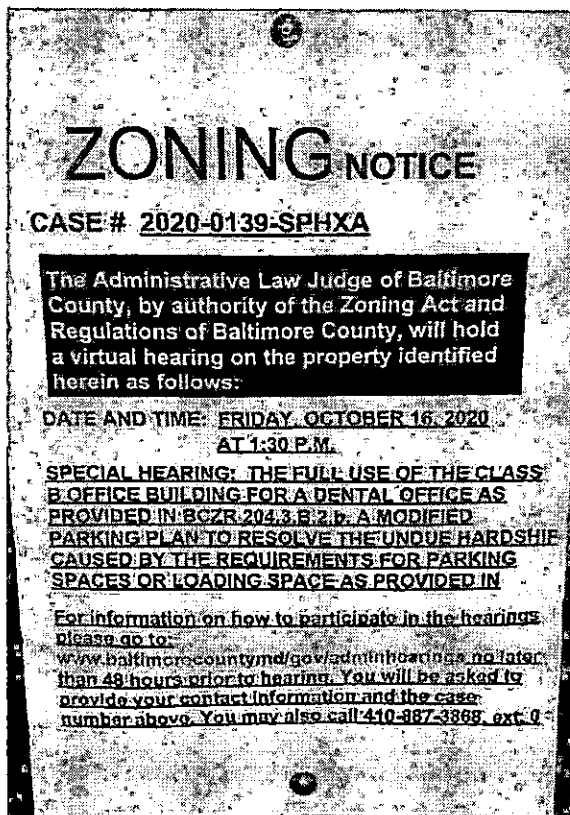
**Petitioner / Developer:** JASON VETTORI, ESQ. ~

MOHAMMED ELNADI

**Date of Hearing:** OCTOBER 16, 2020

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:  
11723 REISTERSTOWN ROAD

The sign(s) were posted on: SEPTEMBER 25, 2020



SIGN #1

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, MD 21030  
(City, State, Zip of Sign Poster)

410-666-5366  
(Telephone Number of Sign Poster)

PETITIONER'S 6A

6A

# ZONING NOTICE

CASE # 2020-0139-SPHXA

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

DATE AND TIME: FRIDAY, OCTOBER 16, 2020  
AT 1:30 P.M.

BCZR 409.12.B. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE, SPECIAL EXCEPTION FOR A CLASS B OFFICE BUILDING AS PROVIDED IN BCZR 204.3.B2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE

For information on how to participate in the hearings please go to:  
[www.baltimorecountymd.gov/adminhearings](http://www.baltimorecountymd.gov/adminhearings) no later than 48 hours prior to hearing. You will be asked to provide your contact information and the case number above. You may also call 410-887-3888 ext. 0.

Sign #2

# ZONING NOTICE

CASE # 2020-0139-SPHXA

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

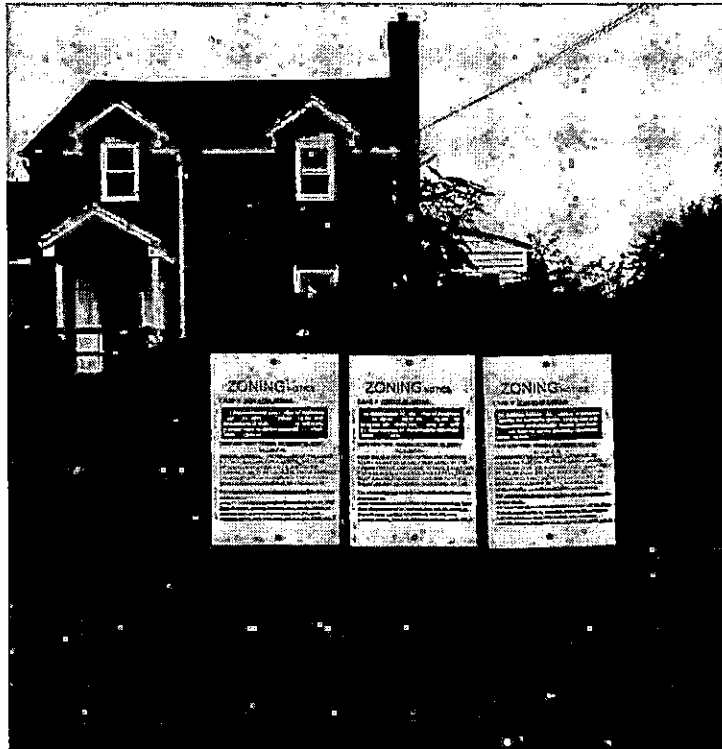
DATE AND TIME: FRIDAY, OCTOBER 16, 2020  
AT 1:30 P.M.

ADMINISTRATIVE LAW JUDGE, VARIANCE TO ALLOW 100% OF THE TOTAL ADJUSTED GROSS FLOOR AREA OF THE BUILDING TO BE OCCUPIED BY THE MEDICAL OFFICES IN LIEU OF 25% FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE, 11723 REISTERSTOWN ROAD

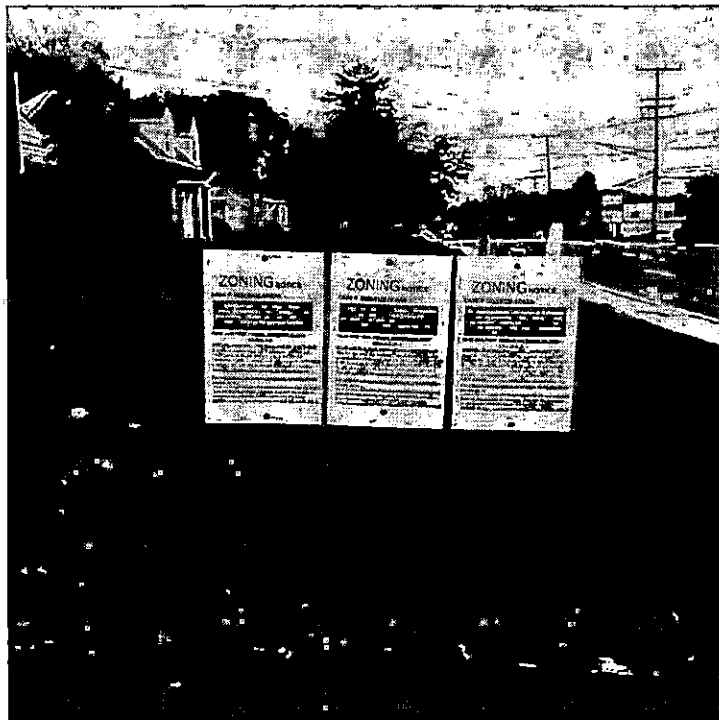
For information on how to participate in the hearings please go to:  
[www.baltimorecountymd.gov/adminhearings](http://www.baltimorecountymd.gov/adminhearings) no later than 48 hours prior to hearing. You will be asked to provide your contact information and the case number above. You may also call 410-887-3888 ext. 0.

SIGN #3

CASE # 2020-0139-SPHXA



Background Photo 1<sup>st</sup> Set of Signs @ 11723 Reisterstown Rd. ~ 9/25/2020



Background Photo 2<sup>nd</sup> Set of Signs @ 11723 Reisterstown Rd. ~ 9/25/2020  
**CASE # 2020-0139-SPHXA**

# SECOND CERTIFICATE OF POSTING

ATTENTION: DONNA MIGNON

DATE: 10/12/2020

Case Number: 2020-0139-SPHXA

Petitioner / Developer: JASON VETTORI, ESQ. ~

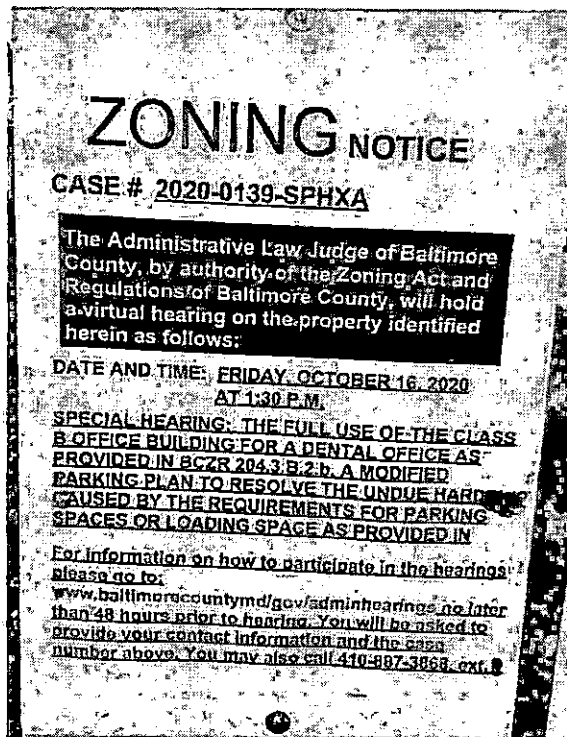
MOHAMMED ELNADI

Date of Hearing: OCTOBER 16, 2020

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:  
11723 REISTERSTOWN ROAD

The sign(s) were posted on: **SEPTEMBER 25, 2020**

The sign(s) were re-photographed on: **OCTOBER 12, 2020**



1<sup>ST</sup> Sign

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)

# ZONING NOTICE

CASE # 2020-0139-SPHXA

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

DATE AND TIME: FRIDAY, OCTOBER 16, 2020  
AT 1:30 P.M.

BCZR 409.12.B. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE. SPECIAL EXCEPTION FOR A CLASS B OFFICE BUILDING AS PROVIDED IN BCZR 204.3B2 FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE

For information on how to participate in the hearing, please go to:  
[www.baltimorecountymd.gov/adminhearings](http://www.baltimorecountymd.gov/adminhearings) no later than 48 hours prior to hearing. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868, ext. 0

# ZONING NOTICE

CASE # 2020-0139-SPHXA

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

DATE AND TIME: FRIDAY, OCTOBER 16, 2020  
AT 1:30 P.M.

ADMINISTRATIVE LAW JUDGE. VARIANCE TO ALLOW 100% OF THE TOTAL ADJUSTED GROSS FLOOR AREA OF THE BUILDING TO BE OCCUPIED BY THE MEDICAL OFFICES IN LIEU OF 25% FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE. 11723 REISTERSTOWN ROAD

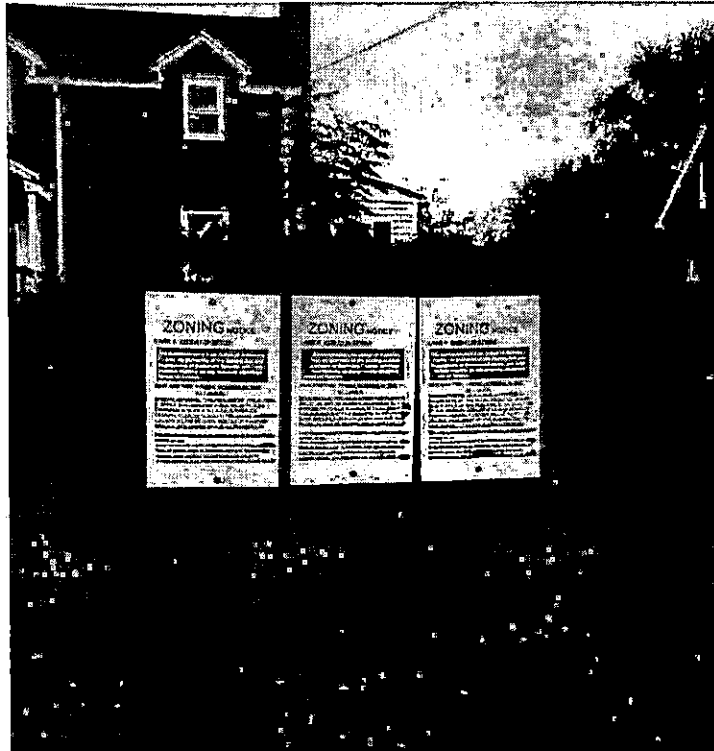
For information on how to participate in the hearing, please go to:  
[www.baltimorecountymd.gov/adminhearings](http://www.baltimorecountymd.gov/adminhearings) no later than 48 hours prior to hearing. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868, ext. 0

2nd Sign Re-Photographed

3rd Sign Re-Photographed

11723 Reisterstown Road

CASE # 2020-0139-SPHXA



1<sup>st</sup> Set of Signs Re-Photographed @ 11723 Reisterstown Road ~ 10/12/2020



2<sup>nd</sup> Set of Signs Re-Photographed @ 11723 Reisterstown Road ~ 10/12/2020  
**CASE # 2020-0139-SPHXA**

# The Daily Record

200 St. Paul Place  
Suite 2480  
Baltimore, Maryland 21202  
1 (443) 524-8100  
www.thedailyrecord.com

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

|                 |
|-----------------|
| Account #       |
| 10012149        |
| Order Date      |
| 9/23/2020       |
| Order #         |
| 11921250        |
| PO/Case #       |
| 2020-0139-SPHXA |
| Salesperson     |

| Days             | Description                                                                                                                                                                                                                                                                                                                                                                                                                                        | Size/Qty                          | Unit Price | Amount         |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|------------|----------------|
| 1                | <b>NOTICE OF ZONING HEARING - CASE NUMBER:<br/>2020-0139-SPHXA</b><br><b>Daily Record (MD)</b><br>Government - Baltimore Co / Hearings and Minutes<br>9/25/2020<br>-Affidavit<br>-Base Charge<br><br><i>ACH payments can be made to: The Daily Record Company - US<br/>BANK, ABA#123000848, Acct#153910282430 Or call 1-866-802-8214<br/>to setup payments.</i><br><b>NET TERMS: 30 DAYS</b><br><br>Anchor Rate: 140.56<br>Subsequent Rate: \$0.00 | 2 col x 2.88in<br>253 words/28 in |            | 9.00<br>140.56 |
| <b>TOTAL DUE</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                   |            | 149.56         |

**✂ DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT TO:**

The Daily Record  
SDS 12-2790  
PO Box 86  
Minneapolis, MN 55486-2790

| Account # | Customer                     | Order #  | Order Date | Total Due |
|-----------|------------------------------|----------|------------|-----------|
| 10012149  | Smith, Gildea & Schmidt, LLC | 11921250 | 9/23/2020  | 149.56    |



M M Y Y

CARD NUMBER

EXP. DATE

Security



Charge My Credit Card \$

CUSTOMER SIGNATURE

6B

## **Aaron Kensinger, P.E.**

### Education:

M. Eng. Civil Engineering, University of Maryland College Park (2012)  
B.S. Natural Resource Management, University of Maryland College Park (1999)

### Certifications:

Professional Engineer (P.E.) #45681, State of Maryland  
Professional Engineer (P.E.) #61093, State of Montana

### Experience:

November, 2003 – Present

Senior Project Manager, Little & Associates (a division of Century Engineering, Inc.), Hunt Valley, MD

- Directly responsible for all aspects of land development projects, including:
  - o Writing proposals and evaluating site potential with the client
  - o Creation of development strategy
  - o Community meeting presentations and jurisdictional hearings
  - o Preparation of engineered site designs and the processing of all plans through pertinent jurisdictions for approvals; coordinate permit filing
  - o Performing construction inspection and preparation of as-built report packages
  - o Project closeout
- Thorough experience in commercial and residential development, including several national retailers and developers
- Very strong design experience in road, water, sanitary sewer, storm water management, sediment control, grading, flood studies, and environmental site design (ESD)
- Thorough AutoCAD, HEC-RAS, hydrology and hydraulics software knowledge
- Keen understanding of environmental permitting procedures, including wetland and critical area mitigation, through the U.S.A.C.O.E. and local jurisdictions
- Strong communication skills in discussing projects with clients and keeping them informed throughout the process
- Coordinate the hiring and training of new employees

Winter session, 2006 and 2007

Lecturer, Civil Engineering Department, University of Maryland College Park

- Created and taught a formal AutoCAD course to undergraduate and graduate level engineering students at the request of the Civil Engineering Department
- Wrote the syllabus, created course handouts, lecture notes, and design examples

August, 2000 – October, 2003

Engineering Technician, Maryland Department of Agriculture, Easton, Maryland

- Designed erosion control structures; manure control structures; wetland mitigation projects
- Performed field surveys
- Performed construction stakeout and construction inspection
- Performed as-built surveys and drawings
- Was selected to be on the committee which implemented AutoCAD and total station survey methods into the Department of Agriculture, both at the state and federal level
- Designed training seminars and taught other employees at these seminars in the use of AutoCAD and total station data collection methods
- Helped to create CADD standards for the Department of Agriculture



## **Anthony J. Dietz, PE, LEED AP®**

### **YEARS OF EXPERIENCE:**

36

### **REGISTRATION:**

Maryland Registered Professional Engineer, 2006, #32574

LEED Accredited Professional, 2008

Maryland Erosion and Sediment Control Certification, #28189

### **EDUCATION:**

Bachelor of Arts in Geography, University of Maryland, 1983

### **PROFESSIONAL MEMBERSHIPS:**

American Society of Civil Engineers- Member: No. 474990

National Society of Professional Engineers: Member No. 300006888

### **CAREER RELATED WORK EXPERIENCE:**

#### **Century Engineering, Inc. April 2007 – Present. Senior Engineer/Project Manager**

Senior Engineer reporting directly to Vice-Presidents of Civil Division Responsible for management of various Civil/Site improvement projects. Projects background includes Private Sector, Residential commercial and Institutional projects as well as government projects at the municipal, local, state and Federal levels. Responsible for oversight of Civil site design including SWM facilities, flood-plain studies, storm drain, road, water, and sanitary sewer systems, grading, erosion and sediment control, QA/QC, preparation of proposals and business development, cost-estimates, meeting with clients (existing and prospective), contractors and government officials

#### **Carroll Land Services, Inc. June 2004 – March 2006. Associate/ Project Manager**

Senior Engineer and Project Manager reporting directly to Director of Engineering. Responsible for design and services of engineering staff, quality control, preparation of proposals, cost estimates and meetings with clients, contractors and government officials.

#### **Carroll Land Services, Inc. April 1999 – June 2004. Project Manager/Project Engineer**

Project Manager/ Project Engineer responsible for major residential and commercial site development. Responsible for design and coordination, preparation of proposals, cost estimates and meetings with clients, contracts and government officials.

#### **D.S. Thaler & Associates, Inc. July 1992 – April 1999. Senior Designer**

Senior Designer responsible for design of SWM facilities, floodplain studies, road, storm drain, water, and sanitary sewer systems. Oversaw work of junior design staff.

#### **Daft, McCune, Walker, Inc. July 1985 – July 1992. Project Engineer/Senior Designer**

Project Engineer/ Senior Designer responsible for design of SWM facilities, floodplain studies, road, storm drain and utility systems. Provided inspection of installation of private utility systems.



RE: PETITION FOR SPECIAL EXCEPTION 1. BEFORE THE  
 NW/4 of Austin Road, 121' NE of 2. DEPUTY ZONING  
 Reisterstown Road - 4th District COMMISSIONER  
 Estate of William D. Horryman - 3. OF  
 Petitioner. 4. BALTIMORE COUNTY  
 RD. 74-287-E (Item No. 171)

This Petition represents a request for a Special Exception to convert a single family dwelling (one-story rancher) to office use. The subject property is located on the northwest corner of Reisterstown and Austin Roads, in the Fourth Election District of Baltimore County.

Testimony and evidence presented at the hearing with regard to existing surrounding land uses, traffic that would be generated by the proposed use, and the availability of the utilities, was sufficient to meet the requirements of the granting of the Special Exception as set forth under Section 502.1 of the Baltimore County Zoning Regulations.

Wherefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 19th day of June, 1974, that the herein requested Special Exception should be and the same is hereby GRANTED from and after the date of this Order, subject, however, to the following restrictions:

1. No changes or additions to the exterior of the building other than those necessary for maintenance.
2. Subject to approval of a site plan by the Department of Public Works, State Highway Administration, Health Department and the Office of Planning and Zoning.

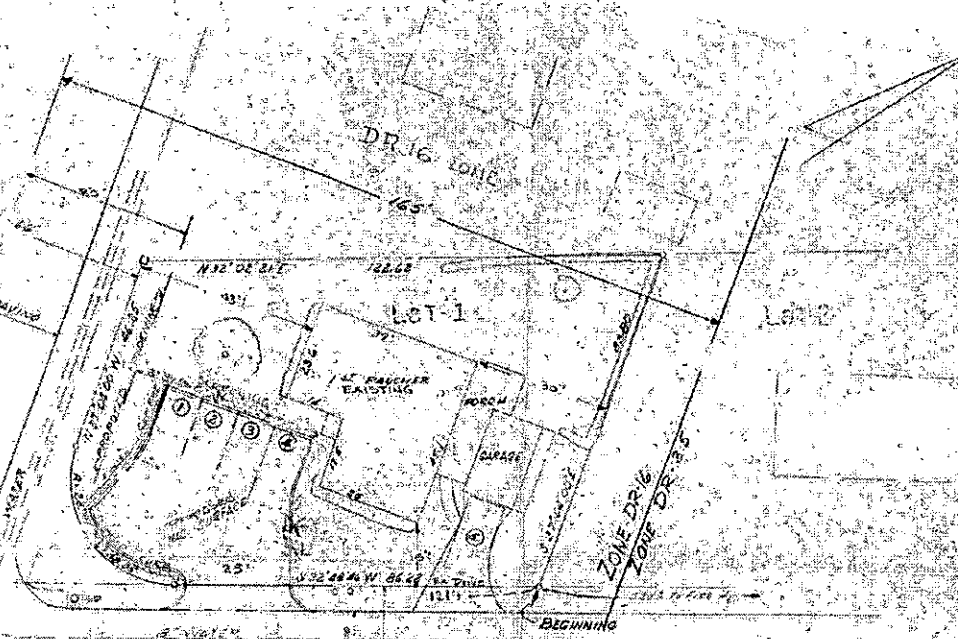
*James E. D.*  
 Deputy Zoning Commissioner of  
 Baltimore County

Petitioner's 9A

ORIGINAL FILED FOR RECORD  
 DATE June 20, 1974  
 BY John P. [illegible]

9151

REISTER TOWN ROAD  
ZONE DR 16  
ZONE DR 16



AUSTIN ROAD

DR 16  
LOT 16

### GENERAL NOTES

|                  |                     |
|------------------|---------------------|
| AREA OF PROPERTY | 0.211 AC.           |
| EXISTING ZONE    | DR 16               |
| PROPOSED ZONE    | DR 16 S.PEX.-OFFICE |
| EXISTING USE     | RESIDENTIAL         |
| PROPOSED USE     | OFFICE              |

### PARKING DATA

|                          |                  |
|--------------------------|------------------|
| AREA OF BUILDING         | 1333             |
| PARKING RATIO            | 15 SPACES / 5000 |
| TOTAL REQUIRED           | 5 SPACES         |
| TOTAL PROVIDED           | 5 SPACES         |
| (PARKING SPACES - 9-480) |                  |

NOTE: NO EXTERIOR STRUCTURAL CHANGE  
TO BE MADE TO EXISTING BUILDING

PLAT REF GEB 19109

### PLAT TO ACCOMPANY ZONING PETITION

PROPERTY OF  
WILLIAM D. BERRYMAN

44 Elec Dist. BALTO. CO. MD.  
SCALE 1" = 20' MARCH 10, 1974

E. F. RAHIEL & ASSOC.  
REGISTERED PROFESSIONAL LAND SURVEYORS  
241 LOBBELAND AVENUE  
BALTIMORE, MARYLAND 21204

Petitioner's 9B

9B

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - NE/S Reisterstown Road, 103.34' NW of the c/l of Austin Road (11719 Reisterstown Road) 4th Election District 3rd Councilmanic District

Mark S. Blank, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-554-SPHA

\*  
\*  
\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing for a finding that the Zoning Commissioner has the authority to approve the use of more than 25% of the total adjusted gross floor area of an office building located in an R-O zone to be occupied by medical offices, and a variance to permit 100% of the adjusted gross floor area of the office building to be occupied by dental offices in lieu of the permitted 25%, all as more particularly described in Petitioner's Exhibit 2.

The Petitioners appeared, testified, and were represented by Stuart D. Kaplow, Esquire. Also appearing on behalf of the Petition was Robert Rosenfelt, a registered professional engineer. Appearing as an interested party was Phyllis Friedman, Esquire, People's Counsel for Baltimore County. There were no Protestants.

Testimony indicated that the subject property, known as 11719 Reisterstown Road, consists of 0.32 acres split zoned R.O. and D.R. 3.5, and is improved with a two-story Class A office building. The Petitioners, Mark S. Blank, D.D.S., and his wife, Carol B. Blank, seek a variance from Section 203.3.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 100% of the adjusted gross floor area of the subject property to be occupied by Mr. Blank's dental office in lieu of the permitted 25%. Petitioners have also petitioned for a special hearing under Section 500.7 to

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By

Pet. Exh. 10 A

determine whether the Zoning Commissioner has the authority to consider variances to the requirements of Section 203.3.A.2. Mr. Kaplow proffered the testimony of the Petitioners and Mr. Rosenfelt.

Testimony indicated that Mr. Blank is currently operating a dental office in Laurel and is desirous of relocating his office to the subject building, which is located on the R.O. zoned portion of the property. The Petitioners purchased the property in 1988 prior to and unaware of the impending change to the R.O. regulations that would restrict the area available to support his dental practice to 25% of the gross floor area. Testimony and evidence established that the adjoining properties on Reisterstown Road are utilized as office buildings and Petitioner testified he knows of no opposition to the relief requested.

Mr. Rosenfelt testified by way of proffer that in his opinion, the relief requested in the special hearing may be granted by the Zoning Commissioner as the relief sought is an area variance and is clearly within the spirit and intent of Section 307.1 of the B.C.Z.R. He also stated that the subject property was no longer suitable for residential use as the surrounding community has largely converted to commercial uses. Mr. Rosenfelt's testimony also indicated that the Petitioners would suffer an undue hardship and practical difficulty should the requested variance be denied.

The Petitioners' variance request requires, as a preliminary matter, a determination as to whether the Zoning Commissioner has the authority to consider Petitions for Variances from Section 203.3.A.2 of the B.C.Z.R. Section 203.3 reads in part as follows:

203.3 -- Use Regulations:

A. Uses Permitted as of Right. The following uses only, are permitted as of right in any R-O zone:

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10/25/89  
R. J. Schumann

1) Uses permitted as of right and as limited in D.R. 5.5 zones, or

2) Class A office buildings containing offices or medical offices and their accessory uses, including parking, except that no more than 25% of the total adjusted gross floor area of the office building may be occupied by medical offices.

The Petitioner contends, irrespective of the Section's heading, "Use Regulations," that Section 203.3.A.2 controls only the percentage of floor area a medical office may occupy in a building located in an R.O. zone, thereby rendering his request an area variance and not a use variance. Considerable discussion was directed to the issue of what constitutes an area variance as compared to a use variance as use variances are not permitted in Baltimore County. See Section 307.1 of the B.C.Z.R. and Loyola Federal Savings and Loan Assn. vs. Buschman, et al, 227 Md. 243 (1961). The Maryland Court of Special Appeals addressed the distinctions between use and area variances in the case of Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. at 28 (1974). Judge Davidson, citing Buschman, 227 Md. 243 (1961), stated that the Court of Appeals has recognized a distinction between a use variance, which changes the character of the zoned district, and an area variance, which does not. Use variances are customarily concerned with "hardship" cases where the land cannot yield a reasonable return if used only in accordance with the use restrictions of the ordinance and a variance must be permitted to avoid confiscatory operation of the ordinance, while area variances are customarily concerned with "practical difficulty". Non-use or area variances {arise} where the owner engages in a permitted use but is allowed to build improvements that would otherwise violate the zoning statute. Rathkopf, the Law of Zoning and Planning, 38.01 {1}. Generally speaking, an area variance involves no change in the essential character of the

Date

By

10/25/89  
By Bette G. Schumann

zoned district, therefore, the neighborhood considerations are not as strong as in a use variance...Rathkopf, supra at 38.04 {4}.

In Alumni Control Board v. Lincoln, 137 MW 2d 800 (NEB. 1965), cited in Rathkopf, supra, the Court, describing a difference between a use and area variance, stated:

"A use variance is one which permits a use other than that prescribed by a zoning ordinance in a particular district. An area variance has no relationship to a change of use. It is primarily a grant to erect, alter, or use a structure for a permitted use in a matter other than that described by the restrictions of the zoning ordinances."

Also at issue is whether the Zoning Commissioner has the authority to consider variance requests from Section 203.3 regardless of whether the variance is characterized as a "use" or "area" variance, in view of the "Use Regulations" heading of the subject section. In Re: Petition for Variance, Howard Grossfield, et al, Case Nos. 83-10-ASPH and 82-189-V (April 26, 1984), the Baltimore County Board of Appeals (the Board) held that Section 203.3 of the B.C.Z.R. does not preclude the consideration of a request for variance concerning the size of signs pursuant to Section 203.3.C. The Board specifically stated that "Requests for variances concerning the size of signs could be classified as area variances". Grossfield, supra. In Balint v. County Board of Appeals of Baltimore County, Case No. 82-M-201, (December 5, 1984), the Circuit Court for Baltimore County, per Judge Hinkel, upheld a decision by the Board finding that a variance could be granted from Section 203.3.C (a subsection of the section here at issue) regarding sign requirements for R.O. zones. In the matter of Emanuel Glasser, M.D., Case No. 85-282-XA (October 9, 1985), the Board once again was required to address the issue of variance re-

UNDER REVIEW BY THE CLERK

Date

By

quests from Section 203.3. The Board, keeping consistent with the Balint case, held that:

Section 307 empowers the Zoning Commissioner and the County Board of Appeals to hear Petitions requesting variances from height and area regulations, off-street parking regulations, and from sign regulations. Only the restrictions and residential transition areas, as addressed in Bill No. 124, 1981, are specifically denied the right to Petition for a Variance under Section 307.

In consideration of the above, the regulatory history and the testimony and evidence presented at the hearing, it is the opinion of the Zoning Commissioner that the 25% adjusted gross floor area requirement of Section 203.3.A.2 of the B.C.Z.R. is an area regulation, and therefore, the Petition for Special Hearing should be granted.

Petitioners have also requested a variance from Section 203.3.A.2 to permit the use of 100% of the adjusted gross floor area of the subject building to be occupied by Petitioner's dental practice.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Date

By

10/25/84  
R. J. Sullivan

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28  
(1974).

Given the particular facts of this case, and the evidence produced, it is the opinion of the Zoning Commissioner that the requested variance should be granted with appropriate restrictions. It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petitions for Special Hearing and Zoning Variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of October, 1989 that the Zoning Commissioner has the authority, pursuant to Section 307.1 of the B.C.Z.R., to approve the use of more than 25% of the total adjusted gross floor area of an office building located in an R-O zone to be occupied by medical offices, and as such, the Petition for Special Hearing is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Zoning Variance from Section 203.3.A.2 to permit 100% of the adjusted gross floor area of the office building to be occupied by dental offices in an R.O. zone in lieu of the permitted 25%, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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Date

By

2) Petitioner shall be permitted only one dentist, including himself, and one non-professional assistant (receptionist, dental hygienist, file clerk, etc.) on the subject site for operation of the dental office. The subject dental office shall not be utilized as a multi-practitioner facility, nor shall the facility be permitted more than one full or part-time non-professional employee.

3) Petitioner shall provide and maintain a vegetative buffer in the area highlighted in yellow on Exhibit 1A appended hereto, and shall submit a landscape plan relative to this area to the Baltimore County Landscape Planner for approval.

4) The D.R. 3.5 portion shall not be used for parking or any other commercial use. Petitioner shall maintain the existing vegetative buffer in this area and shall remove the existing shed on or before June 1, 1990.

5) The basement of the subject building shall not be utilized for office space, storage or any other commercial purpose.

6) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

7) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

8) Hours of operation shall be limited to 7:00 AM to 5:00 PM, Monday through Saturday. There shall be no Sunday hours of operation.

9) There shall be no exterior lighting between the hours of 11:00 PM and 7:00 AM. All exterior lighting shall be directed downward and shall not diffuse onto the D.R. 3.5 portion of the subject site nor onto any adjoining properties.

  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

IN THE MATTER OF THE  
APPLICATION OF MARK S. BLANK,  
FOR A ZONING VARIANCE AND  
SPECIAL HEARING ON PROPERTY  
LOCATED ON THE NE SIDE OF  
REISTERSTOWN RD, 103.34' NW  
OF C/L OF AUSTIN ROAD  
(11719 REISTERSTOWN ROAD-  
4TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

BEFORE THE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
CASE NO. 89-554-SPHA

OPINION

This matter comes before the Board on an appeal from a decision of the Zoning Commissioner in which the requested variance was granted with multiple restrictions. The case was heard this day in its entirety.

Stuart D. Kaplow, Esquire, proffered to the Board on behalf of his clients, Dr. and Mrs. Mark S. Blank, as to the contemplated use of the property and as to the reasons the Zoning Commissioner's restrictions would prove to be an insurmountable difficulty with which to operate a dental practice. It should be noted that Dr. Blank was not present at the hearing and Mr. Kaplow explained that an unknown emergency arose which made it impossible for Dr. Blank to appear this date. After People's Counsel had been advised of this situation, the proffer was accepted by this Board. The proffer further indicated that the building was purchased in 1989 and sits on .37 acre located on Reisterstown Road in a commercial transition zone. Commercial uses exist on both sides of the property as well as across the street. A residence exists to the rear of the site.

Robert Rosenfelt, a Professional Engineer, testified that he did the site plan and a three-page exhibit of the Blank property

Mark S. Blank, et ux      Case No. 90-554-SPHA

was introduced to the Board. This exhibit was further explained by Mr. Rosenfelt as to the existence of the parking area which would be located in the R.O. zone and that the size of the building restricts its uses. The basement of the building is unsuitable for office space due to the 7-foot ceilings which exist. He indicated that the lighting was directed at a downward angle and was shielded so as to not diffuse onto the adjoining residential property. Mr. Rosenfelt further indicated that by granting a variance to this site it would not conflict with the spirit and intent of the zoning regulations.

People's Counsel presented no adverse witnesses in this matter.

A review of the evidence and testimony in this matter indicates that the variance should be granted allowing 100 percent of the adjusted gross floor area of the office building to be occupied by dental offices in an R.O. zone in lieu of the permitted 25 percent.

ORDER

For the reasons as set forth herein, it is this 22nd day of June, 1990 by the County Board of Appeals of Baltimore County ORDERED that the requested Petition for Zoning Variance as stated above is GRANTED subject to the following restrictions:

1. Appellant shall provide or maintain a vegetative buffer in the area highlighted in yellow on Exhibit A appended hereto, and shall submit a landscape plan

Mark S. Blank, et, ux

Case No. 90-554-SPHA

relative to this area to the Baltimore County Landscape Planner.

2. The D.R. 3.5 portion of the subject property shall not be used for parking.

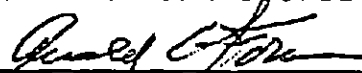
3. All exterior lighting shall be directed downward and shall be shielded so as to not diffuse onto any adjoining residentially used properties.

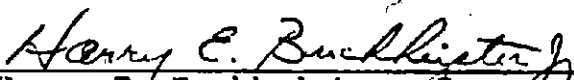
4. The basement area of the subject building may be used for storage; however, it shall not be used for office space.

5. The professional personnel is restricted to one dentist practicing with a non-professional staff of a receptionist/secretary, a dental hygienist, and a dental assistant on the subject site for the operation of a dental office. This restriction is not meant to limit a partner and/or associate of Dr. Blank from having office hours on this site when Dr. Blank is not on-site with office hours.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
Arnold G. Foreman, Acting Chairman

  
Harry E. Buchheister, Jr.

  
Michael B. Sauer

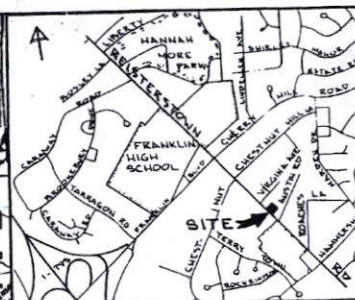
# site data

1. Gross acreage: 6.33 AC  
Net acreage: 6.33 AC
2. Zoning: S.O. = S.24 AC  
S.2.5 = 0.08 AC
3. Deed reference: BORO-24
4. Parking required:  
First floor:  
Use: Dental Office  
Floor area: 324 SF  
4.5 parking spaces per 1000 SF = 5 SPACES  
Basement (unfinished)  
Use: Storage  
Floor area: 903 SF  
No parking required  
Attic: LEAS. TRAM 7" HEADROOM  
Use: UNFINISHED  
Floor area:  
No parking required  
Parking provided: 6 SPACES (3 employees)
5. Total disturbed area is less than 5000 SF. A Stormwater Management Exception is being applied for.
6. Topography and property line shown hereon is per a survey by APN Associates, Inc., February 10, 1989.
7. A copy of the plan has been submitted to Larry Brocato of the Maryland State Highway Administration.
8. The proposed ramp will slope at 8.33% maximum and will have handrails to meet Maryland Code.
9. Census Tract 4045
10. Watershed 27
11. Subwatershed G7
12. Estimated ADT's (75/1000 SF) = 70 ADT

GEORGE E. LESPEL & WIFE  
4452-9224/CH MICHAEL PLAT  
ZONED D.P. 3.5  
3 VIRGINIA AVENUE  
CURRENT USE: RESIDENTIAL

W/F WILLIAM HUN MINT & WIFE  
7765-610/SS VIRGINIA AVENUE  
ZONED D.P. 3.5  
7 VIRGINIA AVENUE  
CURRENT USE: RESIDENTIAL

W/F HARRY WEGUL & WIFE  
1764-178/SLADE PROPERTY  
ZONED D.P. 3.5  
4 AUSTIN ROAD  
CURRENT USE: RESIDENTIAL



## benchmark:

1-1/2" x 1-1/2" x 1-1/2" BENCH MARK  
1-1/2" x 1-1/2" x 1-1/2" BENCH MARK  
1-1/2" x 1-1/2" x 1-1/2" BENCH MARK

## notes:

FLOOR AREA RATIO = 1.024 = 1.024/1.024 = 1.024  
THERE ARE NO STREETS ON OR WITHIN 50' OF THE PROPERTY.

## property information:

AREA: 1.176/1.176 ACRES  
ZONING: S.O. = S.24 ACRES / S.O. = S.24 ACRES  
LOT 15 = 0.08 ACRES / LOT 15 = 0.08 ACRES

## purpose of variance:

A VARIANCE FROM SECTION 103.1.1.2 TO PERMIT 10% OF THE TOTAL ADJUSTED GROSS FLOOR AREA OF THE OFFICE BUILDING TO BE OCCUPIED BY RETAIL OFFICES.

## crg waiver:

THE APPLICANT HAS APPLIED FOR A WAIVER OF THE CRG PLAN & PRELIMINARY BASED ON THE MINOR SCOPE OF THE DEVELOPMENT.

Petitioner's 10B

**VARIANCE PLAN**  
**BLANK PROPERTY**  
11719 REISTERTOWN ROAD #438  
4th ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND  
REVISED PLAN

REVISION: 4/14/89 SCALE: 1"=20'  
DATE: MAY 15 1989  
JOB NO: 208/001  
DESIGNED: J.E.  
DRAWN: H.T.CLEVIS  
CHECKED:  
DRAWING NUMBER:

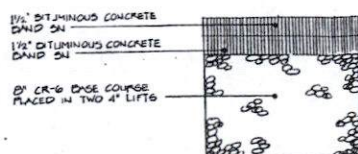
**ROSENFELT & WOOLFOLK**  
INCORPORATED  
Civil engineers, site designers, and planners  
water quality and stormwater management consultants  
Suite Eight  
Owings Mills Professional Center  
10708 Reisterstown Road  
Owings Mills, MD 21117  
Telephone: (301) 356-4500

SHEET 1 of 3

APPELLANTS

## bituminous concrete paving

NOT TO SCALE



TACO BELL RESTAURANT  
ZONED BL

## owner/developer:

MARK S. & CAROL B. BLANK  
4012 LONGLAKE DRIVE  
OWINGS MILLS, MARYLAND

## building type

CLASS A

Pet. Ex. 10B

IN RE: PETITIONS FOR SPECIAL HEARING, \*  
SPECIAL EXCEPTION, & VARIANCE

NW side of Cockeysville Road, 376' NE of \*  
the c/line of Beaver Dam Road  
(246 Cockeysville Road) \*  
8<sup>th</sup> Election District \*  
3<sup>rd</sup> Council District \*

246 Cockeysville Road Partnership \*  
(Richard Clarke), Owner \*  
Best Friends Fur-Ever, Inc., (Kelly Cullum) \*  
Contract Purchaser/Lessee \*  
Petitioners \*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

Case No. 2012-0196-SPHXA

\* \* \* \* \*

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing, Special Exception, and Variance filed by Richard Clarke, 246 Cockeysville Road Partnership, Legal Owner, and Kelly Cullum, Best Friends Fur-Ever, Inc., Contract Purchaser/Lessee, (the "Petitioners"). Special Hearing relief is requested as follows:

1. Request that the conditions for the proposed commercial kennel (special exception), as provided in Section 253.2.C of the Baltimore County Zoning Regulations (B.C.Z.R.) be waived;
2. To permit exercise areas and dog runs in a riverine floodplain pursuant to Section 500.6 of the B.C.Z.R., Sections 3112.00 and 3112.2 of the Baltimore County Building Code, and Sections 32-4-107, 32-4-404, 32-4-414 and 32-8-301 of the Baltimore County Code (B.C.C.);
3. A modified parking plan pursuant to Section 409.12 of the B.C.Z.R., and
4. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

In addition, Petitioners request Special Exception relief for a commercial kennel pursuant to Section 253.2.C.3 of the B.C.Z.R., and for such other and further relief as may be deemed necessary by the Administrative Law Judge.

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Date 4-9-12

By DW



Variance relief is also being sought pursuant to Section 421.2 of the B.C.Z.R. to permit the use within zero (0) feet of the nearest property line or lease line in lieu of the 200 feet minimum requirement, and for such other and further relief as may be deemed necessary by the Administrative Law Judge.

The subject property and requested relief are more fully described on the redlined site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests were Richard Clarke, owner, Kelly Cullum, contract purchaser/lessee, and Kenneth James Wells with kj Wells, Inc., the land surveying and site planning company who prepared the site plan. Jason T. Vettori, Esquire with Smith, Gildea & Schmidt, LLC appeared as counsel and represented the Petitioners. Two interested citizens attended the hearing: Barbara Alderson (1443A East Piney Hill Road, Monkton) and Howard Conaway (100 West Padonia Road, Timonium).

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A comment was received from the Department of Environmental Protection and Sustainability (DEPS) dated March 14, 2012, which states that the development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code (B.C.C.) as well as comply with Forest Conservation Regulations (Sections 33-6-101 through 33-6-122) of the B.C.C. A ZAC comment dated March 2, 2012, was also received from Edward Adams, Director of the Department of Public Works, wherein that agency recommended approval of the floodplain waiver. Finally, a comment dated April 3, 2012, was received from the Department of Planning. That agency opined that the special exception relief would not be

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Date

4-9-12

By

DS

detrimental to the community's health, safety and general welfare, but it believed certain landscaping requirements should be imposed to provide "visual buffering."

Petitioners presented three witnesses in their case. First was Kelly Cullum, who would operate the proposed facility. Ms. Cullum currently operates a "doggy day care" facility in Harford County, and has done so for the past 11 years. Ms. Cullum testified she cares for approximately 80 dogs at that location, and she has approximately 30 employees. Ms. Cullum explained that clients drop their pets off in the morning and return in the evening after work to pick them up. She explained that the customers are usually in a hurry and do not "linger", so that parking has never been a problem. Ms. Cullum presented a book of photos depicting her current operation (Exhibit 2) as well as brochures outlining the services she performs (Exhibits 5A - D).

Richard Clarke was the next witness, and he testified that he has owned the subject premises since 1983. He explained, with regard to the floodplain issue, that there is a berm at the rear of the building which causes the property grade to rise for approximately 5 or 6 feet from the building, at which point the grade then begins to slope downward toward what was referred to as a "swamp". In response to Ms. Alderson's statement that the area is frequently inundated with rain water, Mr. Clarke testified that he has never had flooding or water inside the building in all the time that he has owned the property.

The final witness was Kenneth Wells, who was accepted as an expert in Baltimore County zoning and land use matters. Mr. Wells prepared the site plan, and explained the layout of the proposed facility, and the redlined plan which shows the boundaries of the 100 year floodplain. Mr. Wells opined that the proposal satisfied the special exception test set forth at B.C.Z.R. § 502.1. Finally, he testified that under the B.C.Z.R., 19 parking spaces were required, while Petitioners' plan shows 16 spaces on site. Even so, Mr. Wells explained that Petitioners

ORDER RECEIVED FOR FILING

Date 4-9-12

By [Signature]

have an easement or joint use agreement with the adjoining property owner, allowing them to use the five stacked parking spaces shown on Exhibit 1, for employee parking. Mr. Wells testified that, based on Ms. Cullum's testimony regarding the nature of her business, more than sufficient parking would be provided to support the proposed facility.

At this juncture, Ms. Alderson asked Mr. Wells to explain in detail the 100-year floodplain waiver sought by Petitioners. Ms. Alderson indicated that her primary concern with the proposal was this issue, and she feared that development activities can destroy such environmentally sensitive areas quickly, and yet it is all but impossible to restore such features. Mr. Wells explained that Petitioners' proposed only a very modest encroachment upon the floodplain with a fence and dog run, and that no structures or improvements would be constructed in that area, which would be forbidden by County law. See Baltimore County Council Bill No. 47-10. Mr. Wells pointed to the plan and explained that almost the entire width of Cockeysville Road traverses the floodplain, and that Petitioners' incursion would be negligible by comparison. Finally, Mr. Wells testified that the Baltimore County Department of Public Works also supported the requested floodplain waiver (Exhibit 7).

#### Special Exception Standards

Special exception uses are presumptively valid and consistent with the comprehensive zoning plan, People's Counsel v. Loyola College, 406 Md. 54, 77 n. 23 (2008), and no evidence was offered here to rebut the presumption. Petitioners' expert, Kenneth Wells, testified that the project would satisfy Section 502.1 of the B.C.Z.R., and I concur, based upon the same factors Mr. Wells recited in his testimony. In addition, the Department of Planning also believed that the project would not be detrimental to the surrounding community. Ms. Alderson raised a concern with the noise (i.e., dog barking) and it is obvious that the "doggy day care" operation.

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Date 4-9-12

By [Signature]

will produce a certain amount of noise. But, the County Council is presumed to be aware of this reality, and it nonetheless permitted these facilities in the ML zone by special exception. The legal test is whether the noise and disruption generated by such a use would have a greater impact at the subject site than at other locations where permitted by special exception. Id. There was no testimony or evidence supporting that proposition, and I believe that the petition should therefore be granted.

### Special Hearing

Petitioners have also requested special hearing relief asking that the conditions for operation of a commercial kennel as provided in B.C.Z.R. Section 253.2.C, be waived. Again, no evidence was presented to suggest that such a waiver would be detrimental to the community, and I therefore believe the special hearing relief should be granted.

### Variance Relief

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

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

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

Petitioners have met this test.

Ms. Cullum is proposing to "breathe life" into a largely vacant office building that is situated on a busy corner in the industrial park portion of Hunt Valley. Petitioners are

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By DW

constrained by existing site conditions, which renders the property unique from a zoning perspective. Ms. Cullum indicated she has been looking in the area for over 4 years to locate a suitable site, and her market research indicates a strong need for her services. As such, Petitioners would experience a hardship if they were unable to open and operate the proposed facility which will serve the community's needs in this busy and dynamic part of the County.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioners' Special Exception, Special Hearing, and Variance requests should be granted, subject to the comments and conditions which follow.

THEREFORE, IT IS ORDERED this 9<sup>th</sup> day of April, 2012, by this Administrative Law Judge, that Petitioners' request for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

1. Request that the conditions for the proposed commercial kennel (special exception), as provided in Section 253.2.C of the B.C.Z.R. be waived;
2. To permit exercise areas and dog runs in a riverine floodplain pursuant to Section 500.6 of the B.C.Z.R., Sections 3112.00 and 3112.2 of the Baltimore County Building Code, and Sections 32-4-107, 32-4-404, 32-4-414 and 32-8-301 of the Baltimore County Code (B.C.C.);
3. A modified parking plan pursuant to Section 409.12 of the B.C.Z.R., and
4. For such other and further relief as may be deemed necessary by the Administrative Law Judge,

be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioners' Special Exception request for a commercial kennel pursuant to Section 253.2.C.3 of the B.C.Z.R., and for such other and further relief as may be deemed necessary by the Administrative Law Judge, be and is hereby

GRANTED; and  
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Date 4-9-12

By DW

IT IS FURTHER ORDERED that Petitioners' Variance request pursuant to Section 421.2 of the B.C.Z.R. to permit the use within zero (0) feet of the nearest property line or lease line in lieu of the 200 feet minimum requirement, and for such other and further relief as may be deemed necessary by the Administrative Law Judge, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners must comply with the environmental regulations set forth in the Department of Environmental Protection and Sustainability's comment dated March 14, 2012, a copy of which is attached hereto and incorporated herein by reference.
3. Petitioners must comply with the landscaping requirements set forth in the Department of Planning's comment dated April 3, 2012, which is attached hereto and made a part hereof.

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

  
JOHN B. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB/dlw

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Date 8-9-12

By aw

SECTION 204 - R-O (Residential — Office) Zone

[Bill No. 13-1980 <sup>[1]</sup>]

*Footnotes:*

— (1) —

1. *Editor's Note—This bill originally added the R-O Zone as Section 203. It was subsequently changed to Section 204 by Bill No. 186-1994.*

§ 204.1. - Declaration of findings.

[Bill No. 186-1994]

It is found that:

- A. Residential use of certain sites may not be economically feasible in some predominantly moderate-density residential areas that are within or near town centers, are near C.C.C. Districts, or lie along commercial motorways;
- B. Neither business zoning nor high-density residential zoning of those sites is appropriate; and
- C. With appropriate restrictions, houses converted to offices and, in some cases, small Class B office buildings and similar buildings are suitable, economically feasible uses of such sites.

§ 204.2. - Statement of legislative policy.

[Bill Nos. 151-1988; 186-1994]

The R-O zoning classification is established, pursuant to the findings stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic or other similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones. It is intended that buildings and uses in R-O Zones shall not intrude upon or disturb present or prospective uses of nearby residential property. It is not the R-O classification's purpose to accommodate a substantial part of the demand for office space, it being the intent of these zoning regulations that office space demand should be met primarily in C.T. Districts, C.C.C. Districts and, to a lesser extent, in other commercial areas.

§ 204.3. - Use regulations.

[Bill Nos. 167-1980; 37-1988; 151-1988; 186-1994]



- A. Uses permitted as of right. The following uses, only, are permitted as of right in any R-O

Zone:

1. Uses permitted as of right and as limited in D.R.5.5 Zones.
2. Class A office buildings containing offices or medical offices and their accessory uses, including parking, except that no more than 25 percent of the total adjusted gross floor area of the office building may be occupied by medical offices.
3. Class A office buildings containing MVA licensed vehicle tag and title service office, without inventory except state issued vehicle license plates.

[ Bill No. 12-2020 ]

- B. Uses permitted by special exception. The following uses, only, may be permitted by special exception in an R-O Zone, if such use has an approved County Review Group (CRG) plan prior to the granting of a special exception: <sup>[2]</sup>

1. Uses permitted by special exception and as limited in D.R.5.5 Zones.
2. Class B office building.
  - a. Class B office buildings containing offices or medical offices, except that no more than 25 percent of the total adjusted gross floor area of the office building may be occupied by medical offices. A Class B office building in existence prior to the effective date of this legislation with medical offices in excess of 25 percent of the total adjusted gross floor area is a conforming use if it is in compliance with the terms of its special exception. Such an office building may be expanded if the expansion meets the current parking requirements for medical offices. A Class B office building listed on the Baltimore County Final Landmarks List, as part of the adaptive reuse of the building, is allowed up to 1,200 square feet of carry-out restaurant or standard restaurant (without service of alcoholic beverages), and storage of wine is permitted. Special exception uses required for community buildings or community swimming pools that involve a Baltimore County final landmarks structure may be reviewed as a permitted use subject to review and approval by the Baltimore County Planning Board.

[Bill No. 100-2009]

- b. Up to 100 percent of the total adjusted gross floor area of a Class B office building may be occupied by medical offices if:
  - (1) The floor area ratio of the proposed Class B office building is not greater than 0.20;
  - (2) A documented site plan and a special exception for a Class B office building have been approved by the Zoning Commissioner or the Board of Appeals, either on appeal or as a result of its original jurisdiction, prior to the effective date of Bill No. 151-1988;

- (3) Construction of the Class B building is started prior to the expiration date of the required by Section 502.3; and
  - (4) Parking requirements shall be calculated by requiring the maximum number of parking spaces as determined by Section 409 of these regulations, the requirements of the documented site plan, or the requirements of the order granting the special exception, whichever shall yield the greatest number of spaces.
- c. Class B office building containing internet retail, except that such use is restricted to retail sales of merchandise purchased via mail, phone, or the Internet and shipped to a customer, and is also subject to the following:

[Bill No. 21-2016]

- (1) No walk-in business is permitted.
- (2) Storage of Internet retail merchandise is permitted as an accessory use only, and also provided that no more than ten percent of the total gross floor area of the building may be so used.
- (3) A variance may be requested but neither the Administrative Law Judge nor the County Board of Appeals on appeal may grant a variance in excess of 40 percent of the total gross floor area.
- (4) For the purposes of this subparagraph, Section 204.4 of these regulations is applicable.
- (5) In addition to the special exception findings made pursuant to Section 502.1 of these regulations, the Administrative Law Judge or the County Board of Appeals on appeal may impose additional restrictions or conditions on the use, to include a limitation on deliveries to the subject property by means, time, and manner of delivery, and further subject to the goals and objectives of Sections 204.1 and 204.2 of these regulations.

3. Animal grooming facility.

[Bill No. 50-2013]

C. Signs and off-street parking requirements.

- 1. Signs are permitted, subject to Section 450.

[Bill No. 89-1997]

- 2. Off-street parking spaces shall be provided in accordance with Section 409. To the extent possible, parking shall be located in the side or rear yards of the lot. All required parking spaces shall be provided on the same lot as the structure or use to which they are accessory.

--- (2) ---

2. *Editor's Note—Veterinarians' offices was originally included in this subsection by Bill No. 13-1980 as a permitted use but was deleted by Bill No. 167-1980.*

#### § 204.4. - Bulk regulations in R-O Zones.

[Bill No. 186-1994]

Uses permitted as of right or by special exception are governed by the following bulk regulations:

- A. Uses permitted under Sections 204.3.A.1 and 204.3.B.1 and new structures accessory to Class A office buildings are governed by the bulk regulations of D.R.5.5 Zones.
- B. Class A office buildings themselves, which by definition may not be enlarged, are not subject to bulk regulations, nor are unenlarged structures accessory to the original building.
- C. Class B office buildings.
  - 1. Maximum floor area ratio: 0.33.
  - 2. Maximum height of structure: 35 feet.
  - 3. Minimum front yard setback: 25 feet or the average of the setbacks of the adjacent structures, whichever is less.
  - 4. Minimum side yard setbacks: ten 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.
  - 5. Minimum rear yard setback: 30 feet.
  - 6. Amenity open space: seven percent of the interior of the parking lot, not including setback and buffer area requirements, shall be pervious land area in association with plantings.
  - 7. Maximum lot size: one acre, except that if located on a principal arterial and if there is adjacent nonresidentially used or nonresidentially zoned frontage, the maximum lot size may be two acres.
  - 8. The office building shall be the only principal building on the lot on which it is situated and shall not be attached to another building.
  - 9. Landscaped requirements. In addition to the requirements set forth in the Baltimore County Landscape Manual:
    - a. All parking and dumpster areas which abut a residential zone shall be screened by an opaque fence, wall or berm in association with plantings.
    - b. The minimum screening height shall be five feet.

- c. The following buffers, which shall not be encroached upon by aboveground stormwater parking or dumpster areas but which may be broken by the entrance way, shall be:
- (1) Property lines which abut any property which is predominantly residentially zoned, residentially used or which abut any residential street must have a 20-foot landscape buffer; and
  - (2) Property lines which abut any nonresidentially zoned property must have a ten-foot landscape buffer.

§ 204.5. - Plan.

[Bill Nos. 56-1982; <sup>[3]</sup>

The use or development of any property in an R-O Zone may not be changed from that existing on the effective date of the classification's application to that property, except in accordance with a plan approved by the County Review Group as provided in Article 32, Title 4 of the Baltimore County Code, unless the change in use is confined to a change in the number of dwelling units in accordance with the provisions of Section 402.

*Footnotes:*

-- (3) --

3. *Editor's Note—This bill also repealed former Sections 203.5.A.B and 203.5.A.C in their entirety. Similar provisions detailing the content of development plans are now contained in Title 16 of the Baltimore County Code, 1988 Edition, as revised. 186-1994; 137-2004]*

§ 204.6. - Conversion of dwellings to office buildings.

[Bill Nos. 161-1985; 151-1988; 186-1994]

Any one- or two-family dwelling or apartment building which is under application for either a change in zoning classification to R-O or for a conversion from a residential use to an office use shall require a special exception if the dwelling has been enlarged in floor area by ten percent or more within a period of five years prior to the date of application for change or conversion.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2016, Legislative Day No. 7

Bill No. 21-16

---

Mr. Wade Kach, Councilman

---

By the County Council, April 4, 2016

---

A BILL  
ENTITLED

AN ACT concerning

R-O (Residential – Office) Zone – Use Regulations

FOR the purpose of providing for a certain retail use in the R-O (Residential – Office) Zone by special exception; and generally relating to uses in the R-O (Residential – Office) Zone.

BY repealing and re-enacting, with amendments  
Section 204.3.B  
Baltimore County Zoning Regulations, as amended

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,  
2 MARYLAND, that the Baltimore County Zoning Regulations read as follows:

---

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.

Petitioner's 13

1 SECTION 204

2 R-O (Residential – Office) Zone

3 § 204.3. Use Regulations.

4 B. Uses permitted by special exception. The following uses, only, may be permitted by special  
5 exception in an R-O Zone, if such use has an approved County Review Group (CRG) plan prior  
6 to the granting of a special exception:

7 1. Uses permitted by special exception and as limited in D.R.5.5 Zones.

8 2. Class B office building.

9 a. Class B office buildings containing offices or medical offices, except that no  
10 more than 25% of the total adjusted gross floor area of the office building may  
11 be occupied by medical offices. A Class B office building in existence prior to  
12 the effective date of this legislation with medical offices in excess of 25% of the  
13 total adjusted gross floor area is a conforming use if it is in compliance with the  
14 terms of its special exception. Such an office building may be expanded if the  
15 expansion meets the current parking requirements for medical offices. A Class  
16 B office building listed on the Baltimore County Final Landmarks List, as part  
17 of the adaptive reuse of the building, is allowed up to 1,200 square feet of  
18 carry-out restaurant or standard restaurant (without service of alcoholic  
19 beverages), and storage of wine is permitted. Special exception uses required for  
20 community buildings or community swimming pools that involve a Baltimore  
21 County final landmarks structure may be reviewed as a permitted use subject to  
22 review and approval by the Baltimore County Planning Board.

1           b.     Up to 100% of the total adjusted gross floor area of a Class B office building  
2                 may be occupied by medical offices if:

3                 (1)     The floor area ratio of the proposed Class B office building is not greater  
4                         than 0.20;

5                 (2)     A documented site plan and a special exception for a Class B office  
6                         building have been approved by the Zoning Commissioner or the Board  
7                         of Appeals, either on appeal or as a result of its original jurisdiction,  
8                         prior to the effective date of Bill No. 151-1988;

9                 (3)     Construction of the Class B building is started prior to the expiration  
10                        date of the special exception as required by Section 502.3; and

11                (4)     Parking requirements shall be calculated by requiring the maximum  
12                        number of parking spaces as determined by Section 409 of these  
13                        regulations, the requirements of the documented site plan, or the  
14                        requirements of the order granting the special exception, whichever shall  
15                        yield the greatest number of spaces.

16           C.     CLASS B OFFICE BUILDING CONTAINING INTERNET RETAIL, EXCEPT  
17                    THAT SUCH USE IS RESTRICTED TO RETAIL SALES OF  
18                    MERCHANDISE PURCHASED VIA MAIL, PHONE, OR THE INTERNET  
19                    AND SHIPPED TO A CUSTOMER, AND IS ALSO SUBJECT TO THE  
20                    FOLLOWING:

21                (1)     NO WALK-IN BUSINESS IS PERMITTED.

22                (2)     STORAGE OF INTERNET RETAIL MERCHANDISE IS

1 PERMITTED AS AN ACCESSORY USE ONLY, AND ALSO  
2 PROVIDED THAT NO MORE THAN TEN PERCENT (10%) OF THE  
3 TOTAL GROSS FLOOR AREA OF THE BUILDING MAY BE SO  
4 USED.

5 (3) A VARIANCE MAY BE REQUESTED BUT NEITHER THE  
6 ADMINISTRATIVE LAW JUDGE NOR THE COUNTY BOARD OF  
7 APPEALS ON APPEAL MAY GRANT A VARIANCE IN EXCESS  
8 OF FORTY PERCENT (40%) OF THE TOTAL GROSS FLOOR  
9 AREA.

10 (4) FOR THE PURPOSES OF THIS SUBPARAGRAPH, SECTION 204.4  
11 OF THESE REGULATIONS IS APPLICABLE .

12 (5) IN ADDITION TO THE SPECIAL EXCEPTION FINDINGS MADE  
13 PURSUANT TO SECTION 502.1 OF THESE REGULATIONS, THE  
14 ADMINISTRATIVE LAW JUDGE OR THE COUNTY BOARD OF  
15 APPEALS ON APPEAL MAY IMPOSE ADDITIONAL  
16 RESTRICTIONS OR CONDITIONS ON THE USE, TO INCLUDE A  
17 LIMITATION ON DELIVERIES TO THE SUBJECT PROPERTY BY  
18 MEANS, TIME, AND MANNER OF DELIVERY, AND FURTHER  
19 SUBJECT TO THE GOALS AND OBJECTIVES OF SECTIONS 204.1  
20 AND 204.2 OF THESE REGULATIONS.

21 3. Animal grooming facility.

1           SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five (45)  
2    days after its enactment.

b02116.wpd

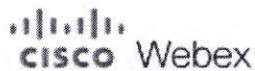
Debra Wiley

10-16-20  
1:30pm

Invited LangStake

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| <input type="checkbox"/> <u>Henry Ayakwah</u><br>(Alternate Host) | hayakwah@baltimorecountymd.gov | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/> <u>Jason Vettori</u>                     | jvettori@sgs-law.com           | 1-           | English  | New York Time | U.S.   |
| <input checked="" type="checkbox"/> <u>Lawrence M. Stahl</u>      | lstahl@baltimorecountymd.gov   | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/> <u>Mohamed Elnadi</u>                    | melnadi@gmail.com              | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/> <u>Paul Mayhew</u>                       | pmayhew@baltimorecountymd.gov  | 1-           | English  | New York Time | U.S.   |

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## New Panelist

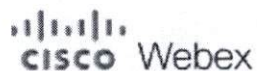
Full name:  (required)Email address:  (required)Phone number:  Country/Region  Number (with area/city code)Time Zone:  New York (Eastern Daylight Time, GMT-04:00) ▼Language:  English ▼Locale:  U.S. ▼☐ Add new panelist in my address book☐ Invite as alternate host[Add to Invitation List](#)

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1:30 pm

**Debra Wiley**

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### Panelists to Invite

|                                     | Name                                     | Email address                    | Phone number | Language | Time Zone     | Locale |
|-------------------------------------|------------------------------------------|----------------------------------|--------------|----------|---------------|--------|
| <input type="checkbox"/>            | <u>Donna Mignon</u><br>(Alternate Host)  | dmignon@baltimorecountymd.gov    | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/>            | <u>Henry Ayakwah</u><br>(Alternate Host) | hayakwah@baltimorecountymd.gov   | 1-           | English  | New York Time | U.S.   |
| <input checked="" type="checkbox"/> | <u>Aaron Kensinger</u>                   | akensinger@centuryeng.com        | 1-           | English  | New York Time | U.S.   |
| <input checked="" type="checkbox"/> | <u>Anthony Dietz</u>                     | ajdietz@centuryeng.com           | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/>            | <u>Jason Vettori</u>                     | jvettori@sgs-law.com             | 1-           | English  | New York Time | U.S.   |
| <input checked="" type="checkbox"/> | <u>Justin Silberman</u>                  | jsilberman@baltimorecountymd.gov | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/>            | <u>Lawrence M. Stahl</u>                 | lstahl@baltimorecountymd.gov     | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/>            | <u>Mohamed Elnadi</u>                    | melnadi@gmail.com                | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/>            | <u>Paul Mayhew</u>                       | pmayhew@baltimorecountymd.gov    | 1-           | English  | New York Time | U.S.   |

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## New Panelist

Full name:  (required)

Email address:  (required)

Phone number:  Country/Region  Number (with area/city code)

Time Zone:  ▼

Language:  ▼

Locale:  ▼

☐ Add new panelist in my address book

☐ Invite as alternate host

[Add to Invitation List](#)

10-16-20  
1:30 pm

**Debra Wiley**

---

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### Panelists to Invite

| Name                                                                       | Email address                    | Phone number | Language | Time Zone     | Locale |
|----------------------------------------------------------------------------|----------------------------------|--------------|----------|---------------|--------|
| <input type="checkbox"/> <a href="#">Donna Mignon</a><br>(Alternate Host)  | dmignon@baltimorecountymd.gov    | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/> <a href="#">Henry Ayakwah</a><br>(Alternate Host) | hayakwah@baltimorecountymd.gov   | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/> <a href="#">Aaron Kensinger</a>                   | akensinger@centuryeng.com        | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/> <a href="#">Anthony Dietz</a>                     | ajdietz@centuryeng.com           | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/> <a href="#">Christopher Haas</a>                  | chris@sheffieldconstruction.com  | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/> <a href="#">Jason Vettori</a>                     | jvettori@sgs-law.com             | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/> <a href="#">Justin Silberman</a>                  | jsilberman@baltimorecountymd.gov | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/> <a href="#">Lawrence M. Stahl</a>                 | lstahl@baltimorecountymd.gov     | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/> <a href="#">Mohamed Elnadi</a>                    | melnadi@gmail.com                | 1-           | English  | New York Time | U.S.   |
| <input type="checkbox"/> <a href="#">Paul Mayhew</a>                       | pmayhew@baltimorecountymd.gov    | 1-           | English  | New York Time | U.S.   |

[Invite](#)
[Select All](#)
[Clear All](#)
[Delete](#)
[Cancel](#)

### New Panelist

Full name:  (required)

Email address:  (required)

Phone number:  Country/Region  Number (with area/city code)

Time Zone:  New York (Eastern Daylight Time, GMT-04:00) ▼

Language:  English ▼

Locale:  U.S. ▼

☐ Add new panelist in my address book

☐ Invite as alternate host

[Add to Invitation List](#)

**Debra Wiley**

---

**From:** messenger@webex.com  
**Sent:** Friday, October 16, 2020 11:21 AM  
**To:** Debra Wiley  
**Subject:** Email delivery status for Web seminar: Zoning Hearing - Case No. 2020-0139-SPHXA - 11723 Reisterstown Rd.

**CAUTION:** This message from messenger@webex.com originated from a non Baltimore County Government or non-BCPL email system. Hover over any links before clicking and use caution opening attachments.



## Webex sent the email message "Panelist Invitation" for your event.

Number of email addresses the message was sent to successfully: 1

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Need help? Go to <http://help.webex.com>

**Donna Mignon**

---

**From:** Kelly Benton <kbenton@sgs-law.com>  
**Sent:** Friday, October 16, 2020 11:16 AM  
**To:** Administrative Hearings  
**Cc:** Jason Vettori  
**Subject:** 11723 Reisterstown Road

**CAUTION:** This message from kbenton@sgs-law.com originated from a non-Baltimore County Government or non-BGPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning,

Can you please add Christopher Haas: [chris@sheffieldconstruction.com](mailto:chris@sheffieldconstruction.com) as a participant in the 1:30 hearing on Case No. 139-SPHA?

Thank you,  
Kelly

**Kelly Benton | Paralegal**  
**SMITH, GILDEA & SCHMIDT, LLC**  
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070  
[kbenton@sgs-law.com](mailto:kbenton@sgs-law.com) | [www.sgs-law.com](http://www.sgs-law.com)

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## Donna Mignon

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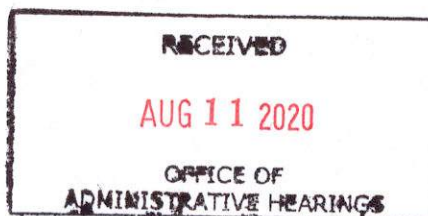
**From:** Peoples Counsel  
**Sent:** Tuesday, August 11, 2020 11:35 AM  
**To:** Administrative Hearings; Paul Mayhew  
**Cc:** Debra Wiley; Donna Mignon; Jason Vettori; Peter Gutwald; Carl Richards Jr  
**Subject:** Mohamed Elnadi - 11723 Reisterstown Road - Case No. 2020-139-SPHXA  
**Attachments:** Ltr to Mayhew on Mohamed Elnadi - 11723 Reisterstown Road - Case No 2020-139-SPHXA with attachments.pdf

Good Morning,

Attached for filing is a letter from our office relating to the above-mentioned case.

Thank you for your consideration.

Rebecca M. Wheatley, Legal Secretary  
People's Counsel for Baltimore County  
105 West Chesapeake Avenue, Suite 204  
Towson, Maryland 21204  
(410) 887-2189 Direct Dial  
(410) 887-2188 Office  
(410) 823-4236 Fax





## ***Baltimore County, Maryland***

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building  
105 West Chesapeake Avenue, Room 204  
Towson, Maryland 21204

410-887-2188  
Fax: 410-823-4236

PETER MAX ZIMMERMAN  
People's Counsel

August 11, 2020

CAROLE S. DEMILIO  
Deputy People's Counsel

SENT VIA EMAIL

Paul M. Mayhew, Managing Administrative Law Judge  
The Jefferson Building  
105 W. Chesapeake Avenue, Suite 103  
Towson, Maryland 21204

Re: Mohamed Elnadi  
11723 Reisterstown Road  
Case No. 2020-139-SPHXA

Dear Judge Mayhew,

This zoning petition requests a special exception and variance to approve a Class B office building in the R.O. Zone with 100% dental office use, exceeding the 25% maximum medical office use. The special exception is generated because Petitioner is enlarging the building with an addition, thereby making it a Class B office building. There is also a request for a modified parking plan relating to parking spaces and loading.

The proposed 100% dental office variance is effectively for a use variance. This is not permitted. BCZR Sec. 307.1 allows for height and area, off-street parking, and sign variances, but not use variances. Loyola Federal Savings & Loan v. Buschman 227 Md. 243, 246-51 (1961); McLean v. Soley 270 Md. 208, 213-15 (1973).

The property is on Reisterstown Road in Owing Mills. It is split-zoned R.O. (Residential-Office)/D.R. 3.5 (Density Residential). The site plan shows the predominant zone is R.O, with a rear sliver of D.R. 3.5. So the relevant zone is R.O. This brings into play BCZR Sec. 204.

BCZR Sec. 101.1 divides Office Buildings into Class A and Class B categories. Class A are converted dwellings without external enlargement. Class B are office buildings which are not Class A. In other words, these are new or enlarged buildings.

BCZR Sec. 204.3 provides Class A office buildings are permitted by right. But they are limited to 25% total adjusted gross floor area for medical office use. BCZR Sec. 204.3.A.2. Class B office buildings are permitted by special exception. BCZR Sec. 204.3.B.2. Again, they are limited to 25% floor area for medical use. There are also bulk and other standards.

Petitioner acquired the property by deed dated July 18, 2018. SDAT Data enclosed. Whether in residential or office use when acquired by Petitioner, he apparently converted it to 100% dental office use. We have asked the permits office for any recent permit applications related to conversion for dental office use. We have found none so far. Nor have we found any zoning request to exceed the 25% limit for Class A conversions, although it also would be disqualified as a use variance. So, we are dealing with a request to add to a dental office use which already appears to exceed the 25% limit.

Upon Petitioner's request to enlarge the building with an addition, it was apparently brought to his attention that the Class B special exception requirements came into play, along with the 25% medical office limit. There is no genuine dispute that a dental office use is a type of medical office use. The petition is filed on this basis.<sup>1</sup>

The legislative history begins with Bill 13-80, which established the R.O. Zone, including the framework for Class A and B Office Buildings. It was at that time codified in BCZR Sec. 203. The amendment most important to the present case came about in Bill 151-88. This added and detailed the 25% adjusted gross floor area limits for medical offices.

There were also amendments in 37-88 and Bills 185-94. These included amendments to the definition of Class B office building, with Bill 186-94 formulating the current definition. Bill 186-94 also recodified the R.O. Zone to BCZR Sec. 204.<sup>2</sup>

Our office has contended the 25% medical office limit is essentially a use limitation. The enclosed County Board of Appeals (CBA) decision in Case No. 95-108-SPHXA (1995), Peter Ferra, Petitioner, 405 Main Street (405 Reisterstown Road), confirms this analysis on Page 4. The CBA found the existing 61% medical office use, which predated the 1988 legislation, was grandfathered, but if the property were split into two lots, "the 61% floor area for the existing medical office use now located on a new lot would no longer be grandfathered and would therefore be an illegal use."

More recently, Administrative Law Judge John Beverungen held the 25% limit is a use limitation and thus not variable. Case No. 2015-0001-SPHA (2014), Candace Holt, Petitioner, 8613 Old Harford Road. ALJ Beverungen wrote, on page 2 of his opinion,

"The Petitioner recently purchased the property from Mr. Baumgartner, who operated an HVAC business from the site. Petitioner previously leased space for her

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<sup>1</sup> A brief survey revealed dentistry is also known as dental medicine or oral medicine, a branch of medicine that consists of the study, diagnosis, prevention and treatment of diseases, disorders and conditions of the oral cavity, dentition, facial, and jaw area. The enclosed Wikipedia piece is helpful. We also learned dental schools award degrees either in dental surgery - DDS - or dental medicine --- DMD. An enclosed Colgate article informs that the Baltimore College of Medicine granted the first DDS in 1893. Harvard started a short time later with a DMD.

<sup>2</sup> To elaborate the legislative history, we have enclosed each of the aforementioned Bills.

practice at 8611 Old Harford Road (next door), and the owner of that property was granted zoning relief in Case No. 2012-0218-SPHA to have 100% medical use in an R.O. zone. Petitioner's Exhibit 8. Having reviewed this Order and the B.C.Z.R., I do not believe that variance relief can be granted to permit 100% medical use. I think this would constitute a "use" variance, since the 25% limitation is found in the "use regulations" for the R.O. zone. B.C.Z.R. § 204.3. Section 307 of the B.C.Z.R. permits variances of height, area, parking and sign standards only, and to grant the requested relief would be changing the use of the property to a medical office building, which is antithetical to the goals the R.O. zone."

We went back and reviewed our file for Case No. 2012-0218-SPHA, Candace Holt 8611 Old Harford Road. Ms. Holt presented as a licensed massage therapist and acupuncturist. Zoning Commissioner/Administrative Law Judge Timothy Kotroco approved her variance request for 100% medical office use. While this was treated as a medical office use, our office viewed it as perhaps on the borderline of medical office use. There were no protestants. We did not appeal.

When Ms. Holt decided to move to 8613 Old Harford Road, there was opposition from The Greater Parkville Community Association and a new owner of 8611 Old Harford Road, Thomas Wedge. There was also a problem with the proposed commercial parking in a residential zone. Upon careful review and effective reconsideration, ALJ Beverungen maintained the view that the use is a medical office use but ruled that the variance would be a use variance. We agree. We also believe that this precedent is important and should be followed, especially where we have a more traditional historic medical use.

The County Council is presumed to be aware of administrative decisions and interpretations, especially quasi-judicial rulings. Where the legislature has not amended the law to alter the quasi-judicial interpretation, there is an implication of adoption. See Comptroller of Treasury v. John C. Louis Co. 285 Md. 527, 544-55 (1979). There has been no material legislative change since the decisions here.

Another factor weighing against the idea of an area variance is that the uniqueness/practical difficulty standard does not generically correlate to excessive density. Conceptually, there is never any unique aspect of property to justify an increase in density over that explicitly allowed. In addition, the 25% use limit may be viewed as analogous to residential density. BCZR Sec. 307.1 prohibits residential density variances.

It should be kept in mind that the R.O. Zone limit plausibly addresses the intense parking which tends to accompany medical office uses and may be incompatible in or around mixed and transitional residential areas. Petitioner's additional request for a modified parking plan reflects a parking problem. The request is for 6 parking spaces instead of the minimum 9 spaces, and to be excused from providing any spaces for off-street loading and unloading. BCZR Secs. 409.6.A.2, 409.11. The prerequisite for a modified parking plan under BCZR Sec. 409.12 is "undue hardship." This is a very strict standard. It is translated as "unable to secure a reasonable return from or make reasonable use of the property." Green v. Bair 77 Md. App. 144, 151 (1988), Moylan, J., denial of medical office expansion. It is difficult to foresee how this petition could satisfy this standard. There any other available general office and other uses permitted.

Petitioner has understandably brought to our attention the Planning Department's July 8, 2020 supportive comment. DOP says, "The proposed (dental office) should not negatively affect the adjacent residential properties." The comment does not address the use variance issue and leaves it to the Administrative Law Judge to review the parking issues.

Even if we assume *arguendo* that the proposal here is not offensive to the residential area, we must emphasize that we are dealing with the rule of law. As Robert Bolt gave voice to Thomas More in Man For All Seasons (1960), the focus must be on what is legal, not what is "right," the latter being a more elusive inquiry.

As with many legal regimes, zoning law may encompass some uses which arguably appear inoffensive, along with those considered clearly offensive. The Supreme Court classically addressed this in Village of Euclid v. Ambler Realty Co., 272 U.S. 365, 387-89 (1926):

"Here, however, the exclusion is in general terms of all industrial establishments, and it may thereby happen that not only offensive or dangerous industries will be excluded, but those which are neither offensive nor dangerous will share the same fate. But this is no more than happens in respect of many practice-forbidding laws which this court has upheld, although drawn in general terms so as to include individual cases that may turn out to be innocuous in themselves. Hebe Co. v. Shaw, 248 U. S. 297, 303, 39 S. Ct. 125, 63 L. Ed. 255; Pierce Oil Corp. v. City of Hope, 248 U. S. 498, 500, 39 S. Ct. 172, 63 L. Ed. 381. The inclusion of a reasonable margin, to insure effective enforcement, will not put upon a law, otherwise valid, the stamp of invalidity. Such laws may also find their justification in the fact that, in some fields, the bad fades into the good by such insensible degrees that the two are not capable of being readily distinguished and separated in terms of legislation. In the light of these considerations, we are not prepared to say that the end in view was not sufficient to justify the general rule of the ordinance, although some industries of an innocent character might fall within the proscribed class. It cannot be said that the ordinance in this respect 'passes the bounds of reason and assumes the character of a merely arbitrary fiat.' Purity Extract Co. v. Lynch, 226 U. S. 192, 204, 33 S. Ct. 44, 47 (57 L. Ed. 184)."

As with many types of law, some land use laws may disallow activities which arguably are inoffensive either generally or in particular instances. Other such laws may allow activities which are offensive. This occurs often in development cases where the plan may comply with applicable regulations despite credible citizen opposition based on a variety of impacts. There are subjective disagreements as to what is right and what is wrong.

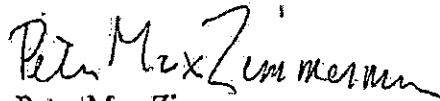
The legislature has wide discretion to make judgments and draw lines. Lonaconing Trap Club v. Maryland Department of Environment 410 Md. 326 (2009). There has never been any challenge to the validity of the R.O. Zone limit on medical office use. The law must be applied as intended, with the legislature available to make modifications and improvements in any direction.

In the end, we are dealing with legislation and the rule of law.

Paul Mayhew, Managing Administrative Law Judge  
August 11, 2020  
Page 5

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Peter Max Zimmerman".

Peter Max Zimmerman  
People's Counsel for Baltimore County

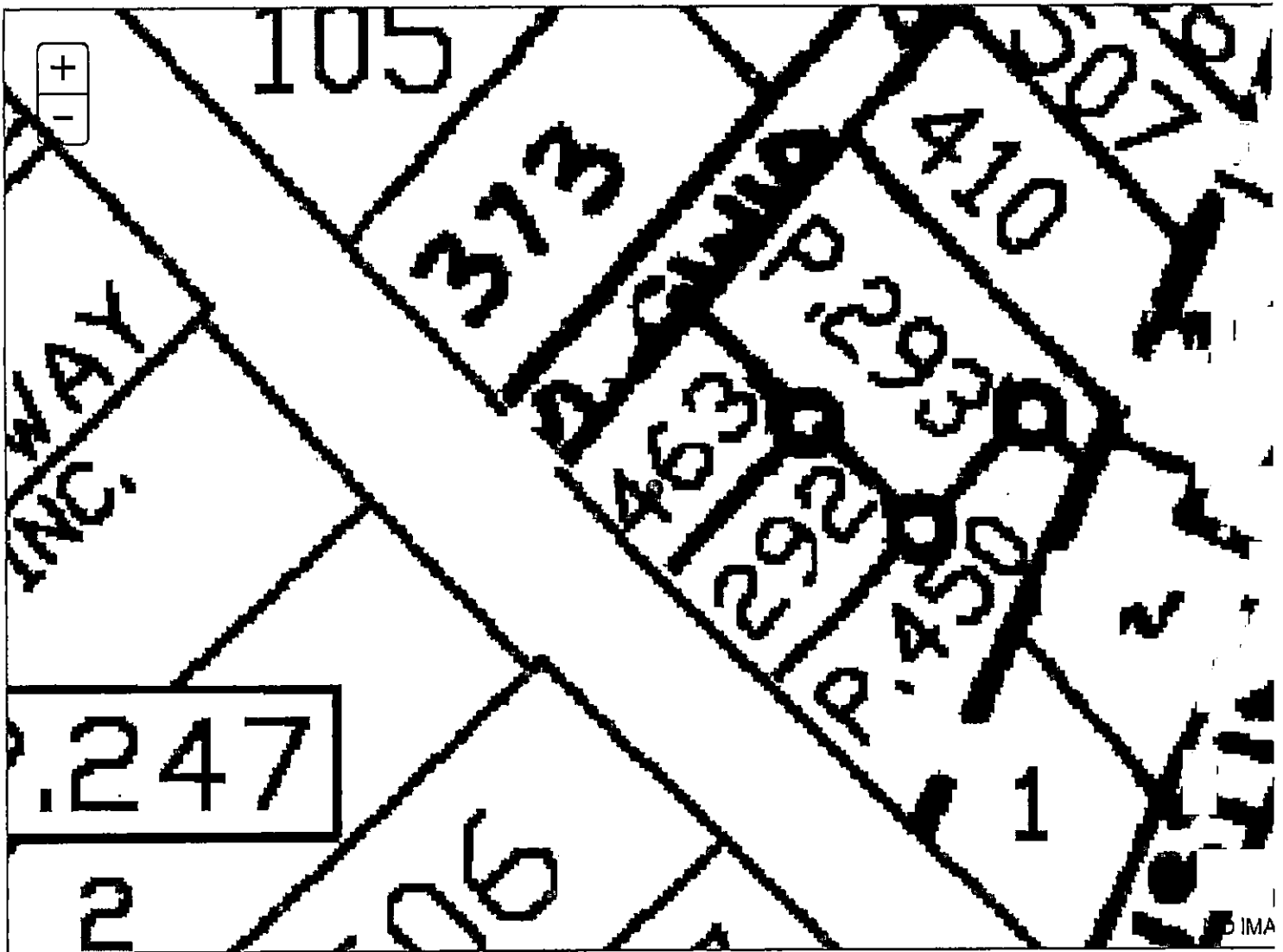
cc: Jason Vettori, Esquire (with enclosures)  
C. Peter Gutwald, Director of Planning (with enclosures)  
Carl Richards, Zoning Supervisor (with enclosures)

## Real Property Data Search

## Search Result for BALTIMORE COUNTY

| View Map                                                  |          |                 | View GroundRent Redemption                   |                      |                        | View GroundRent Registration |                                   |                  |                               |
|-----------------------------------------------------------|----------|-----------------|----------------------------------------------|----------------------|------------------------|------------------------------|-----------------------------------|------------------|-------------------------------|
| Special Tax Recapture: None                               |          |                 |                                              |                      |                        |                              |                                   |                  |                               |
| Account Identifier:                                       |          |                 | District - 04 Account Number - 0412020300    |                      |                        |                              |                                   |                  |                               |
| Owner Information                                         |          |                 |                                              |                      |                        |                              |                                   |                  |                               |
| Owner Name:                                               |          |                 | ELNADI MOHAMED                               |                      |                        |                              | Use:                              |                  | COMMERCIAL                    |
|                                                           |          |                 |                                              |                      |                        |                              | Principal Residence:              |                  | NO                            |
| Mailing Address:                                          |          |                 | 1682 WOODSTOCK RD<br>WOODSTOCK MD 21163-     |                      |                        |                              | Deed Reference:                   |                  | /40472/ 00073                 |
| Location & Structure Information                          |          |                 |                                              |                      |                        |                              |                                   |                  |                               |
| Premises Address:                                         |          |                 | 11723 REISTERSTOWN RD<br>REISTERSTOWN 21136- |                      |                        |                              | Legal Description:                |                  | PT LT 13-14<br><br>SLADE PLAT |
| Map:                                                      | Grid:    | Parcel:         | Neighborhood:                                | Subdivision:         | Section:               | Block:                       | Lot:                              | Assessment Year: | Plat No:                      |
| 0057                                                      | 0006     | 0463            | 20000.04                                     | 0000                 |                        |                              |                                   | 2020             | Plat Ref:                     |
| Town: None                                                |          |                 |                                              |                      |                        |                              |                                   |                  |                               |
| Primary Structure Built                                   |          |                 | Above Grade Living Area                      |                      | Finished Basement Area |                              | Property Land Area                |                  | County Use                    |
| 1949                                                      |          |                 | 1,125 SF                                     |                      |                        |                              | 9,583 SF                          |                  | 06                            |
| Stories                                                   | Basement | Type            | Exterior                                     | Quality              | Full/Half Bath         | Garage                       | Last Notice of Major Improvements |                  |                               |
|                                                           |          | OFFICE BUILDING | /                                            | C3                   |                        |                              |                                   |                  |                               |
| Value Information                                         |          |                 |                                              |                      |                        |                              |                                   |                  |                               |
|                                                           |          |                 | Base Value                                   | Value                |                        | Phase-in Assessments         |                                   |                  |                               |
|                                                           |          |                 |                                              | As of                |                        | As of                        |                                   | As of            |                               |
|                                                           |          |                 |                                              | 01/01/2020           |                        | 07/01/2019                   |                                   | 07/01/2020       |                               |
| Land:                                                     |          |                 | 139,500                                      | 139,500              |                        |                              |                                   |                  |                               |
| Improvements                                              |          |                 | 97,700                                       | 110,200              |                        |                              |                                   |                  |                               |
| Total:                                                    |          |                 | 237,200                                      | 249,700              |                        | 237,200                      |                                   | 241,367          |                               |
| Preferential Land:                                        |          |                 | 0                                            |                      |                        |                              |                                   | 0                |                               |
| Transfer Information                                      |          |                 |                                              |                      |                        |                              |                                   |                  |                               |
| Seller: VESPIGNANI ARTHUR C                               |          |                 |                                              | Date: 07/18/2018     |                        |                              | Price: \$265,000                  |                  |                               |
| Type: ARMS LENGTH IMPROVED                                |          |                 |                                              | Deed1: /40472/ 00073 |                        |                              | Deed2:                            |                  |                               |
| Seller: VESPIGNANI CLEMENTINA                             |          |                 |                                              | Date: 12/29/2003     |                        |                              | Price: \$80,000                   |                  |                               |
| Type: ARMS LENGTH IMPROVED                                |          |                 |                                              | Deed1: /19354/ 00641 |                        |                              | Deed2:                            |                  |                               |
| Seller: LEISTER EVA J                                     |          |                 |                                              | Date: 01/28/1983     |                        |                              | Price: \$90,000                   |                  |                               |
| Type: ARMS LENGTH IMPROVED                                |          |                 |                                              | Deed1: /06483/ 00220 |                        |                              | Deed2:                            |                  |                               |
| Exemption Information                                     |          |                 |                                              |                      |                        |                              |                                   |                  |                               |
| Partial Exempt Assessments:                               |          |                 | Class                                        |                      | 07/01/2019             |                              | 07/01/2020                        |                  |                               |
| County:                                                   |          |                 | 000                                          |                      | 0.00                   |                              |                                   |                  |                               |
| State:                                                    |          |                 | 000                                          |                      | 0.00                   |                              |                                   |                  |                               |
| Municipal:                                                |          |                 | 000                                          |                      | 0.00 0.00              |                              | 0.00 0.00                         |                  |                               |
| Special Tax Recapture: None                               |          |                 |                                              |                      |                        |                              |                                   |                  |                               |
| Homestead Application Information                         |          |                 |                                              |                      |                        |                              |                                   |                  |                               |
| Homestead Application Status: No Application              |          |                 |                                              |                      |                        |                              |                                   |                  |                               |
| Homeowners' Tax Credit Application Information            |          |                 |                                              |                      |                        |                              |                                   |                  |                               |
| Homeowners' Tax Credit Application Status: No Application |          |                 |                                              |                      |                        | Date:                        |                                   |                  |                               |

District: **04** Account Number: **0412020300**



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) (<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 <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>).

# County Council of Baltimore County Maryland

Legislative Session 1980, Legislative Day No. 2

BILL NO. 13-80

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Mr. Ronald Hickernell, Councilman

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By the County Council, January 21, 1980

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## A BILL ENTITLED

AN ACT to establish a "Residential-office" classification, by adding Classification "R-O" to Section 100.1.A.2; by adding new definitions "Bank", "Office", "Office Building, Class B", and "Office Building, Class A" to Section 101; by adding new Section 203 — "Residential-Office (R-O) Zones" to Article 2; and by repealing and re-enacting, with amendments, Section 1B01.1.A.14.e., all of the Baltimore County Zoning Regulations.

WHEREAS, the County Council has received a final report from the Baltimore County Planning Board and has held a public hearing thereon recommending adoption of legislation in regard to the establishment of a residential-office zoning classification, now therefore

SECTION, 1. *Be it enacted by the County Council of Baltimore County, Maryland, that new Classification "R-O" to Section 100.1.A.2; new definitions "Bank", "Office", "Office Building, Class B" and "Office Building, Class A" to Section 101; new Section 203 — "Residential-Office (R-O) Zones" to Article 2, be and they are hereby added to the Baltimore County Zoning Regulations, to read as follows:*

100.1 — Baltimore County is hereby divided into zones and districts in accordance with this subsection.

A. Zones

2. R-O (residential Office, 5.5 dwelling units per acre)

Section 101 — Definitions

Bank. The term "bank" includes bank station, building and loan association, savings and loan association, credit union, and similar chartered financial institutions.

Office. The term "office" does not include a bank, a post office, nor an establishment where merchandise is stored on or sold from the premises.

Office building, Class A: A principal building that was originally constructed as a 1-family or 2-family detached dwelling and that is converted to office use without any external enlargement for the purpose of creating the office space or otherwise accommodating the office use. For the purposes of this definition, enclosure of a porch of a house does not constitute external enlargement.

Office building, Class B: A principal building that—

1. Is devoted primarily to office use, clinic or group-medical-center use (including the practice of dentistry), or opticians' or optometrists' establishments;
2. Is not attached to any other building;
3. Is the only building on the lot on which it is situated;
4. Has a floor area ratio of no more than 0.5; and
5. Is no higher than 35 feet.

Article 2 — Elevator — Apartment Residence Zones, RESIDENTIAL-OFFICE (R-O) ZONES, Business and Manufacturing Zones, and Districts

Section 203 — RESIDENTIAL-OFFICE (R-O) ZONES

203.1 — Declaration of Findings. It is found:

- A. That residential use of certain sites may not be economically and socially feasible in some predominantly moderate-density residential areas that are within or near town centers, are near C.C.C. districts, or lie along commercial motorways;

B. That neither business zoning nor high-density residential zoning of those sites is appropriate; and

C. That, with appropriate restrictions, houses converted to offices and, in some cases, small Class B office buildings and similar buildings are suitable, economically feasible uses of such sites.

203.2 — Statement of Legislative Policy. This R-O zoning classification is established, pursuant to the findings stated above, to accommodate houses converted to office buildings and some small Class B office buildings in predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other, similar factors, can no longer reasonably be restricted solely to uses allowable in moderate-density residential zones. It is intended that buildings and uses in R-O zones shall be highly compatible with the present or prospective uses of nearby residential property. It is not the R-O classification's purpose to accommodate a substantial part of the demand for office space, it being the intent of these Zoning Regulations that office-space demand should be met primarily in C.T. districts, C.C.C. districts, and, to a lesser extent, in other commercial areas.

203.3 — Use Regulations

A. Uses Permitted as of Right. The following uses, only, are permitted as of right in any R-O zone:

1. Uses permitted as of right and as limited in D.R. 5.5 zones
2. Class A office buildings and their accessory uses

B. Uses Permitted by Special Exception. The following uses, only, may be permitted by special exception in an R-O zone:

1. Uses permitted by special exception and as limited in D.R. 5.5 zones.
2. Class B office buildings
3. VETERINARIANS' OFFICES

C. Signs and Display. In addition to signs permitted under Subsection 413.1, 1 stationary outside identification sign if permitted, provided that the sign if not illuminated, does not project more than 6 inches from the building, and does not have a surface area exceeding 15 8 square feet. No other signs or displays of any kind visible from outside the building are permitted.

(Page 4 — Bill No. 13-80)

203.4 — Bulk Regulations. Uses permitted under Item 203.3.A.1, uses permitted under Item 203.3.B.1, and new structures accessory to Class A office buildings are governed by the bulk regulations of D.R. 5.5 zones. (Class A office buildings themselves, which by definition may not be enlarged, are not subject to bulk regulations, nor are unenlarged structures accessory to the original houses.) For uses permitted under Item 203.3.B.2, the area devoted to amenity open space must be at least 25 percent of the gross site area.

203.5 — Development Plan. The use or development of any property in an R-O zone may not be changed from that existing on the effective date of the classification's application to that property, except in accordance with a development plan approved as set forth below, unless the change in use is confined to a change in the number of dwelling units in accordance with the provisions of Section 402.

A. Content. The development plan shall show:

1. Locations, heights, coverage, floor areas, character, and exterior materials of all proposed structures, principal uses, and of all existing structures to be retained;
2. Any existing structure to be removed;
3. Any sign visible outdoors;
4. Hours of operation and maximum numbers of employees;
5. Parking and loading facilities;
6. Storm-drain systems, water lines, sewerage, and all streets or drives giving access to or lying within the site, including proposed entrances and exits and any proposed service-drive easement or other reservation;
7. Existing bodies of water, watercourses, 100-year flood-plains, major vegetation, and unusual natural formations, and proposed changes with respect to any of these;
8. Proposed screening and landscaping;
9. Existing topography and proposed major changes in grade; and
10. Proposed amenity open space.

mitted under Item  
.B.1, and new struc-  
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posed service-drive

ses, 100-year flood-  
ral formations, and

or changes in grade;

The development plan may show the location of a precise building envelope in lieu of the precise location of a building; may show precise maximums and minimums in lieu of fixed values; may set forth lists (reasonably limited) of precisely described possible uses of a given space, in lieu of specifying a single use; and may otherwise reasonably allow for flexibility or alternatives, provided that appropriate precise limits are set forth.

#### B. Procedure and Requirements

1. Before submitting a permit application for use or development of a property in an R-O zone, the applicant shall submit a preliminary development plan to the Office of Planning and Zoning for review by the Director as to suitability for official submission. The Director may establish reasonable requirements for the form or number of prints to be submitted.

2. The Planning Board shall approve or disapprove the plan within 90 days after the plan is presented to it. If the Planning Board disapproves the plan, it shall submit the reasons for disapproval, in writing within 10 days, to the applicant.

3. Any amendment to an approved development plan shall be submitted for approval in accordance with the requirements for approval of the original plan set forth in this paragraph.

C. Considerations in Planning Board Review. In reviewing the development plan for a property in an R-O zone, the Planning Board shall consider whether it would achieve compatibility of the proposed development with surrounding uses; tree preservation; protection of watercourses and bodies of water from erosion and siltation; safety, convenience, and amenity for the neighborhood; and other purposes of these Regulations. If the Board finds that the plan is inconsistent with these purposes, it shall disapprove the plan.

~~SECTION 2. Be it further enacted, that the line "Offices or office buildings" in the table in Section 1B02.1 be and the same is hereby repealed.~~

~~SECTION 3 2. Be it further enacted, that Section 1B01.1.A.14.e of the Baltimore County Zoning Regulations, be and it is hereby repealed and re-enacted, with amendments, to read as follows:~~

~~1B01.1.A.14.e. — Offices or studios of [physicians, dentists,] lawyers, architects, engineers, artists, musicians, or other profes-~~

(Page 6 — Bill No. 13-80)

sional persons, *not including physicians and dentists*, provided that any such office or studio [.] is established within the same building as that serving as the professional person's bona fide residence; does not occupy more than 25 per cent of the total floor area of such residence; and does not involve the employment of more than one non-resident [professional associate nor two other nonresident employees] employee.

SECTION 4.3. *And be it further enacted*, that this Act take effect forty-five days after its enactment.

READ AND PASSED this 4th day of February, 1980.

By Order

Thomas Toporovich, Secretary

PRESENTED to the County Executive, for his approval this 5th day of February, 1980.

Thomas Toporovich, Secretary

APPROVED AND ENACTED: 2/7/80

Donald P. Hutchinson,  
County Executive

I HEREBY CERTIFY THAT BILL NO. 13-80 IS TRUE AND  
CORRECT AND TOOK EFFECT ON MARCH 23, 1980.

Norman W. Lauenstein,  
Chairman, County Council

EXPLANATION: *Italics indicate new matter added to existing law.*  
[Brackets] indicate matter stricken from existing law.  
CAPITALS indicate amendments to bill.  
~~Strike-out~~ indicates matter stricken out of bill.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
LEGISLATIVE SESSION 1988, LEGISLATIVE DAY NO. 6  
BILL NO. 37-88

MS. BARBARA F. BACUS, COUNCILMAN

BY THE COUNTY COUNCIL, MARCH 21, 1988

A BILL ENTITLED

AN ACT CONCERNING

Zoning Regulations - Hospitals and Nursing Homes

FOR the purpose of revising the definitions of certain types of health care facilities; permitting nursing homes in all types of Planned Unit Developments; exempting the reconstruction of certain nursing homes from FRA requirements; providing a definition of a medical office and of a medical clinic; authorizing the location of a medical clinic in business and manufacturing zones; prohibiting their location in residential or residential office zones; and generally relating to the regulation of health care facilities in Baltimore County.

BY repealing

Section 101 - Definitions, the definition of "Hospital" and  
"Convalescent Home" and Section 407

Baltimore County Zoning Regulations, as amended

BY adding

Section 101 - Definitions, the definition of "Hospital",  
"Nursing Home", "Medical Clinic", "Medical  
Office", and "Medical Practitioner"

BY repealing and re-enacting, with amendments,

Section 101 - Definitions, the definition of "Office" and  
"Office Building, Class D", and

Sections 1A01.2.C.12., 1A02.2.B.16., 1A02.2.B.17., 1A04.2.A.5.,  
1A04.2.B.10., 1B01.1.A.9., 1B01.B.1.C.12., 200.2.A.3.,  
200.2.B.2., 201.2.A.3., 201.2.B.2., 203.J.A.2., 203.J.B.2.,  
204.J.A.2., 205.J.A.1., 207.J.A.4., 210.9., 216.4., 241.1., 253.1.,  
430.2.D.4., 430.3.D.4., and 430.4.D.4.

Baltimore County Zoning Regulations, as amended

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.



WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon, now therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 101-Definitions, the definitions of "Hospital" and "Convalescent Home" and Section 407 of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed.

SECTION 2. AND BE IT FURTHER ENACTED, that Section 101 - Definitions, the definitions of "Hospital", "Nursing Home", "Medical Clinic", "Medical Office", and "Medical Practitioner", be and they are hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

Section 101 - Definitions

HOSPITAL: AN INSTITUTION WHICH IS LICENSED AS A HOSPITAL BY THE STATE AND WHICH RECEIVES PATIENTS AND PROVIDES MEDICAL, SURGICAL, PSYCHIATRIC OR GYNASTRICAL CARE. THIS TERM INCLUDES ANY HEALTH-RELATED FACILITIES WHICH ARE ESTABLISHED IN CONNECTION WITH A HOSPITAL AND ARE LOCATED ON THE SAME SITE AS THE HOSPITAL. SUCH HEALTH-RELATED FACILITIES SHALL INCLUDE, BUT NOT BE LIMITED TO, DIAGNOSTIC FACILITIES, REHABILITATION CENTERS, LABORATORIES, TRAINING FACILITIES, OUTPATIENT CARE FACILITIES, FACILITIES FOR CHRONIC OR CONVALESCENT CARE AND ELDERLY HOUSING FACILITIES.

NURSING HOME: (FORMERLY CONVALESCENT HOME): A FACILITY WHICH PROVIDES BOARD, SHELTER, AND NURSING CARE TO CHRONIC OR CONVALESCENT PATIENTS. THIS TERM ALSO INCLUDES FACILITIES WHICH PROVIDE DIETETIC CARE WITHIN A NURSING HOME.

MEDICAL CLINIC: A PLACE FOR THE TREATMENT OF OUTPATIENTS BY ONE OR MORE MEDICAL PRACTITIONERS, INCLUDING, BUT NOT LIMITED TO, SURGICAL CENTERS, AMBULATORY CARE CENTERS, DIAGNOSTIC CENTERS, BIRTHING CENTERS AND DIALYSIS SATELLITE UNITS.

1. MEDICAL OFFICE: A PLACE FOR THE TREATMENT OF OUTPATIENTS BY  
2. ONE OR MORE MEDICAL PRACTITIONERS. THIS TERM DOES NOT INCLUDE A  
3. VETERINARIAN'S OFFICE, MEDICAL CLINIC, SURGICAL CENTER, AMBULATORY CARE  
4. CENTER, DIAGNOSTIC CENTER, BIRTHING CENTER, OR DIALYSIS SATELLITE UNIT.

5. MEDICAL PRACTITIONER: A PHYSICIAN, DENTIST, OPTOMETRIST,  
6. CHIROPRACTOR, PODIATRIST, PSYCHOLOGIST, PHYSICAL THERAPIST, NURSE, OR  
7. OTHER SIMILAR HEALTH PROFESSIONAL LICENSED BY THE STATE.

8. SECTION 3. AND BE IT FURTHER ENACTED, that Section 101 -  
9. Definitions, the definition of "office" and "Office Building, Class B",  
10. and Sections 1A01.2.C.12., 1A02.2.D.16., 1A02.2.D.17., 1A04.2.A.5.,  
11. 1A04.2.B.10., 1B01.B.1.C.12., 200.2.A.3., 200.3.D.2., 201.2.A.3.,  
12. 201.2.B.2., 203.3.A.2., 203.3.B.2., 204.3.A.2., 205.3.A.1., 207.3.A.4.,  
13. 230.9, 236.4., 241.1, 253.1, 430.2.D.4., 430.3.D.4., and 430.4.D.4. of  
14. the Baltimore County Zoning Regulations, as amended, be and they are  
15. hereby repealed and re-enacted, with amendments, to read as follows:

16. OFFICE: The term "office" does not include a bank, a post  
17. office, a veterinarian's office, nor an establishment where merchandise  
18. is stored or sold from the premises. THE TERM DOES INCLUDE A  
19. MEDICAL OFFICE.

20. Office building, Class B: A principal building that-

21. 1. Is devoted primarily to office use (, clinic or  
22. group-medical-center use (including the practice of dentistry),) or  
23. opticians' (or optometrists') establishments;

24. 2. Is not attached to any other building;

25. 3. Is the only building on the lot on which it is situated;  
26. other than accessory storage for maintenance buildings, or, if a  
27. conversion from a Class A office building, those existing buildings  
28. which were accessory to the Class A office building;

1. 4. Together with any accessory buildings, has a floor area  
2. ratio of no more than 0.5; and

3. 5. Is no higher than 35 feet. (Bill No. 13, 1969.)

4. Section 1A01 - R.C. 2 Zones

5. 1A01.2 - Use Regulations

6. C. Uses permitted by Special Exception.

7. 12. Offices for agriculture - related uses (;  
8. physicians' or dentists' offices as principal uses)

9. Section 1A02 - R.C. 3 Zones

10. 1A02.2 - Use Regulations

11. P. Uses permitted by Special Exception.

12. 16. (Nursing homes,) Convalescent homes (or  
13. sanitariums)

14. (17. Physicians' or dentists' offices)

15. Section 1A04 - R.C. 5 Zone

16. 1A04.2 - Use Regulations

17. A. Uses permitted as of right.

18. (5. Hospitals)

19. B. Uses permitted by Special Exception.

20. (10. Office of doctor or dentist)

1. Section 1800 - D.R. Zones

2. 1801.1.A. Uses Permitted as of Right

3. 9. Hospitals [(see Section 407)]

4. 1801.1.B.1.G. Exceptions to residential transition.

5. 12. NOTWITHSTANDING THE PROVISIONS OF SECTION 104, THE  
6. RECONSTRUCTION OF AN EXISTING BUILDING WHICH IS DESTROYED BY FIRE  
7. OR OTHER CASUALTY, HOWEVER, SUCH RECONSTRUCTION MAY NOT INCREASE THE  
8. SIZE OR GROUND FLOOR AREA OF THE STRUCTURE OR ALTER THE LOCATION OR USE  
9. OF THE STRUCTURE.

10. Section 200 - R.A.E.1 Zones

11. 200.2

12. A. Uses Permitted

13. 1. The following retail or service uses, in any  
14. apartment building of 50 or more dwelling units, subject to the  
15. limitations of Paragraph B:

16. 14. Chiropractors' offices

17. 5. Clinics or group medical centers (including the  
18. practice of dentistry)]

19. 13. Opticians' (or optometrists') offices

20. D. Supplementary Use Regulations.

1. 2. No individual use permitted under Subparagraph A.3  
2. shall occupy more than 600 square feet of gross floor area; except,  
3. however, that this limitation shall not apply to the following:

4. (clinics or group medical centers;]  
5. Food stores, which shall not, however, occupy more than  
6. 5,000 square feet of floor area in any building;

7. Restaurants.

8. Section 201 - R.A.E.2 Zones

9. 201.2

10. A. Uses Permitted

11. 3. The following retail or service uses, in any  
12. apartment building of 50 or more dwelling units, subject to the  
13. limitations of Paragraph B:

14. 17. Chiropractors' offices

15. 8. Clinics or group medical centers (including the  
16. practice of dentistry)]

17. 18. Opticians' (or optometrists') offices

18. B. Supplementary Use Regulations.

19. 2. No individual use permitted under Subparagraph A.3  
20. shall occupy more than 1000 square feet of gross floor area; except,  
21. however, that this limitation shall not apply to the following:

22. Banks, building and loan associations, and similar  
23. chartered financial institutions;

1. (Clinics and group medical centers;) Food stores, which
2. shall not, however, occupy more than 5000 square feet of floor area;
3. Restaurants.
4. Section 203 - R0 Zone
5. 203.3 Use Regulations
6. A. Uses Permitted As of Right.
7. 2. Class A office buildings CONTAINING OFFICES OR
8. MEDICAL OFFICES and their accessory uses including parking.
9. B. Uses Permitted by Special Exception
10. 2. Class B office buildings CONTAINING OFFICES OR
11. MEDICAL OFFICES, EXCEPT THAT NO MORE THAN 25% OF THE TOTAL ADJUSTED
12. GROSS FLOOR AREA OF THE OFFICE BUILDING MAY BE OCCUPIED BY MEDICAL
13. OFFICES,
14. Section 204 - R-1 Zones
15. 204.3 Use Regulations
16. A. Uses permitted as of right
17. 2. Class A, Class B, or Class C office buildings
18. CONTAINING OFFICES, MEDICAL OFFICES, OR MEDICAL CLINICS.
19. Section 205 - R-2 Zones
20. 205.3 Use Regulations
21. A. Uses permitted as of right

1. 1. Class A, Class B or Class C(,) office buildings
2. CONTAINING OFFICES, MEDICAL OFFICES, OR MEDICAL CLINICS
3. Section 207 - R.T. Zone
4. 207.3 Permitted Uses
5. A. Principal Uses
6. 4. Hospital (, clinics, or group medical centers
7. (including the practice of dentistry))
8. B.L. Zone - Business, Local
9. Section 230
10. the following uses only are permitted (See section 230.12);
11. 230.9
12. MEDICAL CLINIC
13. B.R. Zone - Business, Roadside
14. Section 236 - Use Regulations
15. 236.4 - Special Exceptions
16. (Hospital, Class B (see Section 407));
17. M.R. Zone - Manufacturing Restricted
18. 241.1 - The following uses are permitted, provided their
19. operations are entirely within enclosed buildings except where approval
20. of the development plan indicates otherwise;

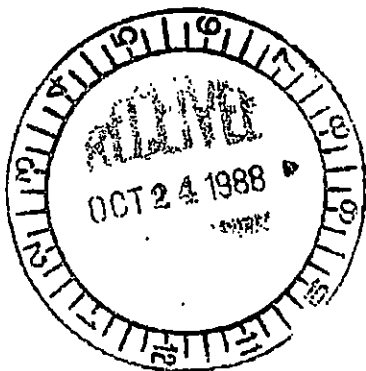
1. Office and office buildings AND MEDICAL CLINIC;
2. M.L. Zone - Manufacturing, Light
3. 253.1 - Uses permitted as of right. The uses listed in this
4. subsection, only, shall be permitted as of right in M.L. zones, subject
5. to any conditions hereinafter prescribed.
6. 33. Offices or Office Buildings OR MEDICAL CLINICS
7. Section 430 - Unit Developments
8. 430.2 - Neighborhood Development
9. D. Uses permitted.
10. 4. Institutions; churches; private schools; NURSING
11. HOMES.
12. 430.3 - Community Developments
13. D. Uses permitted.
14. 4. The following institutional uses:
15. 4. NURSING HOMES.
16. 430.4 - Town Developments
17. D. Use Regulations.
18. 4. The following institutional uses:
19. 4. NURSING HOMES.
20. Section 4. And be it further enacted, that this Act shall take
21. effect forty-five days after its enactment.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 1988, Legislative Day No. 18

BILL NO. 151-88

MS. BARBARA F. BACHUR, COUNCILWOMAN

BY THE COUNTY COUNCIL, OCTOBER 3, 1988



A BILL ENTITLED

AN ACT concerning

Residential - Office Zone

FOR the purpose of amending the Baltimore County Zoning Regulations and the Baltimore County Development Regulations in order to generally revise the R-O Zoning classification relating to the conditions and requirements imposed upon the conversion of certain types of buildings, and generally relating to the permitted uses, conditions, restrictions, limitations, and requirements imposed upon uses in R-O Zones in Baltimore County.

BY repealing and re-enacting, with amendments,

Section 101 - the definitions of "Building Height" and "Office Building, Class B"

Baltimore County Zoning Regulations, as amended.

BY adding

Section 101 - alphabetically, the definition of "Principal Arterial"

Baltimore County Zoning Regulations, as amended.

BY repealing and re-enacting, with amendments,

Sections 203.2, 203.3, 203.4, 203.6, 204.4.B., 205.4.C., and 409.7B

Baltimore County Zoning Regulations, as amended.

BY adding

Section 502.8

Baltimore County Zoning Regulations, as amended.

BY repealing and re-enacting, with amendments,

Section 22-104(a)

Title 22 - Planning, Zoning and Subdivision Control

Baltimore County Code, 1978, 1986 Supplement

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.

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon, now, therefore,

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2. COUNTY, MARYLAND, that the definitions of "Building Height" and  
3. "Office Building, Class B" in Section 101 of the Baltimore County  
4. Zoning Regulations, as amended, be and they are hereby repealed and  
5. re-enacted, with amendments, to read as follows:

6. Section 101 - Definitions

7. Building Height: [The vertical distance measured from the  
8. average grade to the average elevation of the roof of the highest  
9. story.] THE HEIGHT OF THE HIGHEST POINT ON A BUILDING OR OTHER  
10. STRUCTURE AS MEASURED BY THE VERTICAL DISTANCE FROM THE HIGHEST POINT  
11. ON THE STRUCTURE TO THE HORIZONTAL PROJECTION OF THE CLOSEST POINT AT  
12. EXTERIOR GRADE. IN INSTANCES WHERE IT IS OBVIOUS THAT THE EXTERIOR  
13. GRADE HAS BEEN ARTIFICIALLY BUILT UP ABOVE NATURAL OR SURROUNDING  
14. FINISHED GRADE, THE VERTICAL DISTANCE WILL BE MEASURED BY PROJECTING  
15. THE NATURAL OR SURROUNDING FINISHED EXTERIOR GRADE TO THE CLOSEST  
16. POINT (FOUNDATION WALL).

17. Office Building, Class B: A principal building that  
18. [1.] Is devoted primarily to office use or opticians'  
19. establishments[;].  
20. [2. Is not attached to any other building;  
21. 3. Is the only building on the lot on which it is situated;  
22. 4. Has a floor area ratio of no more than 0.5; and  
23. 5. Is no higher than 35 feet.]

24. SECTION 2. And be it further enacted, that the definition of  
25. "Principal Arterial" be and it is hereby added to Section 101 of the  
26. Baltimore County Zoning Regulations, as amended, to read as follows:

27. Section 101 - Definitions

1. PRINCIPAL ARTERIAL: A MOTORWAY, OR PORTION THEREOF WHICH:  
2. 1) IS OR IS INTENDED FOR TRAVEL TO OR FROM MAJOR ACTIVITY CENTERS;  
3. AND 2) WHICH IS DESIGNATED AS SUCH ON THE MOST RECENTLY APPROVED  
4. FEDERAL HIGHWAY FUNCTIONAL CLASSIFICATION MAP FOR THE BALTIMORE  
5. URBANIZED AREA.

6. SECTION 3. And be it further enacted, that Sections 203.2,  
7. 203.3, 203.4, 203.6, 204.4.B., 205.4.C., and 409.7B of the Baltimore  
8. County Zoning Regulations, as amended, be and they are hereby  
9. repealed and re-enacted, with amendments, to read as follows:

10. 203.2 - Statement of Legislative Policy. The R-O zoning  
11. classification is established, pursuant to the findings stated above,  
12. to accommodate houses converted to office buildings and some small  
13. class B office buildings in predominantly residential areas on sites  
14. that, because of adjacent commercial activity, heavy commercial  
15. traffic, or other, similar factors, can no longer reasonably be  
16. restricted solely to uses allowable in moderate-density residential  
17. zones. It is intended that buildings and uses in R-O zones shall [be  
18. highly compatible with the ] NOT INTRUDE UPON OR DISTURB present or  
19. prospective uses of nearby residential property. It is not the R-O  
20. classification's purpose to accommodate a substantial part of the  
21. demand for office space, it being the intent of these Zoning  
22. Regulations that office-space demand should be met primarily in C.T.  
23. districts, C.C.C. districts, and, to a lesser extent, in other  
24. commercial areas.

25. 203.3 - Use Regulations.

26. A. Uses Permitted as of Right. The following uses,  
27. only, are permitted as of right in any R-O zone:

28. 1. Uses permitted as of right and as limited in  
29. D.R. 5.5 zones or

1. 2. Class A office buildings containing offices  
2. or medical offices and their accessory uses including parking, except  
3. that no more than 25% of the total adjusted gross floor area of the  
4. office building may be occupied by medical offices.

5. B. Uses Permitted by Special Exception. The  
6. following uses, only, may be permitted by special exception in an R-O  
7. zone, IF SUCH USE HAS AN APPROVED CRG PLAN PRIOR TO THE GRANTING OF A  
8. SPECIAL EXCEPTION:

9. 1. Uses permitted by special exception and as  
10. limited in D.R. 5.5 zones or

11. 2. (A) Class B office buildings containing  
12. offices or medical offices, except that no more than 25% of the total  
13. adjusted gross floor area of the office building may be occupied by  
14. medical offices. A Class B office building in existence prior to the  
15. effective date of this legislation with medical offices in excess of  
16. 25% of the adjusted gross floor area is a conforming use if it is in  
17. compliance with the terms of its special exception. Such an office  
18. building may be expanded if the expansion meets the current parking  
19. requirements for medical offices.

20. (B) UP TO 100% OF THE TOTAL ADJUSTED GROSS  
21. FLOOR AREA OF A CLASS B OFFICE BUILDING MAY BE OCCUPIED BY MEDICAL  
22. OFFICES IF:

23. (1) THE FLOOR AREA RATIO OF THE  
24. PROPOSED CLASS B OFFICE BUILDING IS NOT GREATER THAN 0.20;

25. (2) A DOCUMENTED SITE PLAN AND A  
26. SPECIAL EXCEPTION FOR A CLASS B OFFICE BUILDING HAVE BEEN APPROVED BY  
27. THE ZONING COMMISSIONER OR THE BOARD OF APPEALS, EITHER ON APPEAL OR  
28. AS A RESULT OF ITS ORIGINAL JURISDICTION, PRIOR TO THE EFFECTIVE DATE  
29. OF BILL 151-88;

30. (3) CONSTRUCTION OF THE CLASS B  
31. BUILDING IS STARTED PRIOR TO THE EXPIRATION DATE OF THE SPECIAL  
32. EXCEPTION AS REQUIRED BY SECTION 502.3; AND

33. (4) PARKING REQUIREMENTS SHALL BE  
34. CALCULATED BY REQUIRING THE MAXIMUM NUMBER OF PARKING SPACES AS

1. DETERMINED BY SECTION 409 OF THESE REGULATIONS, THE REQUIREMENTS OF  
2. THE DOCUMENTED SITE PLAN, OR THE REQUIREMENTS OF THE ORDER GRANTING  
3. THE SPECIAL EXCEPTION, WHICHEVER SHALL YIELD THE GREATEST NUMBER OF  
4. SPACES.

5. C. [Signs and Display.] SIGNS AND OFF-STREET  
6. PARKING REQUIREMENTS.

7. 1. In addition to signs permitted under  
8. Subsection 413.1, 1 stationary outside identification sign is  
9. permitted, provided that the sign is not illuminated, does not  
10. project more than 6 inches from the building, and does not have a  
11. surface area exceeding 8 square feet. No other signs or displays of  
12. any kind visible from outside the building are permitted, EXCEPT THAT  
13. ALONG A PRINCIPAL ARTERIAL AN ADDITIONAL FREE-STANDING SIGN WITH A  
14. SURFACE AREA OF NO MORE THAN 15 SQUARE FEET PER SIDE IS ALSO ALLOWED  
15. IF THERE IS ADJACENT NON-RESIDENTIALLY USED OR NON-RESIDENTIALLY  
16. ZONED FRONTAGE.

17. 2. OFF-STREET PARKING SPACES SHALL BE PROVIDED IN  
18. ACCORDANCE WITH SECTION 409. TO THE EXTENT POSSIBLE PARKING SHALL BE  
19. LOCATED IN THE SIDE OR REAR YARDS OF THE LOT. ALL REQUIRED PARKING  
20. SPACES SHALL BE PROVIDED ON THE SAME LOT AS THE STRUCTURE OR USE TO  
21. WHICH THEY ARE ACCESSORY.

22. [203.4 - Bulk Regulations. Uses permitted under Item  
23. 203.3.A.1, uses permitted under Item 203.3.B.1, and new structures  
24. accessory to Class A office buildings are governed by the bulk  
25. regulations of D.R. 5.5 zones. (Class A office buildings themselves,  
26. which by definition may not be enlarged, are not subject to bulk  
27. regulations, nor are unenlarged structures accessory to the original  
28. houses.) For uses permitted under Item 203.3.B.2, the area devoted  
29. to amenity open space must be at least 25 per cent of the gross site  
30. area.]

1. 203.4 - BULK REGULATIONS OF R-O ZONES. USES PERMITTED AS OF  
2. RIGHT OR BY SPECIAL EXCEPTION ARE GOVERNED BY THE FOLLOWING BULK  
3. REGULATIONS:

4. A. USES PERMITTED UNDER 203.3.A.1., USES PERMITTED UNDER  
5. 203.3.B.1. AND NEW STRUCTURES ACCESSORY TO CLASS A OFFICE BUILDINGS  
6. ARE GOVERNED BY THE BULK REGULATIONS OF D.R. 5.5 ZONES.

7. B. CLASS A OFFICE BUILDINGS THEMSELVES, WHICH BY  
8. DEFINITION MAY NOT BE ENLARGED, ARE NOT SUBJECT TO BULK REGULATIONS,  
9. NOR ARE UNENLARGED STRUCTURES ACCESSORY TO THE ORIGINAL BUILDING.

10. C. CLASS B OFFICE BUILDINGS.

11. 1. MAXIMUM FLOOR AREA RATIO: 0.33;
12. 2. MAXIMUM HEIGHT OF STRUCTURE: 35 FEET
13. 3. MINIMUM FRONT YARD SETBACK: 25 FEET OR THE  
14. AVERAGE OF THE SETBACKS OF THE ADJACENT STRUCTURES, WHICHEVER IS LESS;
15. 4. MINIMUM SIDE YARD SETBACKS: 10 FEET, EXCEPT IF  
16. THE ADJACENT PROPERTY IS PREDOMINANTLY RESIDENTIALLY ZONED OR  
17. RESIDENTIALLY USED, OR IS ADJACENT TO A RESIDENTIAL STREET, IN WHICH  
18. CASE THE SETBACK SHALL BE 20 FEET;
19. 5. MINIMUM REAR YARD SETBACK: 30 FEET;
20. 6. AMENITY OPEN SPACE: SEVEN (7) PERCENT OF THE  
21. INTERIOR OF THE PARKING LOT NOT INCLUDING SETBACK AND BUFFER AREA  
22. REQUIREMENTS SHALL BE PERVIOUS LAND AREA IN ASSOCIATION WITH  
23. PLANTINGS;
24. 7. MAXIMUM LOT SIZE: ONE (1) ACRE EXCEPT THAT IF  
25. LOCATED ON A PRINCIPAL ARTERIAL, AND IF THERE IS ADJACENT  
26. NON-RESIDENTIALLY USED OR NON-RESIDENTIALLY ZONED FRONTAGE, THE  
27. MAXIMUM LOT SIZE MAY BE TWO ACRES.
28. 8. LANDSCAPE REQUIREMENTS. IN ADDITION TO THE  
29. REQUIREMENTS SET FORTH IN THE BALTIMORE COUNTY LANDSCAPE MANUAL:

1. a. ALL PARKING AND DUMPSTER AREAS WHICH ABUT A  
2. RESIDENTIAL ZONE SHALL BE SCREENED BY AN OPAQUE FENCE, WALL OR BERM  
3. IN ASSOCIATION WITH PLANTINGS;

4. b. THE MINIMUM SCREENING HEIGHT SHALL BE FIVE  
5. (5) FEET;

6. c. THE FOLLOWING BUFFERS, WHICH SHALL NOT BE  
7. ENCROACHED UPON BY ABOVE GROUND STORMWATER MANAGEMENT, PARKING OR  
8. DUMPSTER AREAS, BUT WHICH MAY BE BROKEN BY THE ENTRANCEWAY, SHALL BE  
9. PROVIDED:

10. 1. PROPERTY LINES WHICH ABUT ANY PROPERTY  
11. WHICH IS PREDOMINANTLY RESIDENTIALLY ZONED OR RESIDENTIALLY USED OR  
12. WHICH ABUT ANY RESIDENTIAL STREET, MUST HAVE A 20 FOOT LANDSCAPE  
13. BUFFER;

14. 2. PROPERTY LINES WHICH ABUT ANY  
15. NON-RESIDENTIALLY ZONED PROPERTY MUST HAVE A 10 FOOT LANDSCAPE  
16. BUFFER.

17. 203.6 - Conversion of Dwellings to Office Buildings. Any one-  
18. or two-family [detached] dwelling OR APARTMENT BUILDING which is  
19. under application for EITHER A CHANGE IN ZONING CLASSIFICATION TO  
20. R.O. OR FOR A conversion from a residential use to an office use  
21. shall require a special exception if the dwelling has been enlarged  
22. in floor area by ten per cent or more within a period of [one year]  
23. FIVE YEARS prior to the date of application for CHANGE OR  
24. conversion.

25. 204.4 - Bulk Regulations of O-1 Zones

26. B. Class B Office Buildings. The following bulk  
27. regulations apply to any Class B office building and its lot.

28. 1. Minimum setback from any lot line other than a  
29. street line: 20 feet or equal to the height of the buildings  
30. whichever is greater;

31. 2. Minimum setback from any street line: 35 feet;

1. 3. Minimum area devoted to amenity open space: 20  
2. per cent of net lot area.

3. 4. New structures accessory to Class B office  
4. buildings are governed by the bulk regulations of D.R. 5.5 zones for  
5. accessory buildings.

6. 5. MAXIMUM FLOOR AREA RATIO: 0.50

7. 6. MAXIMUM HEIGHT OF STRUCTURES: 35 FEET

8. 205.4 - Bulk Regulations of O-2 Zones

9. C. Class B office buildings. The following bulk  
10. regulations apply to any Class B office building and its lot.

11. 1. Minimum setback from any lot line other than a  
12. street line: 20 feet or equal to the height of the building  
13. whichever is greater;

14. 2. Minimum setback from any street line: 35 feet;

15. 3. Minimum area devoted to amenity open space: 25  
16. per net lot area.

17. 4. New structures accessory to Class B office  
18. buildings are governed by the bulk regulations of D.R. 10.5 zones for  
19. accessory buildings.

20. 5. MAXIMUM FLOOR AREA RATIO: 0.50

21. 6. MAXIMUM HEIGHT OF STRUCTURES: 35 FEET

22. 409.7 Location of Parking.

23. B. Except in C.T. Districts AND R-O ZONES, off-site  
24. parking spaces for uses other than residential and lodging shall be  
25. located within 500 feet walking distance of a building entrance to  
26. the use that such spaces serve. In C.T. districts, such spaces shall  
27. be permitted within 1000 feet walking distance of the building  
28. entrance. In the C.T. district of Towson, such spaces shall be  
29. permitted within 1500 feet walking distance of the building entrance,  
30. provided they are located within the town center boundary. IN R-O

1. ZONES, SUCH SPACES SHALL BE PROVIDED ON THE SAME LOT AS THE STRUCTURE  
2. OR USE TO WHICH THEY ARE ACCESSORY.

3. SECTION 4. And be it further enacted, that Section 502.8 be  
4. and it is hereby added to the Baltimore County Zoning Regulations, as  
5. amended, to read as follows:

6. Section 502 - Special Exceptions

7. 502.8 BILL NO. 151-88 DOES NOT AFFECT THE VALIDITY OF ANY  
8. ORDER GRANTING A SPECIAL EXCEPTION FOR A CLASS B OFFICE BUILDING  
9. PURSUANT TO SUBSECTION 203.3.B. PRIOR TO THE EFFECTIVE DATE OF THE  
10. BILL. ANY SUCH SPECIAL EXCEPTION MAY BE USED IN ACCORDANCE WITH THE  
11. APPLICABLE PROVISIONS OF THESE REGULATIONS IN EFFECT AT THE TIME OF  
12. THE GRANT OF SUCH SPECIAL EXCEPTION AND IN ACCORDANCE WITH THE TERMS  
13. THEREOF, PROVIDED CONSTRUCTION IS STARTED PRIOR TO THE EXPIRATION  
14. DATE OF THE SPECIAL EXCEPTION AS REQUIRED BY SECTION 502.3.

15. SECTION 5. And be it further enacted, that Section 22-104(a)  
16. of Title 22 - Planning, Zoning and Subdivision Control, of the  
17. Baltimore County Code, 1978, 1986 Supplement, be and it is hereby  
18. repealed and re-enacted, with amendments, to read as follows:

19. Section 22-104 - Development in R-O, O-1, O-2, or OT  
20. zone.

21. (a) (1) Development of property in an R-O zone shall be  
22. [designed to achieve compatibility of the proposed development with]  
23. APPROPRIATE TO THE SPECIFIC CIRCUMSTANCES OF THE SITE TAKING INTO  
24. ACCOUNT surrounding uses; tree preservation; protection of  
25. watercourses and bodies of water from erosion and siltation; and  
26. safety, convenience, and amenity for the neighborhoods.

27. (2) IN DETERMINING THE APPROPRIATENESS OF CLASS B  
28. OFFICE BUILDINGS, DESIGN ELEMENTS OF PROPOSED BUILDINGS SHALL BE  
29. EVALUATED IN RELATION TO EXISTING ADJACENT OR SURROUNDING BUILDINGS.

1. UNLESS DETERMINED OTHERWISE BY THE DIRECTOR OF THE OFFICE OF PLANNING  
2. AND ZONING TO BE CONSIDERED APPROPRIATE, NEW BUILDINGS SHALL BE  
3. SIMILAR TO EXISTING ONES IN THE FOLLOWING RESPECTS:

- 4. (i) HEIGHT
- 5. (ii) BULK AND GENERAL MASSING
- 6. (iii) MAJOR DIVISIONS OR RHYTHMS OF THE FACADE
- 7. (iv) PROPORTION OF OPENINGS
- 8. (WINDOW-WALL-RELATION)
- 9. (v) ROOF TREATMENT
- 10. (vi) MATERIALS, COLORS, TEXTURES
- 11. (vii) GENERAL ARCHITECTURAL CHARACTER
- 12. a) HORIZONTAL OR VERTICAL EMPHASIS
- 13. b) SCALE
- 14. c) STYLISTIC FEATURES AND THEMES
- 15. -PORCHES, COLONNADES, PEDIMENTS, CUPOLAS, CORNICES, COINS, DETAIL AND
- 16. ORNAMENT
- 17. (viii) RELATION TO STREET
- 18. (ix) EXTERIOR LIGHTING. BUILDINGS SHALL NOT
- 19. BE LIGHTED ON THE EXTERIOR AND ANY LIGHTING PROVIDED FOR SAFETY
- 20. REASONS SHOULD BE MINIMIZED AND DIRECTED AWAY FROM ADJOINING
- 21. RESIDENTIAL PROPERTY.

22. SECTION 6. And be it further enacted, that this Act shall  
23. take effect forty-five days after its enactment.

READ AND PASSED this 3<sup>rd</sup> day of October, 1988

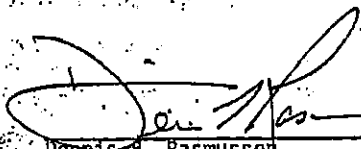
BY ORDER

  
Thomas Toporovich  
Secretary

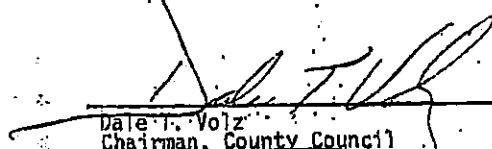
PRESENTED to the County Executive for his approval this 4<sup>th</sup> day  
of October, 1988

  
Thomas Toporovich  
Secretary

APPROVED AND ENACTED:

10/13/88  
  
Dennis P. Rasmussen  
County Executive

I HEREBY CERTIFY THAT BILL NO. 151-88 IS TRUE AND CORRECT AND TOOK  
EFFECT ON November 27, 1988.

  
Dale F. Volz  
Chairman, County Council

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
LEGISLATIVE SESSION 1994, LEGISLATIVE DAY NO. 20  
BILL NO. 186-94

MRS. BERCHIE L. MANLEY, COUNCILWOMAN

BY THE COUNTY COUNCIL, NOVEMBER 7, 1994

A BILL  
ENTITLED

AN ACT concerning

Office Zones

FOR the purpose of creating the O-3 (Office Park) zone in the Baltimore County Zoning Regulations which will permit only office and no residential development; renaming and combining the O-1 (Office Building) and O-2 (Office Park) Zones to OR-1 and OR-2 (Office Building-Residential) Zones; defining terms; establishing general provisions for all office classifications; modifying use regulations and performance standards in OR-1 and OR-2 zones; amending bulk regulations in R-O zones; conforming certain provisions of the zoning and development regulations; and generally relating to Office Zones.

BY repealing and reenacting with amendments

Section 101-Definitions, the definitions of "Office" and "Office Building,  
Class E"

Baltimore County Zoning Regulations, as amended

By repealing

Section 101-Definitions, the definition of "Office Building, Class C"  
Baltimore County Zoning Regulations, as amended

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.

BY renumbering

Sections 203, 204, 205, 206, 207 and 208 respectively to be Sections 204,  
205, 206, 208, 209 and 210 respectively  
Baltimore County Zoning Regulations, as amended

BY adding

Section 203  
Baltimore County Zoning Regulations, as amended

BY repealing

Sections 205, 205.1 and 205.2 (as renumbered)  
Baltimore County Zoning Regulations, as amended

BY adding

Sections 205, 205.1 and 205.2  
Baltimore County Zoning Regulations, as amended

BY repealing and reenacting with amendments

Sections 204.4.C, 205.3, 205.4, 206, 206.1, 206.2, 206.3 and  
206.4 (as renumbered)  
Baltimore County Zoning Regulations, as amended by Bill 108-94

BY adding

Sections 207, 207.1, 207.2, 207.3 and 207.4  
Baltimore County Zoning Regulations, as amended

By repealing and reenacting with amendments

Section 208 (as renumbered)  
Baltimore County Zoning Regulations, as amended

By repealing and reenacting with amendments

Section 26-282 (a)(2)  
Title 26 - Planning, Zoning and Subdivision Control  
Baltimore County Code, 1988

WHEREAS, the Baltimore County Council has received a final report, dated July 22, 1994, from the Planning Board concerning the subject legislation and has held a public hearing thereon on October 17, 1994, now, therefore

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,  
2. MARYLAND, that Section 101 - Definitions, the definitions of "Office" and "Office  
3. Building, Class B" of the Baltimore County Zoning Regulations, as amended, be and  
4. they are hereby repealed and reenacted, with amendments, to read as follows:

5. Section 101 - Definitions

6. Office: A BUILDING OR PORTION OF A BUILDING USED FOR CONDUCTING THE AFFAIRS  
7. OF A BUSINESS, PROFESSION, SERVICE, INDUSTRY, OR GOVERNMENT, INCLUDING A MEDICAL  
8. OFFICE. The term does not include a bank, a post office, a veterinarian's office  
9. nor an establishment where merchandise is stored on or sold from the premises. [The  
10. term does not include a medical office.]

11. Office Building, Class B: A principal building [that is devoted primarily to  
12. office use or opticians' establishments.] USED FOR OFFICES AND WHICH IS NOT A CLASS  
13. A OFFICE BUILDING.

14. SECTION 2. AND BE IT FURTHER ENACTED, that Section 101-Definitions, the  
15. definition of "Office Building, Class C" of the Baltimore County Zoning Regulations,  
16. as amended, be and it is hereby repealed.

17. SECTION 3. AND BE IT FURTHER ENACTED, that Sections 203, 204, 205, 206, 207  
18. and 208 of the Baltimore County Zoning Regulations, as amended, be and they are  
19. hereby renumbered to read as follows:

20. [203] 204 - Residential-Office (R-O) Zones

1. [204] 205 - O-1 (Office Building) Zones  
2. [205] 206 - O-2 (Office Park) Zones  
3. [206] 208 - Plan - O-1 and O-2 Zones  
4. [207] 209 - O.T. (Office and Technology) Zone  
5. [208] 210 - Service Employment (S-E) Zone

6. SECTION 4. AND BE IT FURTHER ENACTED, that Section 203 be and it is hereby  
7. added to the Baltimore County Zoning Regulations, as amended, to read as follows:

8. 203--GENERAL PROVISIONS: ALL OFFICE CLASSIFICATIONS

9. 203.1--FINDINGS. IT IS FOUND:

10. A. THAT THERE IS A NEED FOR A RANGE OF OFFICE ZONING CLASSIFICATIONS TO  
11. ALLOW FOR DIFFERING NEEDS AND INTENSITY OF USE;

12. B. IT IS TO THE INTERESTS OF THE COUNTY TO HAVE AVAILABLE A VARIETY OF  
13. OFFICE ZONES SO THAT THE ZONE BEST SUITED TO THE NEEDS OF THE MARKET CAN BE APPLIED  
14. AT A SCALE AND WITH A RANGE OF USES AND PROTECTIONS APPROPRIATE TO THE SURROUNDING  
15. LOCALE;

16. C. A VARIETY OF OFFICE ZONING TOOLS IS NEEDED TO MEET THE GOALS FOR  
17. MANAGED GROWTH AND REDEVELOPMENT AS STATED IN THE ADOPTED MASTER PLAN;

18. D. THE REGULATIONS IN THE O-1 (OFFICE BUILDING) ZONE AND THE O-2 (OFFICE  
19. PARK) ZONES ENACTED IN 1980 ARE, FOR THE MOST PART, DUPLICATIVE, AND THERE IS NO  
20. NEED TO APPLY THE O-1 ZONE TO ADDITIONAL LAND.

21. 203.2--PURPOSES. PURSUANT TO THE ABOVE FINDINGS, IT IS THE PURPOSE OF THE  
22. OFFICE ZONES TO ESTABLISH A CONTINUUM OF OFFICE CLASSIFICATIONS TO PROVIDE:

23. A. A LOW-INTENSITY ALTERNATIVE USE FOR DWELLINGS WHICH ARE NO LONGER  
24. DESIRABLE FOR RESIDENTIAL USE (R-O-A);

1. B. A TRANSITION OR BUFFER BETWEEN RESIDENTIAL AND THE MORE INTENSE  
2. OFFICE, RETAIL OR INDUSTRIAL USE OF PROPERTY BY PERMITTING OFFICE DEVELOPMENT HIGHLY  
3. COMPATIBLE WITH RESIDENTIAL USES (R-O, S.E.);

4. C. FOR THE DEVELOPMENT OF OFFICE BUILDINGS AND MODERATE DENSITY  
5. RESIDENTIAL DEVELOPMENT, WITH COMMERCIAL DEVELOPMENT LIMITED TO SERVING THE NEEDS OF  
6. TENANTS (OR-2);

7. D. FOR OFFICE DEVELOPMENT AS THE ONLY PERMITTED PRINCIPAL USE IN AREAS  
8. WHERE PUBLIC SERVICES ARE NOT PLANNED TO SUPPORT ADDITIONAL DWELLINGS (O-3);

9. E. FOR INTENSIVE DEVELOPMENT OF EMPLOYMENT USES WHICH MAY BE COMBINED  
10. WITH HIGH DENSITY RESIDENTIAL USES IN THE COUNTY'S GROWTH AREAS (O.T.).

11. SECTION 5. AND BE IT FURTHER ENACTED, that Sections 205, 205.1 and 205.2 (as  
12. renumbered by this bill) of the Baltimore County Zoning Regulations, as amended, be  
13. and they are hereby repealed.

14. SECTION 6. AND BE IT FURTHER ENACTED, that Sections 205, 205.1 and 205.2 be  
15. and they are hereby added to the Baltimore County Zoning Regulations as amended, to  
16. read as follows:

17. 205--OR-1 (OFFICE BUILDING - RESIDENTIAL) ZONES

18. 205.1--DECLARATION OF FINDINGS.

19. A. IT IS FOUND THAT THE NAME OF THE O-1 (OFFICE BUILDING) ZONING  
20. CLASSIFICATION IS MISLEADING THE PUBLIC BECAUSE THE NAME IMPLIES THAT ONLY OFFICE  
21. BUILDINGS ARE PERMITTED WHEN, IN FACT, THE ZONE DOES PERMIT RESIDENTIAL AND OTHER  
22. USES PERMITTED IN THE D.R. 5.5 ZONE; AND

23. B. IT IS FURTHER FOUND THAT THE O-1 ZONING CLASSIFICATION IS  
24. SUFFICIENTLY SIMILAR TO THE O-2 CLASSIFICATION THAT THERE IS NO LONGER A NEED FOR  
25. TWO SEPARATE ZONES.

1. 205.2--STATEMENT OF LEGISLATIVE POLICY.

2. A. IT IS THE INTENT OF COUNTY THAT THE NAME OF THE O-1 ZONING  
3. CLASSIFICATION BE CHANGED TO THE OR-1 (OFFICE BUILDING-RESIDENTIAL) ZONE.

4. B. PROPERTIES CLASSIFIED AS O-1 BEFORE THE EFFECTIVE DATE OF BILL 186-94  
5. SHALL BE CLASSIFIED AS OR-1 AND SHALL BE SUBJECT TO THE USE AND PERFORMANCE  
6. STANDARDS OF THE OR-1 ZONE.

7. C. THE OR-1 ZONE SHALL NO LONGER BE APPLIED TO PROPERTIES THROUGH THE  
8. COMPREHENSIVE ZONING MAP PROCESS UNDER TITLE 26, SECTION 26-123 OR THROUGH THE CYCLE  
9. ZONING PROCESS OF TITLE 2, SECTION 2-356 OF THE BALTIMORE COUNTY CODE, AFTER THE  
10. EFFECTIVE DATE OF BILL 186-94.

11. SECTION 7. AND BE IT FURTHER ENACTED, that Sections 204.4.C, 205.3, 205.4,  
12. 206, 206.1, 206.2, 206.3 and 206.4 (as renumbered) of the Baltimore County Zoning  
13. Regulations, as amended by Bill 108-94, be and they are hereby repealed and  
14. reenacted with amendments to read as follows:

15. 204--Residential-Office (R-O) Zones

16. 204.4--Bulk Regulations of R-O Zones. Uses permitted as of right or by  
17. special exception are governed by the following bulk regulations:

18. C. Class B office buildings.

19. 1. Maximum floor area ratio: 0.33;

20. 2. Maximum height of structure: 35 feet

21. 3. Minimum front yard setback: 25 feet or the average of the  
22. setbacks of the adjacent structures, whichever is less;

23. 4. Minimum side yard setbacks: 10 feet, except if the adjacent  
24. property is predominantly residentially zoned or residentially used, or is adjacent  
25. to a residential street, in which case the setback shall be 20 feet;

26. 5. Minimum rear yard setback: 30 feet;

1. 6. Amenity open space: seven (7) percent of the interior of the  
2. parking lot not including setback and buffer area requirements shall be pervious  
3. land area in association with plantings;  
4. 7. Maximum lot size: one (1) acre except that if located on a  
5. principal arterial, and if there is adjacent non-residentially used or  
6. non-residentially zoned frontage, the maximum lot size may be two acres.  
7. 8. THE OFFICE BUILDING SHALL BE THE ONLY PRINCIPAL BUILDING ON THE  
8. LOT ON WHICH IT IS SITUATED AND SHALL NOT BE ATTACHED TO ANOTHER BUILDING.  
9. [8] 9. Landscape requirements. In addition to the requirements set  
10. forth in the Baltimore County Landscape Manual:  
11. a. All parking and dumpster areas which abut a residential zone  
12. shall be screened by an opaque fence, wall or berm in association with plantings;  
13. b. the minimum screening height shall be five (5) feet;  
14. c. The following buffers, which shall not be encroached upon by  
15. above ground stormwater management, parking or dumpster areas, but which may be  
16. broken by the entranceway, shall be provided:  
17. 1. Property lines which abut any property which is  
18. predominantly residentially zoned or residentially used or which abut any  
19. residential street, must have a 20 foot landscape buffer;  
20. 2. Property lines which abut any non-residentially zoned  
21. property must have a 10 foot landscape buffer.  
22. 205--OR-1 (Office Building-Residential) Zone  
23. 205.3--Use Regulations of OR-1 Zones.  
24. A. [Uses permitted as of right.] The following uses, only are permitted  
25. [as of] BY right:

1. 1. Uses permitted [as of] BY right and as limited in D.R. 5.5  
2. zones. [subject to the requirements of Section 1801.1.B. (Residential Transition  
3. Area).]  
4. 2. Class A[,], OR Class B[, or Class C] office buildings containing  
5. offices, medical offices, or medical clinics.  
6. 3. The following accessory commercial uses within Class B [or Class  
7. C] office buildings (see also Paragraph C, below):  
8. a. Photocopying establishments  
9. b. Secretarial-service establishments  
10. c. [Eating or drinking establishments] STANDARD RESTAURANTS,  
11. CARRY-OUT RESTAURANTS, TAVERNS without dancing or live entertainment  
12. d. Travel bureaus  
13. e. Banks, INCLUDING ONE EXTERIOR WALK-UP AUTOMATIC TELLER  
14. MACHINE FOR EACH BANK LOCATED WITHIN AN OFFICE BUILDING  
15. f. OPTICIANS' OR OPTOMETRISTS' ESTABLISHMENTS  
16. 4. Accessory uses not included under Item 1, above, but not any  
17. accessory commercial uses other than those listed in Item 3 (see Paragraph B, below)  
18. B. [Uses allowable by special exception.] The following uses, only, are  
19. allowable by special exception:  
20. 1. Uses allowable by special exception and as limited in D.R. 5.5  
21. zones [subject to the requirements of Section 1801.1.B., (Residential Transition  
22. Area)];  
23. 2. The following accessory commercial uses within Class B or [Class  
24. C] OFFICE BUILDINGS, provided that the Zoning Commissioner or [County Board of  
25. Appeals] finds that each such use will primarily serve the principal uses of the lot  
26. (see also Paragraph C, below);  
27. a. Drug stores

1. b. Personal-care establishment, including hair-care,  
2. facial-treatment, manicuring, or shoe-shining establishments  
3. c. Stationary or office-supply shops.  
4. 3. Wireless transmitting or receiving structures.  
5. C. Supplementary use regulations (see also Section 208).  
6. 1. Accessory-commercial-use floor-area limitations.  
7. a. No more than 7.5 per cent of the adjusted gross floor area  
8. of any office building may be occupied by accessory commercial uses.  
9. b. No single accessory commercial use other than (an eating or  
10. drinking establishment) A STANDARD RESTAURANT, CARRY-OUT RESTAURANT OR TAVERN may  
11. occupy more than 1,200 square feet of floor area..  
12. 2. Entrances to accessory commercial uses. No exterior entrance to  
13. any accessory commercial use within an office building is permitted unless 75% of  
14. the principal uses in the building have exterior entrances.  
15. 3. Outdoor signs or display for office buildings. In addition to  
16. the temporary real estate signs and the temporary construction signs permitted under  
17. subsection 413.1--  
18. [f. Each bank located within an office building is permitted  
19. one (1) walk-up automatic teller machine.]  
20. [g.] F. One (1) stationary identification sign is permitted for  
21. each accessory commercial use within an office building, provided that--  
22. 1. The light from any one light source shall be shielded or  
23. directed so that the light intensity or brightness shall not adversely affect  
24. surrounding premises;  
25. 2. It does not project more than twelve (12) inches from the  
26. building; and

1. 3. Its surface area does not exceed twenty-five (25) square  
2. feet.  
3. No other signs or display visible outdoors are permitted.  
4. 205.4--[Bulk Regulations of O-1 Zones] PERFORMANCE STANDARDS IN OR-1 ZONES  
5. A. [Residential-zone uses, etc.] Uses permitted under [Item] SUBSECTION  
6. 205.3.A.1 [, uses allowable under Item] OR 205.3.B.1, and new structures accessory  
7. to Class A office buildings are governed by the bulk regulations of D.R. 5.5 zones.  
8. [(A Class A office building itself, which by definition may not be enlarged, is not  
9. subject to Bulk regulations, nor is an unenlarged structure that was accessory to  
10. the building before it was converted to an office building.)] SUCH USES ARE ALSO  
11. SUBJECT TO SUBSECTION 1901.1.B.1, RESIDENTIAL TRANSITION AREA RESTRICTIONS, EXCEPT  
12. IN CASES WHERE A PROJECT IS VESTED BY LAW; HAS RECEIVED A CRG APPROVAL, A  
13. DEVELOPMENT PLAN OR RECLAMATION PLAN APPROVAL, OR FOR WHICH A DEVELOPMENT PLAN HAS  
14. BEEN ACCEPTED FOR FILING BY THE OFFICE OF ZONING ADMINISTRATION AND DEVELOPMENT  
15. MANAGEMENT BEFORE JULY 5, 1994.  
16. [B.] Class B office buildings. The following bulk regulations apply to  
17. any Class B office building and its lot.  
18. 1. Minimum setback from any lot line other than a street line: 20  
19. feet or equal to the height of the buildings whichever is greater;  
20. 2. Minimum setback from any street line: 35 feet;  
21. 3. Minimum area devoted to amenity open space: 20 per cent of net  
22. lot area.  
23. 4. New structures accessory to Class B office buildings are  
24. governed by the bulk regulations of D.R. 5.5 zones for accessory buildings.  
25. 5. Maximum floor area ratio: 0.50  
26. 6. Maximum height of structures: 35 feet

1. C. Class C office buildings. The following bulk regulations apply to  
2. any Class C office building and its lot.

3. 1. Minimum setback from any boundary of a residential or R-O zone,  
4. other than a boundary that lies within a street: the distance equal to twice the  
5. height of the building, whichever is greater;

6. 2. Minimum setback from any street line: 35 feet, but if the  
7. building is attached to a building on a lot in a business zone the setback from the  
8. street line need not be greater than that of the latter building

9. 3. Maximum floor area ratio: 0.55

10. 4. Minimum area devoted to amenity open space: 20 per cent of net  
11. lot area

12. D. Height of Class C office buildings. The maximum height of any Class  
13. C office building is 60 feet.]

14. B. THE PERFORMANCE STANDARDS FOR ALL OTHER USES SHALL BE THE SAME AS FOR  
15. THE OR-2 ZONES, EXCEPT THAT THE HEIGHT OF A CLASS B OFFICE BUILDING SHALL BE LIMITED  
16. TO 60 FEET.

17. 206 OR-2.(Office [Park] BUILDING-RESIDENTIAL) ZONES

18. 206.1--Declaration of Findings

19. A. Some firms [offering many employment opportunities for office  
20. workers] have established policies that their headquarters and most or all of their  
21. other offices should be situated in office parks, and have thus occupied only a  
22. negligible amount of office space in town and community centers.

23. B. [Land prices in Washington, D.C., and its suburbs have been  
24. increasing at a rate far greater than the national average rate, and available sites  
25. for construction of office buildings in the Washington metropolitan area are  
26. becoming scarce. Thus, business firms planning to locate their national  
27. headquarters near Washington have perceived the more-moderately priced sites in the

1. suburbs of Baltimore--especially those near convenient means of transportation to  
2. Washington--to be increasingly desirable as headquarters sites.] THE RESIDENTIAL  
3. OFFICE -- CLASS A AND THE RESIDENTIAL OFFICE ZONES PROVIDE FOR THE CONVERSION OF  
4. HOMES TO OFFICES AND, IN THE CASE OF THE R-O ZONE, THE DEVELOPMENT OF SMALL OFFICE  
5. BUILDINGS ON SITES OF NO MORE THAN TWO ACRES.

6. C. If the Zoning Regulations were not to include a [useful office-park]  
7. zoning classification [with appropriate regulatory safeguards,] PRIMARILY FOR OFFICE  
8. BUILDING DEVELOPMENT, WITH SUPPORTIVE ACCESSORY COMMERCIAL USES AND WHICH PERMITS  
9. MODERATE DENSITY RESIDENTIAL DEVELOPMENT, business firms preferring to occupy  
10. offices in Baltimore County may choose [possibly less-desirable] sites in adjacent  
11. jurisdictions.

12. D. Office [parks] CENTERS, rather than central commercial areas, may  
13. also be appropriate locations for offices whose employees [are primarily  
14. salespersons who] spend most of the working day driving to widely-separated places  
15. throughout the metropolitan area.

16. E. Providing additional opportunities for development of office  
17. buildings in Baltimore County could contribute to the County's assessable base and  
18. could create a significant number of job opportunities for citizens.

19. F. Development and maintenance of [office parks and other]  
20. office-building sites must be closely regulated to promote the establishment of  
21. amenities, to prevent traffic congestion, and, in general, to protect the public  
22. interest, including the interests of citizens in nearby neighborhoods and the  
23. interests of firms and employees who will occupy the office buildings.

24. 206.2--Statement of Legislative Policy.

25. A. Pursuant to the findings declared above, the OR-2 zoning  
26. classification is established primarily to provide selectively for development of a  
27. limited number of [spacious,] well-landscaped office [parks.] BUILDING

1. DEVELOPMENTS. THE OR-2 ZONING CLASSIFICATION ALSO PERMITS MODERATE DENSITY  
2. RESIDENTIAL DEVELOPMENT OR MIXED OFFICE/RESIDENTIAL USES.

3. B. It is intended that any development in an O-2 zone be designed,  
4. built, and maintained so that it will be compatible with the character of nearby  
5. residential neighborhoods (and, wherever feasible,) so that it will enhance rather  
6. than detract from amenities and property values in those neighborhoods. [It is  
7. intended that property not be classified as O-2 unless it is a minimum of  
8. approximately 10 acres. Any road constructed in an office-building development in  
9. an O-2 zone and any vehicle entrance or exit should be situated so as to prevent or  
10. inhibit the introduction of traffic from the development into residential areas.]

11. [B. It is also the intent of these regulations that land or buildings  
12. occupied by research institutes or laboratories shall not be used in any manner so  
13. as to create any dangerous, injurious, noxious or otherwise objectionable fire,  
14. electrical, explosive, radio-active, or other hazardous condition affecting  
15. adversely the surrounding area. It is the further intent that there shall be no  
16. objectionable or offensive increase over normal residential conditions of noise,  
17. dust, odors, vibrations, heat or other emanations at or outside the boundary of the  
18. research institute or laboratory property line.]

19. 206.3--Use Regulations of OR-2 Zones

20. A. Uses permitted [as of] BY right. The following uses, only, are permitted  
21. [as of] BY right:

22. 1. Class A OR Class B [, or Class C] office buildings containing  
23. offices, medical offices, or medical clinics.

24. 2. Uses permitted as of right and as limited in D.R. 10.5 zones [,  
25. subject to the requirements of Section 1801.1.B. (Residential Transition Area)].

1. 3. Accessory uses or structures which are normally, and customarily ..  
2. incidental to any PERMITTED principal uses, including the following, if within CLASS  
3. B office buildings -

4. A. Conference facilities (auditoriums, exhibition rooms, sleeping  
5. quarters, or catering services for conferences attended by persons who do not  
6. ordinarily work in offices on the site, in addition to those who do)

7. b. The following accessory commercial uses:

8. (1) Banks, including [automatic devices within exterior walls;]  
9. ONE EXTERIOR WALK-UP AUTOMATED TELLER MACHINE FOR EACH BANK LOCATED WITHIN THE  
10. OFFICE BUILDING; drive-thru banking facilities permitted when operated [and manned]  
11. from within the office building and provided that:

12. (a) the OR-2 zone in which "any drive-thru banking facility"  
13. is located has a contiguous gross area of no less than 10 acres;

14. (b) any individual banking establishment has a total of no  
15. more than two drive-thru teller windows and machines;

16. (c) any such facility, including access traffic lanes, is  
17. located no less than 200 feet from any residence; and [that]

18. (d) any such facility, including access traffic lanes, is  
19. screened from any residential zone abutting the lot on which the drive-thru facility  
20. is located in accordance with the requirements for parking lots stipulated in the  
21. Baltimore County Landscape Manual.

22. (2) Duplicating service businesses.

23. (3) Secretarial-service establishments.

24. (4) Drug stores.

25. (5) [Eating or drinking establishments] STANDARD RESTAURANT,  
26. CARRY-OUT RESTAURANT OR TAVERN without dancing or live entertainment.

1. (6) Exercise room for the exclusive use of the tenants and no  
2. larger than 1,500 square feet in size.

3. [(7)] (7) In-house conference facilities for the exclusive use of the  
4. tenants and no larger than 4,000 square feet in size.]

5. [(8)] (7) Newsstands.

6. [(9)] (8) Personal-care establishments, including hair-care,  
7. facial treatment, manicuring, or shoe-shining establishments.

8. [(10)] (9) Stationery or office-supply shops.

9. [(11)] (10) Travel bureaus.

10. [(12)] (11) Garment cleaning, collection and pick-up only  
11. (actual cleaning to be done off premises).

12. [(13)] (12) Data processing and office equipment service  
13. establishments, including incidental sales.

14. [(14)] (13) Photographic film-processing establishments.

15. 4. Research institutes or laboratories.

16. 5. Wireless transmitting or receiving structures 200 feet or less in  
17. height above grade level (see Section 426).

18. 6. Opticians' or Optometrists' establishments when within office  
19. buildings,

20. B. Uses allowable by special exception[s].

21. 1. Uses allowable by special exception in a D.B. 10.5 zone are allowable  
22. by special exception in an OR-2 zone [, subject to the requirements of Section  
23. 1801.1.B. (Residential Transition Area)].

24. 2. The following accessory uses are allowable by special exception if  
25. they are not within office buildings, AS PERMITTED BY SUBSECTION 305.3.A.3, or would  
26. occupy more floor area that would be allowed under the standard of sub-subparagraph  
27. 206.3.C.1.b., provided that the zoning commissioner [or County Board of Appeals]

1. finds that the uses will primarily serve the principal uses of the lot or office  
2. park:

3. {1.} (A.) Conference facilities.

4. {2.} (B.) [Eating or drinking establishments] STANDARD RESTAURANT,  
5. CARRY-OUT RESTAURANT OR TAVERN without dancing or live entertainment.

6. {3.} (C.) Hotel, motel.

7. {4.} (D.) Wireless transmitting or receiving structures not  
8. permitted by Section 426.

9. {5.} (E.) Health and fitness clubs including, but not limited to,  
10. those with handball, squash, tennis or racquetball courts, or swimming pools.

11. {6.} (F.) Parking structures for passenger cars, as a principal use,  
12. provided that any such structure and site are designed or located in such a manner  
13. that associated noise, lighting and traffic will not intrude into adjacent  
14. residential neighborhoods, and, at minimum, are subject to bulk and area limitations  
15. for a Class [C]8 office building.

16. C. Supplementary use regulations (see also Section 208).

17. 1. Accessory use floor-area limitations.

18. a. [In the case of any office park as determined by the plan  
19. approved by the CRG and in the case of any lot which is not located in an office  
20. park;] No more than 10 percent of the aggregate adjusted gross floor area of all  
21. buildings may be occupied by accessory conference facilities or commercial uses.

22. [b. No more than 25 per cent of the adjusted gross floor area of  
23. any single office building on the lot may be occupied by accessory conference  
24. facilities or commercial uses, except as may otherwise be allowed under Paragraph B,  
25. above.]

26. [c.] B. No single accessory commercial use other than a hotel,  
27. health and fitness club, conference facility, [or an eating or drinking

1. establishment] STANDARD RESTAURANT, CARRY-OUT RESTAURANT OR TAVERN may occupy more  
2. than 1,500 square feet of floor area.

3. 2. Outdoor signs or display for office buildings and office parks. In  
4. addition to the temporary real estate signs and the temporary construction signs  
5. permitted under subsection 413.1.

6. [f. Each bank located within an office building is permitted one  
7. (1) walk-up automated teller machine.]

8. [g.] F. One (1) stationary business sign is permitted for each  
9. accessory commercial use within an office building, provided that --

10. (1) it does not project more than twelve (12) inches from  
11. the building; and

12. (2) its surface area does not exceed twenty-five (25) square  
13. feet.

14. [h.] G. On a stationary freestanding office park identification sign  
15. is permitted at each vehicular entrance to an office park and one (1) additional  
16. freestanding office park identification sign is permitted for each park, provided  
17. that for each sign--

18. (1) its surface area does not exceed fifty (50) square feet  
19. per face;

20. (2) no part of the sign is more than twelve (12) feet above  
21. grade level of the street upon which it faces or twelve (12) feet above the grade  
22. level of the lot on which it is erected, whichever measurement permits the greater  
23. elevation of the sign and

24. (3) it is not placed within and it does not project into any  
25. street right-of-way.

26. No other signs or display visible outdoors are permitted.

27. 206.4 [Bulk Regulations] PERFORMANCE STANDARDS of OR-2 zones.

1. A. [Uses permitted as of right or by special exception in D.R. 10.5.  
2. zones are governed by the bulk regulations of D.R. 10.5 zones; accessory structures,  
3. other than those accessory to Class C office buildings, research institutes or  
4. laboratories shall be subject to Section 400.] USES PERMITTED UNDER SUBSECTIONS  
5. 206.3.A.2 AND 206.3.B.1 ARE GOVERNED BY THE BULK REGULATIONS OF D.R. 10.5 ZONES.  
6. SUCH USES ARE ALSO SUBJECT TO SUBSECTION 1801.1.B.1, RESIDENTIAL TRANSITION AREA  
7. RESTRICTIONS, EXCEPT IN CASES WHERE A PROJECT IS VESTED BY LAW; HAS RECEIVED A CRG  
8. APPROVAL, A DEVELOPMENT PLAN OR RECLAMATION PLAN APPROVAL, OR FOR WHICH A  
9. DEVELOPMENT PLAN HAS BEEN ACCEPTED FOR FILING BY THE OFFICE OF ZONING ADMINISTRATION  
10. AND DEVELOPMENT MANAGEMENT BEFORE JULY 5, 1994.

11. B. Class A office buildings. New structures accessory to Class A office  
12. buildings are governed by the bulk regulations of D.R. 5.5 zones. [(1) A Class A  
13. office building itself, which by definition may not be enlarged, is not subject to  
14. bulk regulations, nor is an unenlarged structure that was accessory to the building  
15. before it was converted to an office building. (2)]

16. C. Class B office buildings. [The following bulk regulations apply to  
17. any Class B office building and its lot.]

18. 1. Minimum setback from any lot line other than a street line: 20  
19. feet or equal to the height of the building whichever is greater[;] EXCEPT THAT FROM  
20. A RESIDENTIAL OR R-O ZONE, THE SETBACK SHALL BE TWO TIMES THE HEIGHT OF THE BUILDING.

21. 2. Minimum setback from any street line: 35 feet;

22. 3. Minimum [area devoted to] amenity open space: 25 per cent of  
23. the net lot area

24. 4. New structures accessory to Class B office buildings are  
25. governed by the bulk regulations of D.R. 10.5 zones for accessory buildings.

26. 5. Maximum floor area ratio: 0.50

1. 6. Maximum height of structures: [35 feet] SUBJECT TO  
2. COMPATIBILITY FINDINGS PURSUANT TO SECTION 26-282, THE BALTIMORE COUNTY CODE, 1988.

3. [D. Class C office buildings. The following bulk regulations apply to  
4. any Class C office building, its accessory buildings, and its lot.

5. 1. Minimum setback from any boundary of a residential or R-O zone,  
6. other than a boundary that lies within a street: the distance equal to twice the  
7. height of the building.

8. 2. Minimum setback from any street line: 65 feet

9. 3. Maximum floor area ratio: 0.4

10. 4. Minimum area devoted to amenity open space: 25 per cent of net  
11. lot area.

12. E. Height of Class C office buildings. The height of any Class C office  
13. building is unlimited.]

14. [F.]D. [Research Institutes and Laboratories.] For the purpose of this  
15. subsection, a research institute or laboratory shall be considered an office  
16. building and shall be governed the [bulk regulations] PERFORMANCE STANDARDS  
17. specified for office buildings in [Paragraphs B,C,D, and E of] this subsection.

18. SECTION 8. AND BE IT FURTHER ENACTED, that Sections 207, 207.1, 207.2, 207.3  
19. and 207.4 be and they are hereby added to the Baltimore County Zoning Regulations,  
20. as amended, to read as follows:

21. SECTION 207--O-3 (OFFICE PARK) ZONE

22. 207.1 DECLARATION OF FINDINGS

23. A: THERE ARE PARTS OF THE COUNTY SUITED FOR THE OFFICE  
24. BUILDING/RESIDENTIAL (OR-2) ZONE, BUT WHERE RESIDENTIAL USES WOULD NOT BE DESIRABLE  
25. BECAUSE THE DENSITY PERMITTED IN THE ZONE WOULD NOT BE IN KEEPING WITH THE DENSITY  
26. OF THE SURROUNDING AREA OR BECAUSE THE PUBLIC FACILITIES SUCH AS SCHOOLS AND PARKS

1. NECESSARY TO SUPPORT RESIDENTIAL USES, ARE NOT ACCESSIBLE OR CANNOT ACCOMMODATE  
2. ADDITIONAL RESIDENTS:

3. B. THE ZONING REGULATIONS DO NOT INCLUDE A ZONE WHICH PERMITS ONLY  
4. OFFICE DEVELOPMENT AND IT WOULD BE DESIRABLE FOR THE ZONING REGULATIONS TO INCLUDE  
5. SUCH A ZONE CLASSIFICATION.

6. 207.2 STATEMENT OF LEGISLATIVE POLICY. PURSUANT TO THE FINDINGS STATED  
7. ABOVE, AS WELL AS TO THOSE DECLARED IN SUBSECTION 206.2 (THE OR-2 ZONE), THE O-3  
8. ZONE IS ESTABLISHED TO PROVIDE FOR OFFICE PARK DEVELOPMENT, WITH THE INTENT THAT NO  
9. RESIDENTIAL USES SHALL BE PERMITTED.

10. 207.3 USE REGULATIONS OF O-3 ZONES. USES PERMITTED BY RIGHT, USES PERMITTED  
11. BY SPECIAL EXCEPTION AND THE SUPPLEMENTARY USE REGULATIONS OF SUBSECTION 206.3 (THE  
12. OR-2 ZONE) SHALL APPLY, EXCEPT THAT NO DWELLINGS OR ELDERLY HOUSING FACILITIES SHALL  
13. BE PERMITTED.

14. 207.4 PERFORMANCE STANDARDS FOR O-3 ZONES. THE PERFORMANCE STANDARDS OF  
15. SUBSECTION 206.5, THE OR-2 ZONE SHALL APPLY.

16. SECTION 9. AND BE IT FURTHER ENACTED, that Section 208 (as renumbered) of  
17. the Baltimore County Zoning Regulations, as amended, be and it is hereby repealed  
18. and reenacted with amendments to read as follows:

19. Section 208 PLAN--OR-1, OR-2, and O-3 Zones

20. In an OR-1, OR-2 and O-3 zone, except as otherwise provided in Subsection  
21. 104.2 or 502.5, no building may be converted to an office building and no office  
22. building may be constructed or altered unless the building and its site conform to a  
23. plan approved by the [County Review Group] HEARING OFFICER as provided in Title [22]  
24. 26, Article [IV] V of the Baltimore County Code. Except as otherwise provided,  
25. approval of the plan is a condition precedent to the issuance of a building permit

1. or granting of any special exception that would authorize the proposed use or  
2. development.

3. SECTION 10. AND BE IT FURTHER ENACTED, that Section 26-282(a)(2) of Title  
4. 26-Planning, Zoning and Subdivision Control of the Baltimore County Code, 1988, be  
5. and it is hereby repealed and reenacted with amendments to read as follows:

6. Sec. 26-282. Compatibility.

7. (a) The director of planning shall make compatibility recommendations to  
8. the hearing officer for:

9. (1) Cluster subdivisions;

10. (2) Development in the RCC, R-O, OR-1, OR-2, O-3, SE or OT zones or  
11. the CR districts or a PUD development; or

12. (3) Alternative site design dwellings as provided in the  
13. comprehensive manual of development policies.

14. SECTION 11. AND BE IT FURTHER ENACTED, that this Act shall take effect  
15. forty-five days after its enactment.

B18694/BILLS94

READ AND PASSED this 21st day of November, 1994

BY ORDER

Thomas J. Peddicord, Jr.  
Thomas J. Peddicord, Jr.  
Secretary

PRESENTED to the County Executive for his approval this 22nd day  
of November, 1994.

Thomas J. Peddicord, Jr.  
Thomas J. Peddicord, Jr.  
Secretary

APPROVED AND ENACTED:

11/30/94  
Roger B. Hayden  
Roger B. Hayden  
County Executive

I HEREBY CERTIFY THAT BILL NO. 186-94 IS TRUE AND CORRECT

AND TOOK EFFECT ON January 14, 1995.

Vernant J. Gaudin  
Chairman, County Council

IN THE MATTER OF  
THE APPLICATION OF  
DR. PETER J. FERRA, ET UX  
FOR A SPECIAL HEARING, SPECIAL  
EXCEPTION AND VARIANCE ON  
PROPERTY LOCATED ON THE  
SOUTHEAST CORNER OF  
REISTERSTOWN ROAD AND  
GLYNDON DRIVE (LOTS 1 AND 2)  
(405 MAIN STREET, ALSO KNOWN  
AS 405 REISTERSTOWN ROAD)  
4TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 95-108-SPHXA  
\*  
\*

\* \* \* \* \*

### OPINION

This matter comes to this Board on appeal from the decision of the Zoning Commissioner dated November 3, 1994, wherein Petitions for Special Hearing, Special Exception and Variance were granted.

The Petitioners, Dr. Peter J. Ferra and Norma C. Ferra, his wife, were represented by Lawrence F. Haislip, Esquire. Peter Max Zimmerman, People's Counsel for Baltimore County, appeared as the Appellant.

The Appellant is appealing the Zoning Commissioner's granting of the Petition for Special Hearing, pursuant to which he approved:

- 1) The amendment to the previously approved Special Exception granted in Case No. 88-334-X.
- 2) The reduction in the area of the aforementioned Special Exception approval.
- 3) The inclusion of the required landscape areas as part of the required residential yard areas.
- 4) The existing accessory structure (shed) on Lot Two to remain.

The Appellant is also appealing the granting of the Petition for Special Exception to permit a Class B Office Building in an R.O. zone. In addition, he is appealing the granting of the following variances:

- 1) From Section 203.4.C.8.c.2 to permit a 2-foot-wide landscape buffer adjacent to a non-residentially zoned property (Lot 1) as narrow as 2 feet in lieu of the required 10 feet.
- 2) From Section 203.4.C.8.c.2 to permit an accessory structure (shed) to be located within the required 10-foot-wide landscape buffer adjacent to a non-residentially zoned property (409

effort to remove the house rather than destroy it. Mr. Horvath testified that SHA advertised the house and Dr. Ferra's proposal was the only one approved by federal officials. He testified that SHA has no alternate site.

The Petitioners plan to subdivide the subject property into two lots, with the existing medical office building on Lot 1 and the Brown-Miller house moved onto Lot 2, at the rear of the tract. The Petitioners argued that they want to create a separate lot so the historic preservation requirements can be met without burdening the entire lot with those regulations. They plan to renovate the Brown-Miller house and use it for office space and a residential apartment.

James W. McKee, of McKee & Associates, the engineer/land surveyor who prepared the Plat to Accompany Petition (Petitioner's Exhibit 1), testified that the Petitioners designed the site in a way that would avoid removing a number of large, mature trees. He testified that the Petitioners could have put parking in the rear of proposed Lot 2 and thus avoided the off-street parking variance request, but they would have had to destroy the mature trees to do it. He further testified that by creating a lot line, the Petitioners created the requirements for the buffer variances.

Mr. McKee testified that in his opinion the proposed plan will not adversely impact the standards for special exceptions set forth in Section 502 of the Baltimore County Zoning Regulations.

Craig Piette, a social studies teacher who was the Baltimore County area planner for this area for five years in the 1980s, testified that this section was one of the prime factors for the R.O. legislation. He testified that he is a member of Reisterstown Festival, an association of business people that takes positions on land use. The association strongly supports the moving of the Brown-Miller house to the subject site, he testified.

William P. Huey, Community Planner for the 1st and 3rd Councilmanic Districts, Office of Planning and Zoning, testified that the Planning Office sees no detriment to the existing neighborhood with the granting of the Special Exception and the placement of the Brown-Miller house on the subject property. He acknowledged in his testimony, however, that the historic preservation issue was of paramount importance to the Planning Office, rather than the issue of the variances.

Petitioner Norma C. Ferra testified that when the SHA put the Brown-Miller house up for

auction, she thought that it was the perfect opportunity to save it. Mrs. Ferra testified that it is in terrible condition, and she and her husband plan to make \$80,000 to \$100,000 in renovations. She further testified that she didn't know of any historical significance of the house other than that it is 120 years old and is a good example of the type of architecture of that time.

Rebecca Riegel, president of the Northwest Reisterstown Community Association, testified that although some members of the association were concerned about preserving the Brown-Miller house, the association supports the appeal because its members are opposed to the overly liberal granting of variances. The association is also concerned about traffic, as parking at the Post Office, adjacent to the subject property, is already crowded, she testified.

George Neubeck, president of the Hanover Road Association, the southern boundary of which is about one mile north of the subject site, testified that his association supports this appeal because it is concerned that the granting of the Special Hearing, Special Exception and Variance may set a precedent in the area.

For the petitions to be granted, the Petitioners must satisfy the requirements of Section 502.1, which sets conditions for the granting of Special Exceptions; Sections 203 and 204, pertaining to R.O. zoning; and Section 307.1, pertaining to variances.

Considering the R.O. zoning requirements first, the Petitioner was granted his existing Special Exception to permit a Class B office building in an R.O. zone in March, 1988, just prior to the enactment of Bill 37-88 and Bill 151-88, which amended the requirements for R.O. zoning. Under amended Section 203 (now Section 204, Bill 186-94), a class B office building was permitted, but no more than 25% of the total floor area could be occupied by offices.

The Petitioner's existing building utilizes 61% of its area as office space. The use in its present state is grandfathered, but this Board finds as a fact that if the subject property is divided into two lots as proposed, a new lot would be created from the original lot, which would no longer exist; the 61% floor area for the existing medical office, now located on a new lot, would no longer be grandfathered and would therefore be an illegal use.

Section 204.4C.8 states, regarding R.O. zones, that the office building shall be the only principal building on the lot on which it is situated. The intention of the R.O. regulations is clearly to have one building on one lot. The Board finds that the Petitioner's proposal to subdivide the

subject property, which is one lot of record under the R.O. zone, into two lots, thus avoiding this requirement, is clearly inconsistent with the spirit and intent of the R.O. regulations, and therefore not in compliance with Section 502.1.g, which states that the use for the Special Exception may not be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the Zoning Regulations.

For these reasons, the Board will deny the Petition for Special Hearing and the Petition for Special Exception.

Regarding the requested variances, the Petitioners argued that the special circumstances that cause practical difficulty or unreasonable hardship requiring the variances are due in large part to having to move a large house onto a small lot. The reason for doing this is the Petitioners' desire to preserve an historic house that might otherwise be destroyed.

This is a commendable aim in and of itself, but it does not meet the requirements of Section 307.1, which states that variances may be granted "only in cases where special circumstances or conditions exist *that are peculiar to the land or structure which is the subject of the variance request* and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship." (Emphasis added.) The need to relocate the Brown-Miller house is an unusual circumstance creating hardship for the State Highway Administration; it is not one related to the subject property. There is nothing unique about the property, which is a flat, rectangular parcel. Furthermore, the Petitioners presently have a reasonable and productive use of the property as a medical office and apartment.

The only other special condition or circumstance cited by the Petitioners as reason for the variances is the desire to preserve some mature trees on the property. To do this, a variance is needed to permit off-street parking to be located in the front yard of Lot 2 in lieu of the required side or rear yard location. The Petitioners argued that they could substantially ameliorate the variances if they were to destroy the trees. However, other than the off-street parking variance, they did not specify which of the other variance requests were necessitated by the attempt to preserve the trees. The Board must therefore conclude that a substantial number of the variance requests are not attributable to the attempt to preserve the trees.

In any event, since the Board will deny the Petitions for Special Hearing and Special

Exception, the Petition for Variance is rendered moot.

**ORDER**

IT IS THEREFORE this 25th day of May, 1995, by the County Board of Appeals for Baltimore County

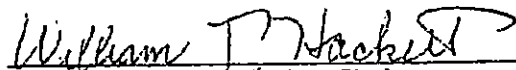
**ORDERED** that the Petition for Special Hearing requesting approval to permit an amendment to the previously approved Special Exception granted in Case No. 88-334-X; and to approve the reduction in the area of the aforementioned Special Exception approval; and to allow the inclusion of the required landscape areas as part of the required residential yard areas; and for the location of an existing accessory structure (shed) to remain on Lot 2, be and is hereby **DENIED**; and it is further

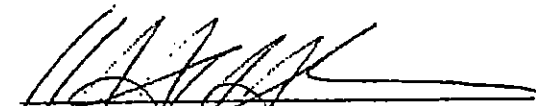
**ORDERED** that the Petition for Special Exception to allow a Class B office building in an R.O. zone be and is hereby **DENIED**; and it is further

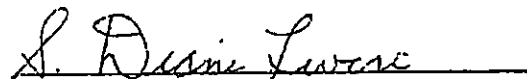
**ORDERED** that the Petition for Zoning Variance for the eight requested variances be and is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
William T. Hackett, Acting Chairman

  
Kristine K. Howanski

  
S. Diane Levero

9/12

|                                        |                         |
|----------------------------------------|-------------------------|
| IN RE: PETITIONS FOR SPECIAL HEARING * | BEFORE THE              |
| AND VARIANCE                           |                         |
| (8613 Old Harford Road)                | OFFICE OF               |
| 9 <sup>th</sup> Election District      |                         |
| 6 <sup>th</sup> Council District       | ADMINISTRATIVE HEARINGS |
| Candice M. Holt, <i>Legal Owner</i>    |                         |
| Petitioner                             | FOR BALTIMORE COUNTY    |
|                                        | Case No. 2015-0001-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 Candice M. Holt, Legal Owner ("Petitioner").<sup>1</sup> The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to determine whether or not the Administrative Law Judge should approve a commercial parking lot in a residential zone, and to approve 100% medical office use in lieu of the permitted 25% medical office use. The Variance petition seeks relief from the Residential Transition Area standards (RTA), B.C.Z.R. § 1B01.1.B.1.e(5), to permit a 5 ft. landscape buffer and a 5 ft. setback to the property line in lieu of the required 50 ft. and 75 ft. setbacks, respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 4.

Appearing at the public hearing in support of the requests was Candice Holt and Brian Dietz, from Dietz Surveying Co., whose firm prepared the site plan. Bruce Covahey, Esquire, represented the Petitioner. Ruth Baisdon, President of the Greater Parkville Community Council, and Thomas Wedge, who owns the property at 8611 Old Harford Road, attended and opposed the requests.

<sup>1</sup> Since the petition was filed, Mrs. Holt has purchased the property from Mr. Baumgartner; as such, she is the sole Petitioner.

The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP), indicating that agency does not support the requests. In addition, a ZAC comment was received from the Bureau of Development Plans Review (DPR) indicating that parking spaces must be 10 ft. from the road right-of-way, and that the Landscape Manual requires a 10 ft. strip of class 'A' screening adjacent to residences.

The subject property is approximately 7,050 square feet and is zoned R.O. and DR 5.5. The RO zoned portion of the property is improved with a small single family dwelling and one-story detached garage. The DR 5.5 zoned portion of the site is unimproved. Petitioner, a licensed acupuncturist and massage therapist, proposes to operate her office at the property, which as shown on the plan would require zoning relief.

The Petitioner recently purchased the property from Mr. Baumgartner, who operated an HVAC business from the site. Petitioner previously leased space for her practice at 8611 Old Harford Road (next door), and the owner of that property was granted zoning relief in Case No. 2012-0218-SPHA to have 100% medical use in an R.O. zone. Petitioner's Exhibit 8. Having reviewed this Order and the B.C.Z.R., I do not believe that variance relief can be granted to permit 100% medical use. I think this would constitute a "use" variance, since the 25% limitation is found in the "use regulations" for the R.O. zone. B.C.Z.R. § 204.3. Section 307 of the B.C.Z.R. permits variances of height, area, parking and sign standards only, and to grant the requested relief would be changing the use of the property to a medical office building, which is antithetical to the goals the R.O. zone.

But even though the special hearing will be denied, that does not mean the Petitioner cannot operate her practice from the site. The regulations permit 25% of the floor area to be

used for medical offices. The plan shows the office building as a "1 story building" with 770 sq. ft. But the Petitioner testified there is a second floor of the building that is not currently in use, and the state tax records show that the "office building" was constructed in 1954 and contains 1,110 sq. ft. of "above grade enclosed area." As such, the Petitioner is entitled to utilize 277.5 sq. ft. of the building for treatment rooms to provide acupuncture and massage therapy services. Petitioner noted she has a bathroom for patients and a reception/waiting area, and neither of these constitutes a "medical" use, as opposed to a feature found in virtually all office buildings. As such, these areas shall not count against the 277.5 sq. ft. allotment.

The Petitioner testified she treats 1-2 patients per hour, and thus the three parking spaces shown on the plan (in the R.O. zone) should suffice. In addition, the plan shows a 1 story garage also located in the R.O. zone, and that too could be used for parking. In these circumstances, I am not inclined to grant the special hearing request for commercial parking in a D.R. zone. To do so would require additional impervious surfaces and the parking (whether now or in the future with a different user) could encroach upon the residential character of the properties on Edgewood Avenue. In light of the above, the RTA variance is not required, and that request will be dismissed.

THEREFORE, IT IS ORDERED this 12<sup>th</sup> day of September, 2014, 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 determine whether or not the Administrative Law Judge should approve a commercial parking lot in a residential zone, and to approve 100% medical office use in lieu of the permitted 25% medical office use, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to the Residential Transition Area standards (RTA) from B.C.Z.R. § 1B01.1.B.1.c(5), to permit a 5 ft. landscape buffer and a 5 ft. setback to the property line in lieu of the required 50 ft. and 75 ft. setbacks, respectively, be and is hereby DISMISSED WITHOUT PREJUDICE.

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:slm

# Dentistry

**Dentistry**, also known as **dental medicine** and **oral medicine**, is a branch of **medicine** that consists of the study, **diagnosis**, prevention, and treatment of **diseases**, disorders, and conditions of the **oral cavity**, commonly in the dentition but also the **oral mucosa**, and of adjacent and related structures and tissues, particularly in the maxillofacial (jaw and facial) area.<sup>[1]</sup> Although primarily associated with **teeth** among the general public, the field of dentistry or dental medicine is not limited to teeth but includes other aspects of the **craniofacial complex** including the **temporomandibular joint** and other supporting, muscular, lymphatic, nervous, vascular, and anatomical structures.

Dentistry is often also understood to subsume the now largely defunct **medical specialty** of **stomatology** (the study of the mouth and its disorders and diseases) for which reason the two terms are used interchangeably in certain regions.

Dental treatments are carried out by a dental team, which often consists of a **dentist** and **dental auxiliaries** (**dental assistants**, **dental hygienists**, **dental technicians**, as well as **dental therapists**). Most dentists either work in private practices (**primary care**), dental hospitals or (**secondary care**) institutions (prisons, armed forces bases, etc.).

The history of dentistry is almost as ancient as the history of humanity and civilization with the earliest evidence dating from 7000 BC. Remains from the early Harappan periods of the **Indus Valley Civilization** (c. 3300 BC) show evidence of teeth having been drilled dating back 9,000 years.<sup>[2]</sup> It is thought that dental surgery was the first specialization from **medicine**.<sup>[3]</sup> The modern movement of **evidence-based dentistry** calls for the use of high-quality scientific evidence to guide decision-making.

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## Terminology

The term dentistry comes from *dentist*, which comes from French *dentiste*, which comes from the French and Latin words for tooth.<sup>[4]</sup> The term for the associated scientific study of teeth is **odontology** (from **Ancient Greek** ὀδούς (*odous*, "tooth")) – the study of the structure, development, and abnormalities of the teeth.

## Dental treatment

Dentistry usually encompasses practices related to the oral cavity.<sup>[5]</sup> According to the **World Health Organization**, oral diseases are major public health problems due to their high incidence and prevalence across the globe, with the disadvantaged affected more than other socio-economic groups.<sup>[6]</sup>

The majority of dental treatments are carried out to prevent or treat the two most common oral diseases which are **dental caries** (tooth decay) and **periodontal disease** (gum disease or pyorrhea). Common treatments involve the **restoration of teeth**, **extraction** or surgical removal of teeth, **scaling** and **root planing**, **endodontic root canal treatment** and cosmetic dentistry.<sup>[7]</sup>

All dentists in the United States undergo at least three years of undergraduate studies, but nearly all complete a bachelor's degree. This schooling is followed by four years of dental school to qualify as a "Doctor of Dental Surgery" (DDS) or "Doctor of Dental Medicine" (DMD). Specialization in dentistry is available in the fields of Dental Public Health, Endodontics, Oral Radiology, Oral Maxillofacial Surgery, Oral Medicine and Pathology, Orthodontics, Pediatric Dentistry, Periodontics, and Prosthodontics.<sup>[8]</sup>

By nature of their general training they can carry out the majority of dental treatments such as restorative (fillings, crowns, bridges), prosthetic (dentures), endodontic (root canal) therapy, periodontal (gum) therapy, and extraction of teeth, as well as performing examinations, radiographs (x-rays), and diagnosis. Dentists can also prescribe medications such as **antibiotics**, **sedatives**, and any other drugs used in patient management. Depending on their licensing boards, general dentists may be required to complete additional training to perform sedation, dental implants, etc.

Dentists also encourage prevention of oral diseases through proper **hygiene** and regular, twice or more yearly, checkups for professional cleaning and evaluation. Oral infections and inflammations may affect overall health and conditions in the oral cavity may be indicative of systemic diseases, such as **osteoporosis**, **diabetes**, **cellulac disease** or **cancer**.<sup>[9][10][11]</sup> Many studies have also shown that **gum disease** is associated with an increased risk of **diabetes**, **heart disease**, and **preterm birth**. The concept that oral health can affect systemic health and disease is referred to as "oral-systemic health".

## Education and licensing

Dr. John M. Harris started the world's first dental school in **Bainbridge, Ohio**, and helped to establish dentistry as a health profession. It opened on 21 February 1828, and today is a **dental museum**.<sup>[14]</sup> The first dental college, **Baltimore College of Dental Surgery**, opened in Baltimore, Maryland, US in 1840. The second in the United States was the **Ohio College of Dental Surgery**, established in Cincinnati, Ohio, in 1845.<sup>[15]</sup> The **Philadelphia College of Dental Surgery** followed in 1852.<sup>[16]</sup> In 1907, **Temple University** accepted a bid to incorporate the school.

## Dentistry



A dentist treats a patient with the help of a dental assistant.

|                             |                                                                                                                                                                                                                                     |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Occupation type</b>      | <b>Profession</b>                                                                                                                                                                                                                   |
| <b>Activity sectors</b>     | Health care, Anatomy, Physiology, Pathology, Medicine, Pharmacology, Cosmesis, Surgery                                                                                                                                              |
| <b>Competences</b>          | <b>Description</b> <div>Sub-Millimeter Surgical Dexterity • Knowledge of human health, disease, pathology, and anatomy • Communication/Interpersonal Skills • Analytical Skills • Critical Thinking • Empathy/Professionalism</div> |
| <b>Education required</b>   | Dental Degree                                                                                                                                                                                                                       |
| <b>Fields of employment</b> | Private practices • Primary care clinics • Hospitals                                                                                                                                                                                |
| <b>Related jobs</b>         | Physician • dental assistant • dental technician • dental hygienist • various dental specialists                                                                                                                                    |

ICD-9-CM 23 (<http://icd9cm.chrisendres.com/index.php?srctype=procs&srchtext=23&Submit=Search&action=search>)-24 (<http://icd9cm.chrisendres.com/index.php?srctype=procs&srchtext=24&Submit=Search&action=search>)

MeSH D003813

Studies show that dentists that graduated from different countries,<sup>[17]</sup> or even from different dental schools in one country,<sup>[18]</sup> may make different clinical decisions for the same clinical condition. For example, dentists that graduated from Israeli dental schools may recommend the removal of asymptomatic impacted third molar (wisdom teeth) more often than dentists that graduated from Latin American or Eastern European dental schools.<sup>[19]</sup>

In the United Kingdom, the 1878 British Dentists Act and 1879 Dentists Register limited the title of "dentist" and "dental surgeon" to qualified and registered practitioners.<sup>[20][21]</sup> However, others could legally describe themselves as "dental experts" or "dental consultants".<sup>[22]</sup> The practice of dentistry in the United Kingdom became fully regulated with the 1921 Dentists Act, which required the registration of anyone practising dentistry.<sup>[23]</sup> The British Dental Association, formed in 1880 with Sir John Tomes as president, played a major role in prosecuting dentists practising illegally.<sup>[24]</sup> Dentists in the United Kingdom are now regulated by the General Dental Council.

In Korea, Taiwan, Japan, Finland, Sweden, Brazil, Chile, the United States, and Canada, a dentist is a healthcare professional qualified to practice dentistry after graduating with a degree of either Doctor of Dental Surgery (DDS) or Doctor of Dental Medicine (DMD). This is equivalent to the Bachelor of Dental Surgery/Baccalaureus Dentalis Chirurgiae (BDS, BDent, BChD, BDSc) that is awarded in the UK and British Commonwealth countries. In most western countries, to become a qualified dentist one must usually complete at least four years of postgraduate study,<sup>[24]</sup> within the European Union the education has to be at least five years. Dentists usually complete between five and eight years of post-secondary education before practising. Though not mandatory, many dentists choose to complete an internship or residency focusing on specific aspects of dental care after they have received their dental degree.

## Specialties

Some dentists undertake further training after their initial degree in order to specialize. Exactly which subjects are recognized by dental registration bodies varies according to location. Examples include:

- Anesthesiology<sup>[25]</sup> – The study of how to relieve pain through advanced use of local and general anesthetic techniques.
- Dental public health – The study of epidemiology and social health policies relevant to oral health.
- Endodontics (also called endodontology) – Root canal therapy and study of diseases of the dental pulp and periapical tissues.
- Forensic odontology – The gathering and use of dental evidence in law. This may be performed by any dentist with experience or training in this field. The function of the forensic dentist is primarily documentation and verification of identity.
- Geriatric dentistry or Geriodontics – The delivery of dental care to older adults involving the diagnosis, prevention, and treatment of problems associated with normal aging and age-related diseases as part of an interdisciplinary team with other health care professionals.
- Oral and maxillofacial pathology – The study, diagnosis, and sometimes the treatment of oral and maxillofacial related diseases.
- Oral and maxillofacial radiology – The study and radiologic interpretation of oral and maxillofacial diseases.
- Oral and maxillofacial surgery (also called oral surgery) – Extractions, implants, and surgery of the jaws, mouth and face.<sup>[nb 1]</sup>
- Oral biology – Research in dental and craniofacial biology
- Oral implantology – The art and science of replacing extracted teeth with dental implants.
- Oral medicine – The clinical evaluation and diagnosis of oral mucosal diseases
- Orthodontics and dentoalveolar orthopedics – The straightening of teeth and modification of midface and mandibular growth.
- Pediatric dentistry (also called pedodontics) – Dentistry for children
- Periodontology (also called periodontics) – The study and treatment of diseases of the periodontium (non-surgical and surgical) as well as placement and maintenance of dental implants
- Prosthodontics (also called prosthetic dentistry) – Dentures, bridges and the restoration of implants.
  - Some prosthodontists super-specialize in Maxillofacial Prosthetics, which is the discipline originally concerned with the rehabilitation of patients with congenital facial and oral defects such as cleft lip and palate or patients born with an underdeveloped ear (microtia). Today, most Maxillofacial Prosthodontists return function and esthetics to patients with acquired defects secondary to surgical removal of head and neck tumors, or secondary to trauma from war or motor vehicle accidents.
- Special needs dentistry (also called special care dentistry) – Dentistry for those with developmental and acquired disabilities.
- Veterinary dentistry, a specialty of veterinary medicine – The field of dentistry applied to the care of animals.<sup>[26][27]</sup>

## History

Tooth decay was low in pre-agricultural societies, but the advent of farming society about 10,000 years ago correlated with an increase in tooth decay (cavities).<sup>[28]</sup> An infected tooth from Italy partially cleaned with flint tools, between 13,820 and 14,160 years old, represents the oldest known dentistry.<sup>[29]</sup> although a 2017 study suggests that 130,000 years ago the Neanderthals already used rudimentary dentistry tools.<sup>[30]</sup> The Indus Valley Civilization (IVC) has yielded evidence of dentistry being practised as far back as 7000 BC.<sup>[31]</sup> An IVC site in Mehrgarh indicates that this form of dentistry involved curing tooth related disorders with bow drills operated, perhaps, by skilled bead crafters.<sup>[32]</sup> The reconstruction of this ancient form of dentistry showed that the methods used were reliable and effective.<sup>[33]</sup> The earliest dental filling, made of beeswax, was discovered in Slovenia and dates from 6500 years ago.<sup>[33]</sup> Dentistry was practiced in prehistoric Malta, as evidenced by a skull which had an abscess lanced from the root of a tooth dating back to around 2500 BC.<sup>[34]</sup>

An ancient Sumerian text describes a "tooth worm" as the cause of dental caries.<sup>[35]</sup> Evidence of this belief has also been found in ancient India, Egypt, Japan, and China. The legend of the worm is also found in the Homeric Hymns.<sup>[36]</sup> and as late as the 14th century AD the surgeon Guy de Chauliac still promoted the belief that worms cause tooth decay.<sup>[37]</sup>

Recipes for the treatment of toothache, infections and loose teeth are spread throughout the Ebers Papyrus, Kahun Papyrus, Brugsch Papyrus, and Hearst papyrus of Ancient Egypt.<sup>[38]</sup> The Edwin Smith Papyrus, written in the 17th century BC but which may reflect previous manuscripts from as early as 3000 BC, discusses the treatment of dislocated or fractured jaws.<sup>[38][39]</sup> In the 18th century BC, the Code of Hammurabi referenced dental extraction twice as it related to punishment.<sup>[40]</sup> Examination of the remains of some ancient Egyptians and Greco-Romans reveals early attempts at dental prosthetics.<sup>[41]</sup> However, it is possible the prosthetics were prepared after death for aesthetic reasons.<sup>[38]</sup>

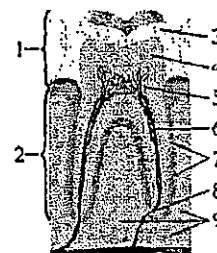
Ancient Greek scholars Hippocrates and Aristotle wrote about dentistry, including the eruption pattern of teeth, treating decayed teeth and gum disease, extracting teeth with forceps, and using wires to stabilize loose teeth and fractured jaws.<sup>[42]</sup> Some say the first use of dental appliances or bridges comes from the Etruscans from as early as 700 BC.<sup>[43]</sup> In ancient Egypt, Hesy-Ra is the first named "dentist" (greatest of the teeth). The Egyptians bound replacement teeth together with gold wire. Roman medical writer Cornelius Celsus wrote extensively of oral diseases as well as dental treatments such as narcotic-containing emollients and astringents.<sup>[44][45]</sup> The earliest dental amalgams were first documented in a Tang Dynasty medical text written by the Chinese physician Su Kung in 659, and appeared in Germany in 1528.<sup>[46][47]</sup>



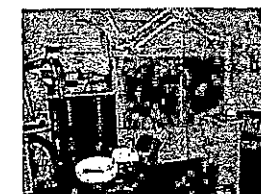
An oral surgeon and dental assistant removing a wisdom tooth



Irreversible enamel defects caused by an untreated celiac disease. They may be the only clue to its diagnosis, even in absence of gastrointestinal symptoms, but are often confused with fluorosis, tetracycline discoloration, acid reflux or other causes.<sup>[48][49][50]</sup> The National Institutes of Health include a dental exam in the diagnostic protocol of celiac disease.<sup>[51]</sup>



A sagittal cross-section of a molar tooth; 1: crown, 2: root, 3: enamel, 4: dentin and dentin tubules, 5: pulp chamber, 6: blood vessels and nerve, 7: periodontal ligament, 8: apex and periapical region, 9: alveolar bone



Early dental chair in Pioneer West Museum in Shamrock, Texas

During the Islamic Golden Age Dentistry was discussed in several famous books of medicine such as The Canon in medicine written by Avicenna and Al-Tasreef by Al-Zahrawi who is considered the greatest surgeon of the Middle ages.<sup>[48]</sup> Avicenna said that jaw fracture should be reduced according to the occlusal guidance of the teeth; this principle is still valid in modern times. while Al-Zahrawi made a lot of surgical tools that resemble the modern tools.

Historically, dental extractions have been used to treat a variety of illnesses. During the Middle Ages and throughout the 19th century, dentistry was not a profession in itself, and often dental procedures were performed by barbers or general physicians. Barbers usually limited their practice to extracting teeth which alleviated pain and associated chronic tooth infection. Instruments used for dental extractions date back several centuries. In the 14th century, Guy de Chauliac most probably invented the dental pelican<sup>[49]</sup> (resembling a pelican's beak) which was used to perform dental extractions up until the late 18th century. The pelican was replaced by the dental key<sup>[50]</sup> which, in turn, was replaced by modern forceps in the 19th century.<sup>[51]</sup>

The first book focused solely on dentistry was the "Artzney Buchlein" in 1530,<sup>[42]</sup> and the first dental textbook written in English was called "Operator for the Teeth" by Charles Allen in 1685.<sup>[21]</sup>

In the United Kingdom there was no formal qualification for the providers of dental treatment until 1859 and it was only in 1921 that the practice of dentistry was limited to those who were professionally qualified. The Royal Commission on the National Health Service in 1979 reported that there were then more than twice as many registered dentists per 10,000 population in the UK than there were in 1921.<sup>[52]</sup>

## Modern dentistry

It was between 1650 and 1800 that the science of modern dentistry developed. The English physician Thomas Browne in his A Letter to a Friend (c. 1656 pub. 1690) made an early dental observation with characteristic humour:

The Egyptian Mummies that I have seen, have had their Mouths open, and somewhat gaping, which affordeth a good opportunity to view and observe their Teeth, wherein 'tis not easie to find any wanting or decayed: and therefore in Egypt, where one Man practised but one Operation, or the Diseases but of single Parts, it must needs be a barren Profession to confine unto that of drawing of Teeth, and little better than to have been Tooth-drawer unto King Pyrrhus, who had but two in his Head.

The French surgeon Pierre Fauchard became known as the "father of modern dentistry". Despite the limitations of the primitive surgical instruments during the late 17th and early 18th century, Fauchard was a highly skilled surgeon who made remarkable improvisations of dental instruments, often adapting tools from watchmakers, jewelers and even barbers, that he thought could be used in dentistry. He introduced dental fillings as treatment for dental cavities. He asserted that sugar derivate acids like tartaric acid were responsible for dental decay, and also suggested that tumors surrounding the teeth and in the gums could appear in the later stages of tooth decay.<sup>[53][54]</sup>

Fauchard was the pioneer of dental prosthesis, and he discovered many methods to replace lost teeth. He suggested that substitutes could be made from carved blocks of ivory or bone. He also introduced dental braces, although they were initially made of gold, he discovered that the teeth position could be corrected as the teeth would follow the pattern of the wires. Waxed linen or silk threads were usually employed to fasten the braces. His contributions to the world of dental science consist primarily of his 1728 publication Le chirurgien dentiste or The Surgeon Dentist. The French text included "basic oral anatomy and function, dental construction, and various operative and restorative techniques, and effectively separated dentistry from the wider category of surgery".<sup>[53][54]</sup>

After Fauchard, the study of dentistry rapidly expanded. Two important books, Natural History of Human Teeth (1771) and Practical Treatise on the Diseases of the Teeth (1778), were published by British surgeon John Hunter. In 1763 he entered into a period of collaboration with the London-based dentist James Spence. He began to theorise about the possibility of tooth transplants from one person to another. He realised that the chances of an (initially, at least) successful tooth transplant would be improved if the donor tooth was as fresh as possible and was matched for size with the recipient. These principles are still used in the transplantation of internal organs. Hunter conducted a series of pioneering operations, in which he attempted a tooth transplant. Although the donated teeth never properly bonded with the recipients' gums, one of Hunter's patients stated that he had three which lasted for six years, a remarkable achievement for the period.<sup>[55]</sup>

Major advances were made in the 19th century, and dentistry evolved from a trade to a profession. The profession came under government regulation by the end of the 19th century. In the UK the Dentist Act was passed in 1878 and the British Dental Association formed in 1879. In the same year, Francis Brodie Imlach was the first ever dentist to be elected President of the Royal College of Surgeons (Edinburgh), raising dentistry onto a par with clinical surgery for the first time.<sup>[56]</sup>

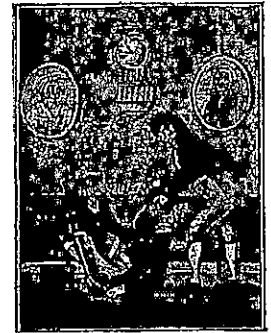
## Hazards in modern dentistry

Long term occupational noise exposure can contribute to permanent hearing loss, which is referred to as noise-induced hearing loss (NIHL) and tinnitus. Noise exposure can cause excessive stimulation of the hearing mechanism, which damages the delicate structures of the inner ear.<sup>[57]</sup> NIHL can occur when an individual is exposed to sound levels above 90 dBA according to the Occupational Safety and Health Administration (OSHA). Regulations state that the permissible noise exposure levels for individuals is 90 dBA.<sup>[58]</sup> For the National Institute for Occupational Safety and Health (NIOSH), exposure limits are set to 85 dBA. Exposures below 85 dBA are not considered to be hazardous. Time limits are placed on how long an individual can stay in an environment above 85 dBA before it causes hearing loss. OSHA places that limitation at 8 hours for 85 dBA. The exposure time becomes shorter as the dBA level increases.

Within the field of dentistry, a variety of cleaning tools are used including piezoelectric and sonic scalers, and ultrasonic scalers and cleaners.<sup>[59]</sup> While a majority of the tools do not exceed 75 dBA,<sup>[60]</sup> prolonged exposure over many years can lead to hearing loss or complaints of tinnitus.<sup>[61]</sup> Few dentists have reported using personal hearing protective devices,<sup>[62][63]</sup> which could offset any potential hearing loss or tinnitus.

## Evidence-based dentistry

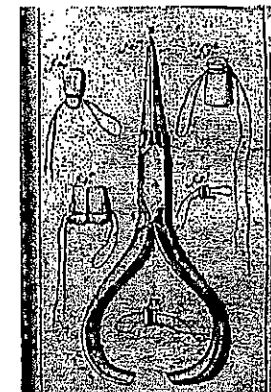
There is a movement in modern dentistry to place a greater emphasis on high-quality scientific evidence in decision-making. Evidence-based dentistry (EBD) uses current scientific evidence to guide decisions. It is an approach to oral health that requires the application and examination of relevant scientific data related to the patient's oral and medical health. Along with the dentist's professional skill and expertise, EBD allows dentists to stay up to date on the latest procedures and patients to receive improved treatment. A new paradigm for medical education designed to incorporate current research into education and practice was developed to help practitioners provide the best care for their patients.<sup>[64]</sup> It was first introduced by Gordon Guyatt and the Evidence-Based Medicine Working Group at McMaster University in Ontario, Canada in the 1990s. It is part of the larger movement toward evidence-based medicine and other evidence-based practices.



"A wealthy patient falling over because of having a tooth extracted with such vigour by a fashionable dentist", c. 1790.



Farmer at the dentist, Johann Liss, c. 1616–17



Dental needle-nose pliers designed by Fauchard in the late 17th century to use in prosthodontics



A microscopic device used in dental analysis, c. 1907

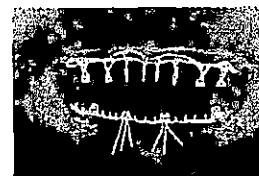


A modern dentist's chair

## Ethical and medicolegal issues

Dentistry is unique in that it requires dental students to have competence-based clinical skills that can only be acquired through specialized laboratory training and direct patient care. This necessitates the need for a scientific and professional basis of care with a foundation of research-based education.<sup>[65]</sup> The accreditation of dental schools plays a role in enhancing the quality of dental education.<sup>[66][67]</sup>

There are controversial articles that are not evidence based and rely on opinions that are published and attract attention.<sup>[68]</sup>



Panoramic radiograph of historic dental implants, made 1978

## See also

- List of dental organizations
- Dental aerosol

## Notes

- The scope of Oral and maxillofacial surgery is variable. In some countries, both a medical and dental degree is required for training, and the scope includes head and neck oncology and craniofacial deformity.

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This page was last edited on 15 June 2020, at 10:45 (UTC).

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## DDS Vs DMD: What Is The Difference?



by Jennifer Mitchell



When you visit your dentist, you may notice the letters "DDS" or "DMD" after their name. What do these letters mean, and is one better than the other? Here's what you need to know.

### DDS vs DMD

DDS and DMD are degrees awarded to dentists. DDS means Doctor of Dental Surgery. DMD can mean either Doctor of Medicine in Dentistry or Doctor of Dental Medicine. While those titles may sound different, the [American Dental Association \(ADA\)](#) explains that they refer to the same degrees. Some universities award dental graduates with a DDS, while others award a DMD. Both degrees have the same curriculum requirements.

Why are there two names for the same degree? The reason requires a bit of a history lesson, reports [Oregon Health and Science University \(OSHU\)](#). Back in 1893, the Baltimore College of Medicine started granting the first Doctors of Dental Surgery (DDS) degrees. A short time later, Harvard University started its own dental school. Harvard decided to rename the degree a Doctor of Dental Medicine (DMD). This minor disagreement about naming is why there are now two names for the same degree. OSHU reports that about one-third of American dental schools issue DMD degrees.

### DDS vs DMD: Education

No matter what a university decides to call its dental degree, one thing is for sure: To become a general dentist, extensive education is required. First, students generally need a four-year undergraduate education. Afterward, they go to dental school for another four years of educational and clinical and dental laboratory training.

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### DENTAL VISIT: What To Expect During a DENTAL VISIT

#### Overview

Taking care of your teeth means more than brushing and flossing. For complete care, it's important to visit a dentist every six months for a regular checkup and professional cleaning. The first step in this process is to find a dentist with whom you feel comfortable, and then schedule an appointment.

On your first visit, your dentist will take a full health history. On follow-up visits, if your health status has changed, make sure to tell your dentist. Here's what you can expect during most trips to the dentist.

**A Thorough Cleaning** – a dental hygienist or dentist will scrape along and below the gum line to remove built-up plaque and tartar that can cause gum disease, cavities, bad breath and other problems. Then he or she will polish and floss your teeth.

**A Full Dental Examination** – your dentist will perform a thorough examination of your teeth, gums and mouth, looking for signs of disease or other

school. Students study biochemistry, pathology, immunology and other similar courses. The second two years are focused on clinical and laboratory practice.

After graduating with a DDS or DMD degree, dentists have to pass rigorous examinations. In the United States, dentists must pass the National Board Dental Examinations, a national written exam. They also have to pass a state exam to be licensed to practice there.

With such extensive education and examination requirements, patients can rest assured that any dentist with a DDS or DMD degree is well qualified.

## Education After a DDS or DMD

Most dentists are general dentists. However, some choose to specialize in a certain area of dentistry after earning a DDS or DMD degree. As many as six years of additional education can be required to become a specialist. The ADA explains that there are nine dental specialties:

1. Dental public health
2. Endodontics
3. Oral and maxillofacial pathology
4. Oral and maxillofacial radiology
5. Oral and maxillofacial surgery
6. Orthodontics and dentofacial orthopedics
7. Pediatric dentistry
8. Periodontics
9. Prosthodontics

Dentists are highly educated medical professionals, whether they have a DDS vs DMD after their name. To keep your teeth and gums healthy, be sure to visit your dentist regularly. Twice a year is a good place to start, though your dentist may recommend a different frequency. In between visits, remember to brush twice a day and floss once daily. Together, you and your dentist can keep your mouth in tip-top shape.

*This article is intended to promote understanding of and knowledge about general oral health topics. It is not intended to be a substitute for professional advice, diagnosis or treatment. Always seek the advice of your dentist or other qualified healthcare provider with any questions you may have regarding a medical condition or treatment.*

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In the United States, a dentist must complete four years of dental school. This usually comes after graduation from a four-year college. Learn more here.

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The day your child has their first dentist appointment is a landmark occasion. Find out what you need to know about your child's

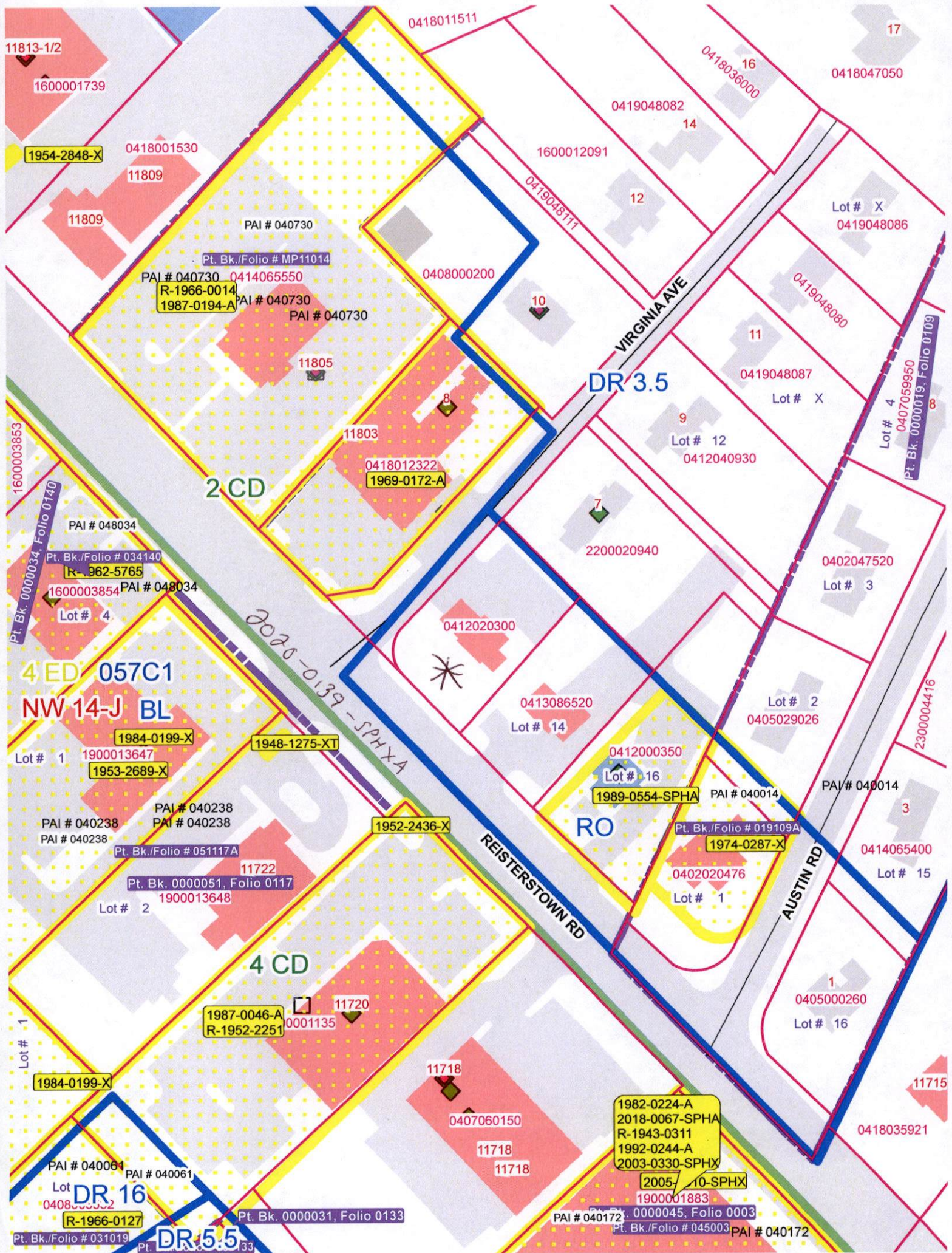


#### Your Child's First Dental Visit: What to Expect

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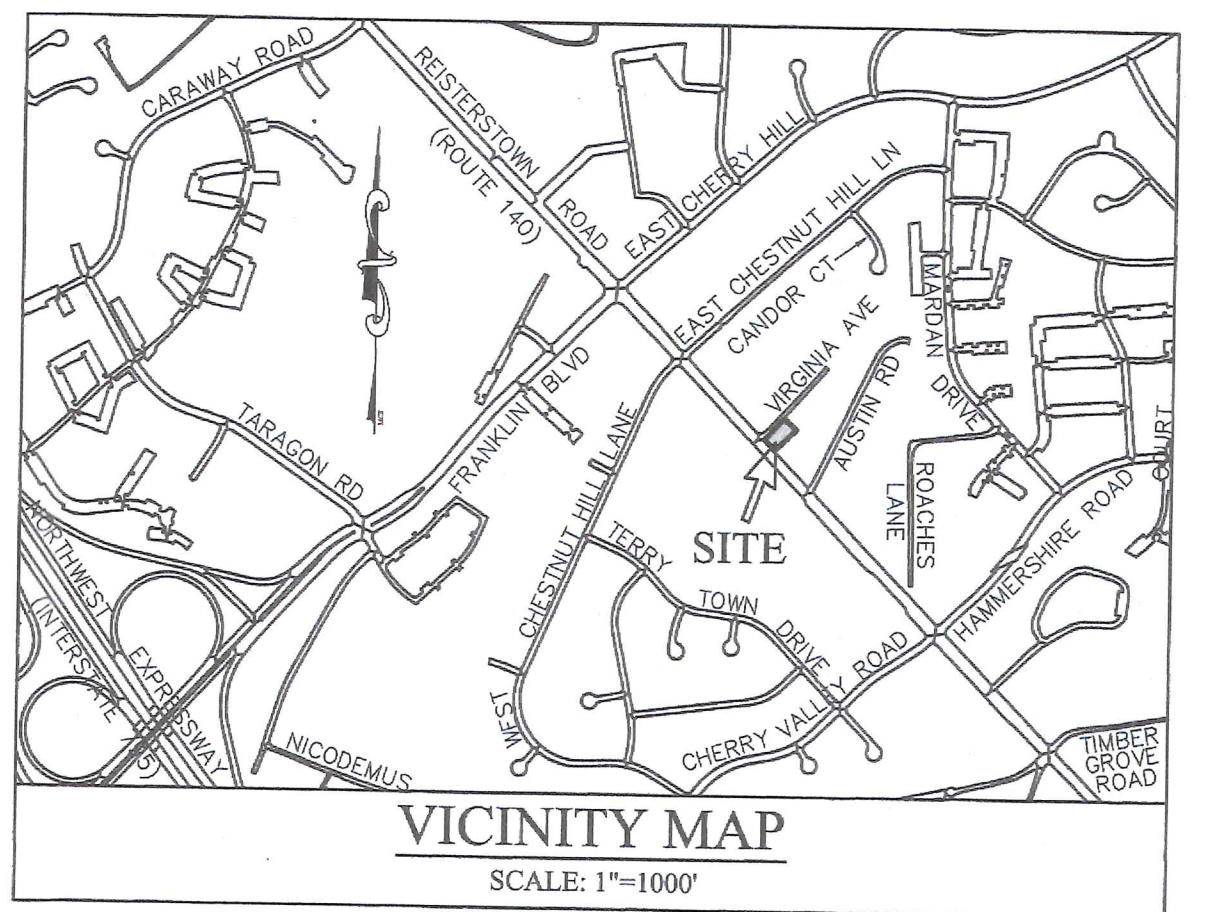
unnoticed, such as damage to jawbones, impacted teeth, abscesses, cysts or tumors, and decay between the teeth.



Baltimore County - My Neighborhood



2020-0129-SPHXA



- SITE DATA**
1. NET TRACT AREA: PARCEL 463 - 0.22\* AC.± (9,583 SF)
  2. SITE IS ZONED RO & DR 3.5; 200 SCALE MAP 057C1.
  3. OWNER: ELNADI MOHAMED, 1682 WOODSTOCK RD, WOODSTOCK, MD 21163
  4. TAX ACCOUNT NUMBER: 0412020300
  5. DEED: 40472/73
  6. TAX MAP NO.: 57 CRD: 8 PARCELS: 463
  7. THIS SITE IS LOCATED WITHIN THE COWPINS FALLS WATERSHED.
  8. THIS SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES MAP AREAS ACCORDING TO THE 2020 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR (BILL NO. 30-20).
  9. THIS SITE IS NOT LOCATED WITHIN A FLOOD PLAIN.
  10. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
  11. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
  12. THIS SITE HAS NO ACTIVE ZONING VIOLATIONS.
  13. CURRENT USE: COMMERCIAL
  14. PROPOSED USE: COMMERCIAL
  15. NO EXISTING SIGNS ON SITE

**PRIOR ZONING HISTORY**

NO PRIOR ZONING CASES FOUND

**FLOOR AREA RATIO (FAR)**

GROSS FLOOR AREA: 1,954.34 SF  
GROSS SITE AREA: 9,583 SF (DEED)  
FLOOR AREA RATIO: 1,954.34 SF / 9,583 SF = 0.20 (MAXIMUM PERMITTED 0.33)

**PARKING SPACE REQUIREMENTS**

EXISTING DENTAL OFFICE: 1,711.25/1000 = 1.71x4.5 = 7.70 or 8 SPACES  
PROPOSED DENTAL OFFICE: 1,954.34/1000 = 1.95x4.5 = 8.78 or 9 SPACES  
CURRENT NUMBER PROVIDED: 6 SPACES  
PROPOSED NUMBER PROVIDED: 6 SPACES, 1 H.C.

**REQUESTED ZONING RELIEF**

**SPECIAL EXCEPTION TO USE THE DESCRIBED PROPERTY FOR:**

1. A CLASS B OFFICE BUILDING AS PROVIDED IN BCZR 204.3.B.2
2. AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

**VARIANCE FROM SECTION(S):**

1. 204.3.B.2.a OF THE BCZR TO ALLOW 100% OF THE TOTAL ADJUSTED FLOOR AREA OF THE OFFICE BUILDING TO BE OCCUPIED BY OFFICES IN LIEU OF 25%
2. AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

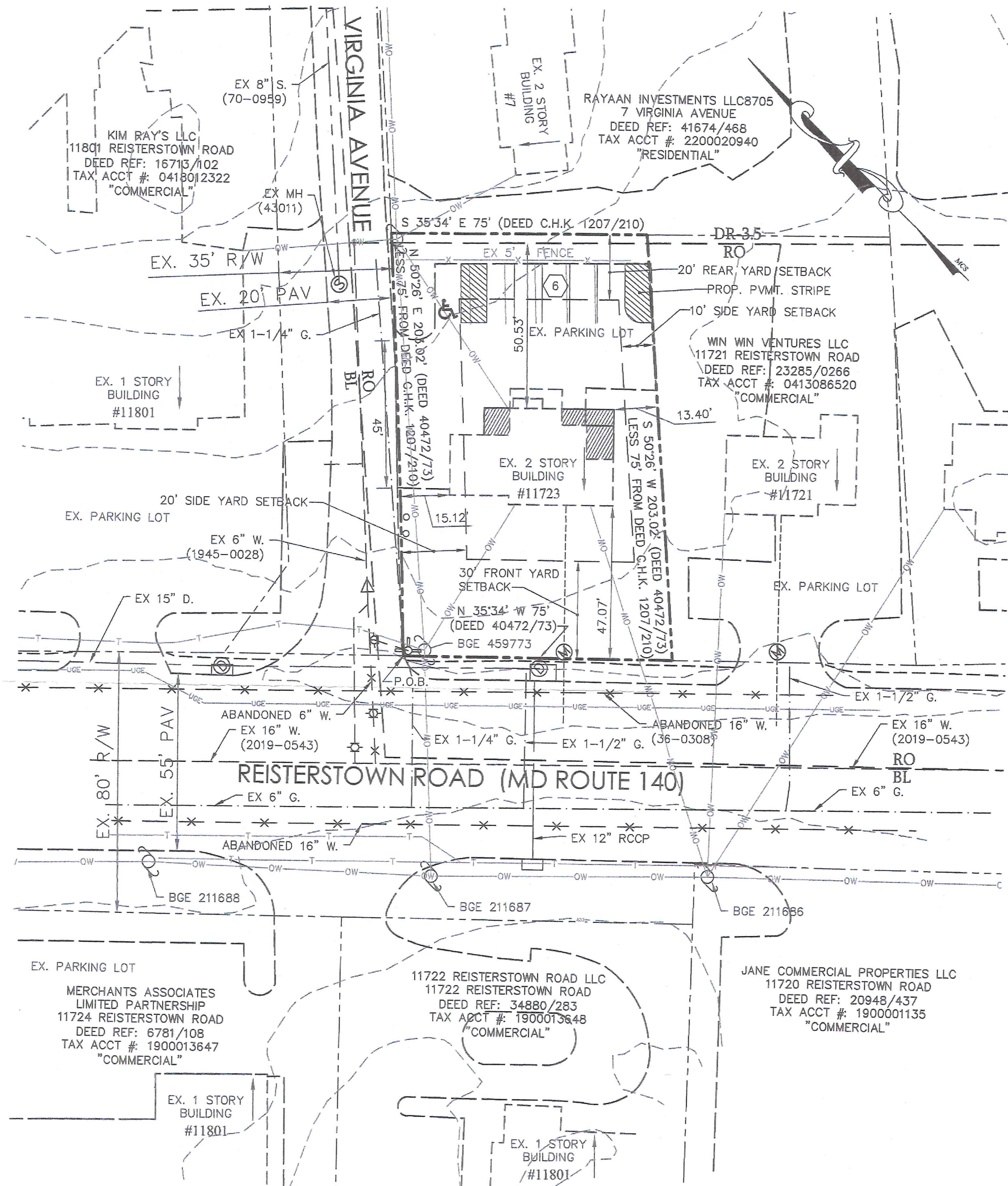
**SPECIAL HEARING TO DETERMINE WHETHER THE ZONING COMMISSIONER SHOULD APPROVE:**

1. THE FULL USE OF THE CLASS B OFFICE BUILDING FOR A DENTAL OFFICE AS PROVIDED IN BCZR 204.3.B.2.b
2. A MODIFIED PARKING PLAN TO RESOLVE THE UNDUE HARDSHIP CAUSED BY THE REQUIREMENTS FOR PARKING SPACE OR LOADING SPACE PROVIDED IN BCZR 409.12.B.
3. AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

NOTE: PROPERTY INFORMATION HAS BEEN TAKEN FROM DEEDS NO ON THE GROUND PROPERTY SURVEY WAS DONE TO LOCATE PROPERTY CORNERS OR MONUMENTS.

PROPOSED ADDITIONS: 243.09s.f.

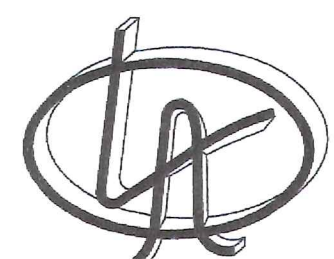
TRASH AND RECYCLING WILL BE PRIVATELY MAINTAINED. NO DUMPSTER WILL BE USED.



**LEGEND**

- EX. SANITARY MANHOLE
- EX. STORM DRAIN MANHOLE
- EX. INLET
- EX. WATER METER
- EX. FIRE HYDRANT
- EX. WATER VALVE
- EX. CLEANOUT
- EX. UTILITY POLE
- EX. GUY WIRE
- TO BE REMOVED
- EX. OVERHEAD WIRE
- EX. GAS (SIZE NOTED)
- EX. WATER (SIZE NOTED)
- EX. STORM DRAIN (SIZE & MATERIAL NOTED)
- EX. SANITARY SEWER (SIZE & MATERIAL NOTED)
- EX. UNDERGROUND ELECTRIC (DIRECT BURY OR CONDUIT)
- EX. STRUCTURE
- EX. TELE/COM
- EX. ABANDONED UTILITY
- EX. EDGE OF PAVING
- ZONING LINE

**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. 32574, EXPIRATION DATE: 01/16/22.



**LITTLE & ASSOCIATES**  
ENGINEERS--LAND PLANNERS--SURVEYORS  
10710 GILROY ROAD  
HUNT VALLEY, MARYLAND 21031  
PHONE: (443)705-5020 FAX: (443)589-2401  
LITTLE & ASSOCIATES IS A DIVISION OF CENTURY ENGINEERING, INC.

2020-0131-SPHX4  
CASE NO.: 2020-XXXX-XXX  
PLAN TO ACCOMPANY ZONING PETITION  
**#11723 REISTERSTOWN ROAD**  
DISTRICT 4c2  
SCALE: 1"=30'  
BALTIMORE COUNTY, MD  
MARCH 29, 2020