

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(4303 Fitch Avenue)	*	OFFICE OF
14 th Election District		
5th Council District	*	ADMINISTRATIVE HEARINGS
Richard Santangelo D.C., P.C.		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2022-0305-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 Richard Santangelo, D.C., P.C legal owner (“Petitioner”) for the property located at 4303 Fitch Avenue (“Property”). The Special Hearing Petition was filed pursuant to Baltimore County Zoning Regulations (“BCZR”), §500.7: to Amend the plan form in Case No. 1997-0461-A.

Variance relief was also filed:

- 1.) From the Baltimore County Zoning Regulations (“BCZR”) §§ 255.2 and 243.1: To permit an addition to the building to have a minimum front yard setback of 44 ft. in lieu of the required 75 ft.
- 2.) From the BCZR §§ 255.2 and 243.2: To permit an addition to the building to have a minimum side yard setback of 10 ft. in lieu of the required 50 ft.
- 3.) From the BCZR § 409.6.A.2: To permit 11 parking spaces in lieu of the required 13 parking spaces.
- 4.) From the BCZR § 409.8.A.1: To permit no design, screening and landscaping along all sides of the existing parking area and driveway in lieu of the required design, screening and landscaping in accordance with the Landscape Manual.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The owner of the business Dr. Richard Santangelo attended the hearing. J. Neil Lanzi, Esquire represented the Petitioner. Bruce E. Doak of Bruce

E. Doak Consulting, LLC also appeared. The Site Plan he prepared and sealed was admitted as Petitioner's Exhibit 1.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"), the Department of Plans Review ("DPR"), and the State Highway Administration ("SHA"). None of these agencies opposed the relief. Two interested community members also attended and voiced their objections to the requested relief. Namely, that there are allegedly already zoning and code violations in the area that the county has not adequately addressed, and that this additional office space may increase traffic in the area.

Mr. Lanzi gave a brief introduction, explaining that Dr. Santangelo has operated a chiropractic clinic at this location since 1997. He proposes an addition to accommodate another treatment room, which will decrease waiting time for his patients. No other changes are proposed. Mr. Doak then explained the site plan in detail. The property is approximately .34 acres and is zoned ML-IM. He then introduced and described a key sheet and series of photographs that illustrate the subject property and the surrounding area. These were admitted as Petitioner's Exhibit 5A-5Q. They show that the site is already well buffered on the east, west, and south sides by mature trees and shrubs. The proposed addition is on the west side of the existing structure, which is a converted residence. Mr. Doak and the builder, Marc Johnston, explained that the best place for the addition is on this side of the building rather than the rear because much less grading will be required. Mr. Johnston also pointed out that the sole ingress/egress to the basement is a door at the rear of the house that would be blocked by a rear addition. Dr. Santangelo further explained that if the addition were built on the rear of the building he would lose his X-ray room so the whole floor plan would need to be reconfigured. Mr. Johnston explained that the addition on the west side of the house would balance the massing of the house because currently there is a

large attached garage on the east side. The architecture and materials will be compatible with the existing tudor/cottage style of the house.

Mr. Doak explained that his original plan was to add parking spaces in the front of the house in order to meet the required 13 spaces, but that the DOP had objected to this since it would add more impervious area and impact the aesthetics of the site. Therefore, the proposal is to leave the existing parking configuration. He and Dr. Santangelo agreed that, per DOP's request, they are going to update the sign and install additional landscaping around the base of the sign.

Finally, Mr. Doak addressed the comments DPR had made concerning a flood plain on the adjacent property to the east. He explained that there is a steep slope down to a stream about 75 ft. to the east of the subject property and that there is a flood plain area on that adjoining property. However, the flood plain does not cover any part of the subject property and the structure on the subject property is 5.28 ft. above the freeboard elevation of the floodplain. Further, this proposed addition is on the far (west) side of the building and the floodplain is on the adjoining property to the east. He submitted a drawing and calculations that he prepared showing that this proposed addition will comply with DPW Design Manual Plate DF-1. (Petitioner's Exhibit 7C).

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

Based on the record evidence, I find that the Special Hearing relief requesting minor amendments to the site plan from Case No. 1997-0461-A is appropriate. The only change to the site will be a modest addition to the existing structure. The parking will remain the same.

VARIANCE

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

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

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

The Property is unique in a zoning sense due to its irregular shape and topography, as well as the fact that there is already an existing structure and parking area which limit where the proposed addition can be sited. I find that the Petitioner would suffer practical difficulty and hardship if the variances were denied because he would be unable to construct the additional treatment room he needs to efficiently treat his patients. I further find that the variance is within the spirit and intent of the zoning regulations and that it will not harm the public health, safety, or welfare. As noted, the front setback relief for this addition is less than that granted for the principal structure in the earlier case. Further, the addition is well buffered from the vacant property to the

west by mature trees and shrubs. Finally, as Mr. Lanzi noted, the use of this site as a chiropractic clinic is a relatively “light” use in an ML-IM zone, and Dr. Santangelo’s practice has thrived here for nearly thirty years.

THEREFORE, IT IS ORDERED this 7th day of **March, 2023**, by this Administrative Law Judge that the Petition for Special Hearing to grant a Use Permit, pursuant to BCZR § 500.7 to amend the plan form for Case No. 1997-0461-A is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Variance from BCZR,

- 1.) From the Baltimore County Zoning Regulations (“BCZR”) §§ 255.2 and 243.1: To permit an addition to the building to have a minimum front yard setback of 44 ft. in lieu of the required 75 ft., is hereby **GRANTED**.
- 2.) From the BCZR §§ 255.2 and 243.2: To permit an addition to the building to have a minimum side yard setback of 10 ft. in lieu of the required 50 ft., is hereby **GRANTED**.
- 3.) From the BCZR § 409.6.A.2: To permit 11 parking spaces in lieu of the required 13 parking spaces, is hereby **GRANTED**.
- 4.) From the BCZR § 409.8.A.1: To permit no design, screening and landscaping along all sides of the existing parking area and driveway in lieu of the required design, screening and landscaping in accordance with the Landscape Manual, is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner shall submit a new sign and accompanying landscape design for approval by the DOP prior to the issuance of permits.

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

A handwritten signature in black ink, appearing to read "Paul M. Mayhew". The signature is fluid and cursive, with the first name "Paul" and last name "Mayhew" clearly distinguishable.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

March 7, 2023

J. Neil Lanzi, Esquire – nlanzi@wcslaw.com
102 W. Pennsylvania Avenue, Suite 406
Towson, MD 21204

RE: Petitions for Special Hearing and Variance
Case No. 2022-0305-SPHA
Property: 4303 Fitch Avenue

Dear Mr. Lanzi:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

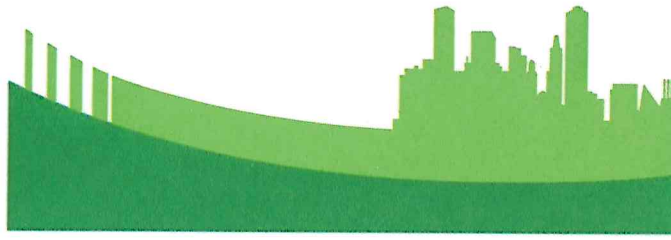
Sincerely,

A handwritten signature in black ink that reads "Paul M. Mayhew". The signature is written in a cursive style with a large, stylized "P" and "M".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure

c: Dr. Richard Santangelo – rjsdc@zoominternet.net
Marc Johnston – mjohnston@aeshome.us
Bruce Doak – bdoak@bruceedoakconsulting.com
Gloria Kelly – g7kelly@yahoo.com
Dina Alim – dinaalim1981@gmail.com



CERTIFICATE OF POSTING

February 15, 2023

_____ amended for second inspection

Re:

Zoning Case No. 2022-0305-SPHA

Legal Owner: Richard D.C. Santangelo

Hearing date: March 7, 2023

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

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **4303 Fitch Avenue**.

The signs were initially posted on **February 14, 2023**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. E. Doak', with a stylized flourish at the end.

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2022-0305-SPHA

4303 Fitch Avenue

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.

DATE & TIME: TUESDAY MARCH 7, 2023 11:00AM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS
PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS.
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION
AND THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-887-3868, EXT. 0.

REQUEST:

**SPECIAL HEARING TO AMEND THE PLAN FROM CASE 1997-0461-A. TO
PERMIT A MODIFIED PARKING PLAN.**

**VARIANCE 1) TO PERMIT AN ADDITION TO THE BUILDING TO HAVE
MINIMUM FRONT YARD SETBACK OF 44 FEET IN LIEU OF THE
REQUIRED 75 FEET. 2) TO PERMIT AN ADDITION TO THE BUILDING TO
HAVE MINIMUM SIDE YARD SETBACK OF 10 FEET IN LIEU OF THE
REQUIRED 50 FEET. 3) TO PERMIT 11 PARKING SPACES IN LIEU OF THE
REQUIRED 13 PARKING SPACES. 4) TO PERMIT NO DESIGN, SCREENING
AND LANDSCAPING ALONG ALL SIDES OF THE EXISTING PARKING
AREA AND DRIVEWAY IN LIEU OF THE REQUIRED DESIGN, SCREENING
AND LANDSCAPING IN ACCORDANCE WITH THE LANDSCAPE MANUAL.
5) TO PERMIT ANY SUCH FURTHER RELIEF AS MAY BE DEEMED
NECESSARY BY THE ADMINISTRATIVE LAW JUDGE OF BALTIMORE
COUNTY**

ZONING NOTICE

CASE NO. 2022-0305-SPHA

4303 Fitch Avenue

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.

DATE & TIME: TUESDAY MARCH 7, 2023 11:00AM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS
PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS.
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION
AND THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-887-3868, EXT. 0.

REQUEST:
SPECIAL HEARING TO AMEND THE PLAN FROM CASE 1997-0461-A. TO
PERMIT A MODIFIED PARKING PLAN.

VARIANCE 1) TO PERMIT AN ADDITION TO THE BUILDING TO HAVE
MINIMUM FRONT YARD SETBACK OF 44 FEET IN LIEU OF THE
REQUIRED 75 FEET. 2) TO PERMIT AN ADDITION TO THE BUILDING TO
HAVE MINIMUM SIDE YARD SETBACK OF 10 FEET IN LIEU OF THE
REQUIRED 50 FEET. 3) TO PERMIT 11 PARKING SPACES IN LIEU OF THE
REQUIRED 13 PARKING SPACES. 4) TO PERMIT NO DESIGN, SCREENING
AND LANDSCAPING ALONG ALL SIDES OF THE EXISTING PARKING
AREA AND DRIVEWAY IN LIEU OF THE REQUIRED DESIGN, SCREENING
AND LANDSCAPING IN ACCORDANCE WITH THE LANDSCAPE MANUAL.
5) TO PERMIT ANY SUCH FURTHER RELIEF AS MAY BE DEEMED
NECESSARY BY THE ADMINISTRATIVE LAW JUDGE OF BALTIMORE
COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 1/26/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2022-305-SPHA

INFORMATION:

Property Address: 4303 Fitch Avenue, Nottingham

Petitioner: Richard Santangela, DC, PC

Zoning: ML IM

Requested Action: Special Hearing, Variance

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

Special Hearing:

1. To amend the plan from Case 1997-461-A;
2. To permit a modified parking plan per Section 409.12 of the BCZR;

Variance:

3. To permit an addition to the building to have a minimum front yard setback of 44 feet in lieu of the required 75 feet per Section 255.2 and 243.1 of the BCZR;
4. To permit an addition to the building to have a minimum side yard setback of 10 feet in lieu of the required 50 feet per Section 255.2 and 243.2 of the BCZR;
5. To permit 11 parking spaces in lieu of the required 13 parking spaces per Section 409.6.A.2 of the BCZR;
6. To permit no design, screening, and landscaping along all sides of the existing parking area and driveway in lieu of the required design, screening, and landscaping in accordance with the Landscape Manual; and
7. To permit any such further relief as may be deemed necessary by the Administrative Law Judge.

The subject site is an irregularly shaped 0.34 acre parcel in the Nottingham area. The site is improved with a one and a half story building and associated parking lot. The property owner is proposing to construct a one story addition to the west of the existing building for medical use.

The subject site is within the boundaries of the Overlea/Fullerton Community Plan, adopted December 7, 2009; the South Perry Hall-White Marsh Area Plan, adopted May 7, 2001; and the Eastern Baltimore County Pedestrian and Bicycle Access Plan. The South Perry Hall-White Marsh Area Plan calls out the office-use areas within the boundary of the plan, specifically stating “the office uses on Fitch Avenue and Ridge Road are located in structures with a residential appearance and scale” (page 4).

The site was the subject of Zoning Case 1997-461-A, in which the property owner was requesting Variances for the following:

- To allow a front yard of 33 feet in lieu of the required 75 feet;
- To allow a minimum side yard of 12 feet in lieu of the required 30 and/or 50 feet;
- To allow a minimum rear yard of 49 feet in lieu of the required 50 feet;
- To permit 11 parking spaces in lieu of the required 12 parking spaces;
- To permit a two way travel aisle of 16 feet in lieu of the required 22 feet.

The Opinion and Order in the case indicates that the contract purchaser, Mr. Richard Santangela, wished to renovate the brick structure, which was formerly used as a dwelling, for use as a chiropractors office. The Opinion and Order stated that the building was existing and that no exterior alterations were required, and that the Variance requests were to legitimize the building in terms of the ML IM zone and the change in use. The relief was granted.

The Department of Planning has no objections to or concerns regarding the Special Hearing requests to amend the plan from Case 1997-461-A. The Department of Planning does not object to the Special Hearing request to permit a modified parking plan per Section 409.12 of the BCZR, but does have concerns, which will be addressed in review of the Variance to permit 11 parking spaced in lieu of the required 13.

The Department has no objections to the Variance to permit an addition to the building to have a minimum front yard setback of 44 feet in lieu of the required 75 feet per Section 255.2 and 243.1 of the BCZR. The addition will be recessed from the existing front façade of the structure and is a deeper setback than that approved in Zoning Case 1997-461-A.

In a January 26th, 2023 email to Department of Planning staff, the representative for the petition explained that the property owner explored the possibility of constructing the addition on the rear of the existing building, but ultimately decided against it because: the building would lose the ability to use the examination rooms along the existing back of the building and the X-ray room because a corridor to the new addition would be needed; the building would lose more windows and natural light if the addition was on the rear; the property owner wants to save the mature trees and park-like setting of the backyard; and because construction costs would be more. The Department appreciates that thought was given on the location of the addition. The Department has no objections to the Variance to permit an addition to the building to have a minimum side yard setback of 10 feet in lieu of the required 50 feet per Section 255.2 and 243.2 of the BCZR with the condition the landscaping between 4303 Fitch Avenue and 4301 Firth Avenue be preserved to the extent possible. The ten feet side yard setback is at the very rear of the building addition.

The Department has no objections to the Variance to permit 11 parking spaces in lieu of the required 13 parking spaces per Section 409.6.A.2 of the BCZR, but has concerns on the parking layout of the submitted site plan. According to Google Streetview, aerial imagery available to the Department, and the Opinion and Order 1997 Zoning Variance Petition, the subject site currently has eleven parking spaces. Google Streetview and the site plan submitted with the 1997 Variance show two different parking configurations. The existing parking lot is primarily to the east of the building. Nine surface parking spots are provided and two garage parking spots are provided. The lot is accessed via one ingress/egress point. The site plan in the 1997 Zoning Variance Petition showed two separate parking lots divided by a walkway; the parking lot to the east of the front entrance was proposed to have three surface spots and two garage spots, and the parking lot to the west was proposed to have six parking spots. The lots were proposed to be accessed via separate ingress/egress points. The parking lot proposed in the current Zoning Petition at hand appears to create an unnecessary amount of impervious surface, and converts the majority

of the front yard into a parking lot. This does not align with the South Perry Hall-White Marsh Area Plan, which calls out the residential design and scale of the building. While the Department of Planning has no objections to the decrease in the number of required parking spots, as the site currently only has eleven spots, the Department would like to see the site plan revised to either: (a) maintain the parking layout currently existing, as it already provides the eleven needed/requested spots or (b) if additional space is needed to better address circulation, omit one ingress/egress point. The Freestanding section of the Commercial Section of the Comprehensive Manual of Development Policies (CMDP) states that the number of ingress/egress points should be minimized (page 106). Because the eleven spots are already existing, the need for the secondary ingress/egress point has not been fully demonstrated and no practical difficulty or hardship has been explained.

The Department of Planning does not support the Variance request to permit no design, screening, and landscaping along all sides of the existing parking area and driveway in lieu of the required design, screening, and landscaping in accordance with the Landscape Manual. No justification for the need for this Variance was provided in the petition. Google Streetviews available from July of 2019 and May of 2022 show that the landscaping on the site has decreased substantially over the years, with the removal of landscaping at the front entrance and around the freestanding sign.

July 2019:



May 2022:



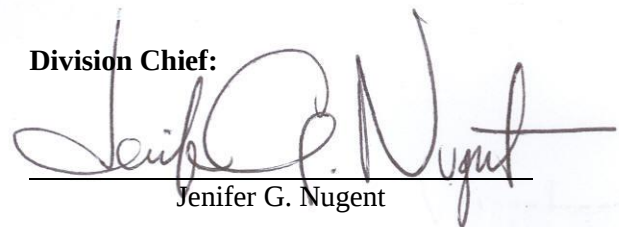
Landscaping is required to screen parking lots from adjacent public right-of-ways, to provide shade and visual relief to paved areas, to contribute to the streetscape design, and to soften the visual impact of the parking lot from the street (Baltimore County Landscape Manual, Condition B, page 17). Further, the Commercial Section of the Comprehensive Manual of Development Policies (CMDP) states that landscaping should be used for to enhance site design and buffer adjoining uses (CMDP, Division III: Commercial Development within the Urban-Rural Demarcation Line, page 106). The lack of landscaping already present on site, combined with the continued omission as the site is further developed, minimizes the quality of the development.

For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:


Taylor Bensley

Division Chief:


Jenifer G. Nugent

SL/JGN

c: Bruce E. Doak
Te-Sheng Huang
Ngone Seye Diop
Jeff Perlow, Zoning Review
Lajuanda Whitaker, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

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: January 17, 2023

SUBJECT: DEPS Comment for Zoning Item: 2022-0305-SPHA
Address: 4303 Fitch Ave
Legal Owner: Richard Santangelo D.C., P.C.

Zoning Advisory Committee Meeting of January 16, 2023.

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

Reviewer: Earl D. Wrenn

No. 219024

No.

Date: 12/30/2022

Fund	Dept	Unit	Sub Unit	Rev		Sub		BS Acct	Amount
				Source/ Obj	Rev/ Obj				
1001	806	0000		6150					1,078.2
Total:									\$1,078.2

Rec
From:

Richard J. Santangelo

For:

Zoning Variance & Special Hearing of
4303 Fifth Ave
Zoning Case 2022-0305-S PHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PLEASE PRESS HARD!!!

GOLD - ACCOUNTING

Maureen

CASHIER'S VALIDATION

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2022-0305-SPHA
Property Address: 4303 FITCH AVENUE
Property Description: 0.34 ACRE PARCEL ON SOUTH SIDE OF FITCH AVENUE
SOUTHEASTLY 100'± FROM CENTERLINE OF WEAVER ROAD
Legal Owners (Petitioners): RICHARD SANTANGELO D.C., P.C.
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE E. DOAK
Company/Firm (if applicable): BRUCE E. DOAK CONSULTING LLC
Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MO 21053

Telephone Number: 410-919-4906

Revised 5/20/2014

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 14 Account Number - 1413058470

Owner Information

Owner Name: SANTANGELO RICHARD D C PC Use: COMMERCIAL

Principal Residence: NO

Mailing Address: 4303 FITCH AVE
BALTIMORE MD 21236-3717

Deed Reference: /12370/ 00723

Location & Structure Information

Premises Address: 4303 FITCH AVE
0-0000

Legal Description: SS FITCH AV 313 AC

950 E BELAIR RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0081 0011 0511 10000.04 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1961 1,481 SF 0.3400 AC 07

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
OFFICE BUILDING/ C4

Value Information

	Base Value	Value As of 01/01/2022	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	102,600	102,600		
Improvements	127,400	131,700		
Total:	230,000	234,300	231,433	232,867
Preferential Land:	0	0		

Transfer Information

Seller: MICHEL EDWIN F Date: 09/08/1997 Price: \$144,000

Type: ARMS LENGTH IMPROVED Deed1: /12370/ 00723 Deed2:

Seller: Date: Price:

Type: Deed1: Deed2:

Seller: Date: Price:

Type: Deed1: Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
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

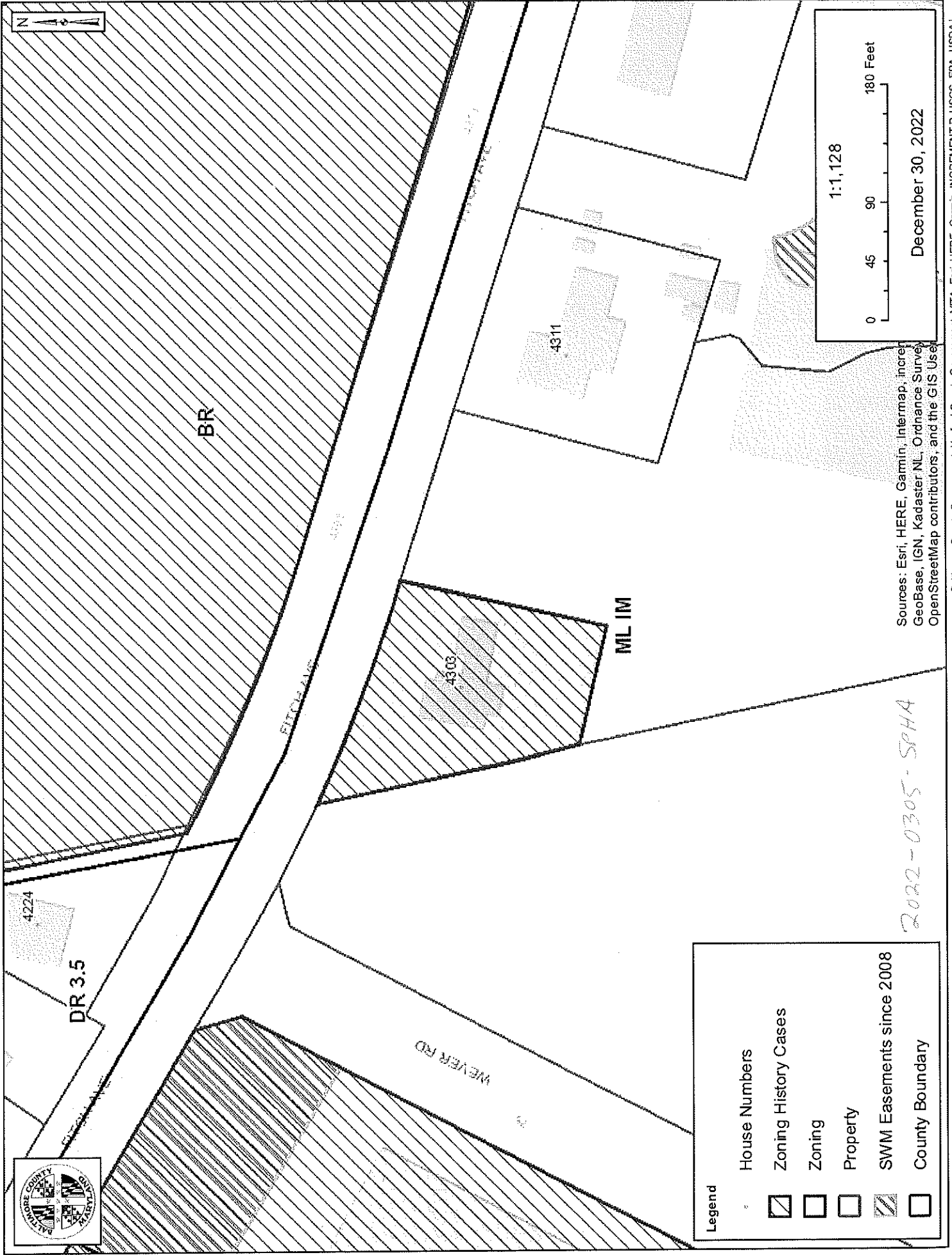
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2022-0305-SPHA

Baltimore County - My Neighborhood



Sources: Esri, HERE, Garmin, Intermap, increment P., GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, HERE, Garmin, OpenStreetMap contributors, and the GIS User Community



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 1303 FITCH AVENUE which is presently zoned ML-1M
 Deed References: 12370/1223 10 Digit Tax Account # _____
 Property Owner(s) Printed Name(s) RICHARD SANTANGELD D.C., P.C.

(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

SEE ATTACHED PAGE

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

3. ☒ a **Variance** from Section(s)

SEE ATTACHED PAGE

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 THE 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: (NEEDED)

J. WILL LENZI
 Name- Type or Print _____
 Signature [Signature] TOWSON MD
 Mailing Address _____ City _____ State _____
 Zip Code 21204 Telephone # 410 659 1389 Email Address NLENZI@WCSLOW.COM

Legal Owners (Petitioners):

RICHARD SANTANGELD D.C., P.C.
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
 Signature #1 [Signature] Signature #2 _____
4303 FITCH AVENUE BALTIMORE MD
 Mailing Address _____ City _____ State _____
 Zip Code 21236 Telephone # 410-937-7766 Email Address x rjsdc@zoominternet.net

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING LLC
 Name - Type or Print _____
 Signature [Signature]
3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
 Mailing Address _____ City _____ State _____
 Zip Code 21053 Telephone # 410-919-9906 Email Address _____

CASE NUMBER 2022-0305-SP11A Filing Date 12/30/2022 Do Not Schedule Dates: _____ Reviewer mk

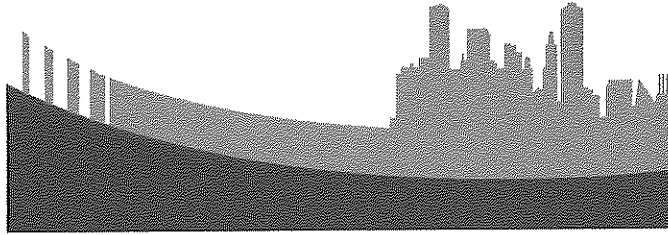
Property Address: 4303 Fitch Avenue
Baltimore, MD 21236
Petitioner: Richard Santangelo, DC, PC

ATTACHMENT TO PETITION

Petitioner, Richard Santangelo, DC, PC, for the property known as 1303 Fitch Avenue, Baltimore County, Maryland, hereby petitions the Administrative Law Judge for the following zoning relief from the Baltimore County Zoning Regulations:

1. Special Hearing to amend the plan from Case 1997-0461-A
2. Special Hearing to permit a modified parking plan per Section 409.12 of the BCZR.
3. Variance to permit an addition to the building to have a minimum front yard setback of 44 feet in lieu of the required 75 feet per Sections 255.2 and 243.1 of the BCZR
4. Variance to permit an addition to the building to have a minimum side yard setback of 10 feet in lieu of the required 50 feet per Sections 255.2 and 243.2 of the BCZR.
5. Variance to permit 11 parking spaces in lieu of the required 13 parking spaces per Section 409.6.A.2 of the BCZR.
6. Variance to permit no design, screening and landscaping along all sides of the existing parking area and driveway in lieu of the required design, screening and landscaping in accordance with the Landscape Manual.
7. To permit any such further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

The Administrative Law Judge has the power to grant all of the above zoning relief that will not be detrimental to the health, safety or general welfare of the locality involved. Petitioner will be providing reasons in support of the zoning relief requested at the hearing.



Zoning Description

4303 Fitch Avenue

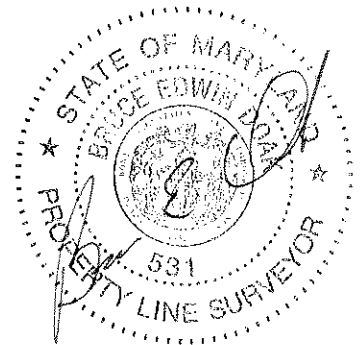
Fourteenth Election District Fifth Councilmanic District
Baltimore County, Maryland

Beginning at a point on the south side of Fitch Avenue, being 100 feet, more or less, southeasterly from the centerline of Weaver Road, thence running on the south side of said avenue and on the outlines of the subject property 1) $R= 1,030.0$ feet, $L= 131.32$ feet, thence leaving said avenue and running on the outlines of the subject property, the three following courses and distances, viz.

- 2) South 15 degrees 17 minutes West 125.41 feet
- 3) North 74 degrees 13 minutes West 72.00 feet and
- 4) North 09 degrees West 159.56 feet to the point of beginning.

Containing 0.34 of an acre of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

2022-0305-SPHA

Scale: 1"=20'