

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND SPECIAL EXCEPTION		
(106 Mt. Carmel Road)	*	OFFICE OF
7 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
Joseph Dwyer		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Robert & Ann Gattuso		
<i>Contract Purchaser/Lessee</i>	*	Case No. 2023-0006-SPHX

Petitioners

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of Joseph Dwyer, legal owner, and Robert and Ann Gattuso, contract purchaser/lessee (“Petitioners”) for the property known as 106 Mt. Carmel Road, Parkton. A Petition for Special Exception was filed under the Baltimore County Zoning Regulations (“BCZR”) § 259.3.B.2: to permit a doctors office and medical clinic in an existing building on a lot within a RC 5 CR zone which is not permitted in the underlying zone and which meets the bulk regulations of §259.3.C.1. A Special Hearing under the Baltimore County Zoning Regulations (“BCZR”) § 500.7: to allow the variances granted in Case No. 2014-0194 to remain in place for the new proposed use being requested.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petitions were properly advertised and posted.

Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and Development Plans Review (“DPR”) and the Department of Public Works and Transportation (DPW&T”). They did not oppose the requested relief.

The Petitioner, Robert L. Gattuso, M.D., appeared at the hearing. Bruce E. Doak of Bruce E. Doak Consulting, LLC assisted the Petitioners. There were no protestants or interested citizens in attendance. Mr. Doak explained that the property is approximately .615 acres and zoned RC 5 with a CR overlay. The structure was formerly a residence but was most recently used as a beauty salon. No exterior changes to the structure or parking are proposed. The structure is a ranch style home that was built in 1953. The adjoining property to the west is a dentist's office, and all but one of the residential style structures along this stretch of Mt. Carmel Road are now occupied by small businesses. They have mature, well maintained landscaping and setbacks similar to the subject property. Dr. Gattuso testified that he is a General Practitioner and has maintained a practice in Hereford for over thirty years. His current office is next to the 7-Eleven on York Road in close proximity to the subject site.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1, 11 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

The record evidence demonstrates that this proposed doctor's office will have no greater impacts here than those that are inherent to the use. In fact, this appears to be an ideal location for Dr. Gattuso to continue to offer his medical expertise and services to the Hereford community.

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).

I find that the special hearing relief requested in this case is within the spirit and intent of the zoning regulations and will not harm the public health, safety or welfare. The variances granted in Case No. 2014-0194-A are equally appropriate for this medical office use and should be maintained.

THEREFORE, IT IS ORDERED this 7th day of **March, 2023**, by this Administrative Law Judge, that the Petition for Special Exception per the BCZR § 259.3.B.2: to permit a doctor's office and medical clinic in an existing building on a lot within a RC 5 CR zone which is not permitted in the underlying zone and which meets the bulk regulations of §259.3.C.1, is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Special Hearing pursuant to BCZR § 500.7: to allow the variances granted in Case No. 2014-0194 to remain in place for the new

proposed use being requested.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
- Prior to issuance of use and occupancy permits the Petitioner shall obtain authorization from DEPS as to the adequacy of the well and septic systems.

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 a long horizontal stroke at the end.

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

Dr. Robert and Mrs. Ann Gattuso – robegattu@aol.com
Joseph Dwyer – jdwyer56@gmail.com
106 Mt. Carmel Road
Parkton, MD 21120

RE: Petitions for Special Hearing & Special Exception
Case No. 2023-0006-SPHX
Property: 106 Mt. Carmel Road

Dear Petitioners:

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, reading "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: Bruce E. Doak – bdoak@bruceedoakconsulting.com



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 106 MT CARMEL ROAD which is presently zoned RC5C0
 Deed References: 32855/39 10 Digit Tax Account # 0719058075
 Property Owner(s) Printed Name(s) JOSEPH P. DWYER

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

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

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

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

SEE ATTACHED PAGE

3. a **Variance** from Section(s)

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

TO BE PRESENTED AT 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 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:

ANN P. GATTUSO
ROBERT L. GATTUSO
 Name- Type or Print
Robert L. Gattuso (Ann P. Gattuso)
 Signature
505 POND VIEW LANE HUNT VALLEY MD 21030
 Mailing Address City State
21030 410-916-3757 JDwyer56@gmail.com
 Zip Code Telephone # Email Address

Attorney for Petitioner: ROBGATTU@AOL.COM

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

JOSEPH P. DWYER
 Name #1 - Type or Print Name #2 - Type or Print
Joseph P. Dwyer
 Signature #1 Signature #2
106 MT CARMEL ROAD PARKTON MD
 Mailing Address City State
21120 410-916-3757 JDwyer56@gmail.com
 Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING, LLC
 Name - Type or Print
B. E. Doak
 Signature
3804 BAKER SCHOOLHOUSE ROAD FREELAND MD
 Mailing Address City State
21053 410-919-9906
 Zip Code Telephone # Email Address
BDOAK@BRUCEDOAKCONSULTING.COM

CASE NUMBER 2023-000684X Filing Date 1/11/23

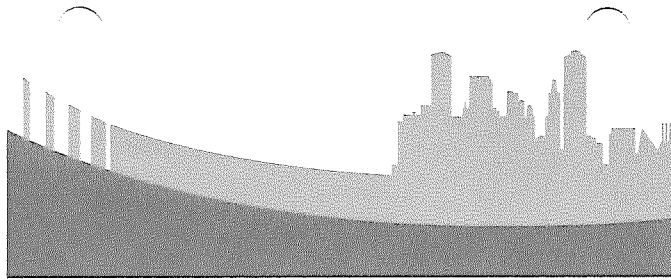
Do Not Schedule Dates: Reviewer gh

Zoning Hearing Petitions Being Requested

Special Exception per Section 259.3.B.2 BCZR to permit a doctor's office and medical clinic in an existing building on a lot within a RC 5 CR zone which is not permitted in the underlying zone and which meets the bulk regulations of Section 259.3.C.1.

Special Hearing to allow the variances granted in Case 2014-0194-A to remain in place for the new proposed use being requested.

2023-0006-SPHX

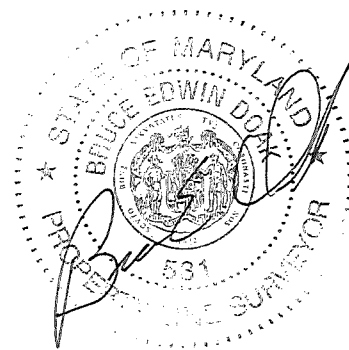


Zoning Description
106 Mount Carmel Road
Seventh Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the north side of Mount Carmel Road, approximately 800 feet +/- westerly of the centerline of York Road and approximately 12 feet +/- northerly of the centerline of Mount Carmel Road, thence leaving the north side of Mount Carmel Road and running on the outlines of the subject property, the four following courses and distances, viz 1) North 02 degrees 52 minutes 30 seconds East 245.7 feet, 2) North 60 degrees 53 minutes 30 seconds West 107.1 feet, 3) South 02 degrees 52 minutes 30 seconds West 75.8 feet and 4) South 02 degrees 52 minutes 30 seconds East 210.3 feet to the north side of Mount Carmel Road, thence running on the north side of Mount Carmel Road and on the outlines of the subject property, the following course and distance, viz 5) South 82 degrees 50 minutes East 96.2 feet to the place of beginning.

Containing 26,789 square feet or 0.615 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

2023-0006-SPHX

**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: 2023-0006-SPHX

Property Address: 106 Mt Carmel Road PARIETON MD 21120

Property Description: 0.615 ACRE PARCEL OF LAND WEST OF YORK ROAD

Legal Owners (Petitioners): JOSEPH P. DWYER

Contract Purchaser/Lessee: ROBERT L. GATUSSO & ANN P. GATUSSO

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE E. DOAK

Company/Firm (if applicable): BRUCE E. DOAK CONSULTING LLC

Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MD 21053

Telephone Number: 410-419-4906

Revised 5/20/2014

SITE INFORMATION

1. Ownership: Joseph P. Dwyer
106 Mt Carmel Road Monkton, MD 21111
2. Address: 106 Mt Carmel Road Monkton, MD 21111
3. Deed references: SM 32855 / 39
4. Area: 26,789 sq. ft. / 0.615 acre (per SDAT)
5. Tax Map / Parcel / Tax account #: Z2 / Z0 / 07-19-058075
6. Election District: 7 Councilmanic District: 3
ADC Map: 4234D6 GIS tile: 022A2 Position sheet: 108NW10
Census tract: 407000 Census block: 240054070003006
Schools: Fifth District ES Hereford MS Hereford HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tiles 022A2 and the information provided by Baltimore County on the internet.
8. Improvements: Single story building & parking lot. The existing building and parking lot will remain.

OFFICE OF ZONING

Zoning: R.C. 5 CR

Zoning History: Case 2014-0194-A Approved

Parking Calculations

Required parking spaces: 1254 Sq. Ft.(1.254 x 4.5 = 5.64) 6
(4.5 parking spaces per 1000 square feet of gross floor area per section 409.6A.1 BCZR)

Parking spaces provided on site: 9

R.C. 5 CR Setbacks for Commercial Buildings

- Front: 15 feet from the street right of way (existing front setback 60 feet)
- Side / Rear: 15 feet from property line existing side setback 15 feet / existing rear setback 140 feet)

Special requirements per the CR District

Per Section 259.3C

- 1.a. Gross floor area: 1254 Sq. Ft.
1.b. Floor area ratio: Shall not exceed 0.20 (existing 0.047)
1.c. The existing building shall not exceed 30 feet in height (existing building less than 30 feet high)
2.a. The front yard setback exceeds the required 15 feet
2.b. The rear and side yard setbacks exceed the required 15 feet
4. The existing parking is located in a manner appropriate and consistent with adjoining development. There will continue to be only one access to the roadway.
5. The subject property can support the proposed development without over burdening the required private sewage disposal system and the potable water supply, endangering the metropolitan district reservoirs or creating a health or environmental nuisance for neighboring properties.
6. There will be no outside storage of equipment or materials. The shed provides storage for the grounds maintenance equipment.
7. Any signs erected on the subject property will meet the requirements of Section 259.3C.7 BCZR & Section 450 BCZR
8. Any new buildings or additions shall be appropriate to the surrounding neighborhoods.

Per Section 259.3E

1. The petitioner can document that the use is needed in the area and will not be detrimental. The medical practice and clinic are already located in the community.
2. The proposed development of the subject property shall take into account the existing and proposed roads, topography, existing vegetation, soil types and the configuration of the site. The proposed development will not disturb slopes with grades exceeding 25%: will minimize disturbance to vegetated areas, wetlands and streams: and will not result in undue site disturbance or excessive erosion and sediment loss. Infiltration will be maximized and storm water management discharge will be decentralized.
3. Architecturally or historically significant buildings and their settings shall be preserved and integrated into the site plan. The subject building is not historic or in a historic district.
4. The building shall continue to be sited to protect scenic views from public roads and so that the natural rural features, including but not limited to pastures, croplands, meadows and trees, are preserved to the extent possible. The existing trees will be maintained as a visual buffer to the surrounding properties.
5. The proposed development will not be detrimental to neighboring uses and the tranquility of the rural area through excessive noise and will not result in a nuisance or air pollution from dust, fumes, vapors, gases and odors.

Per Section 259.3E

The existing building was in existence as of the date of the enactment of Bill No. 103-1988 or any CR District designation.

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 1

1. The existing building is currently served by a private well and septic system.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.
5. The well for the subject property is located within the building and the septic system is located in the front yard.

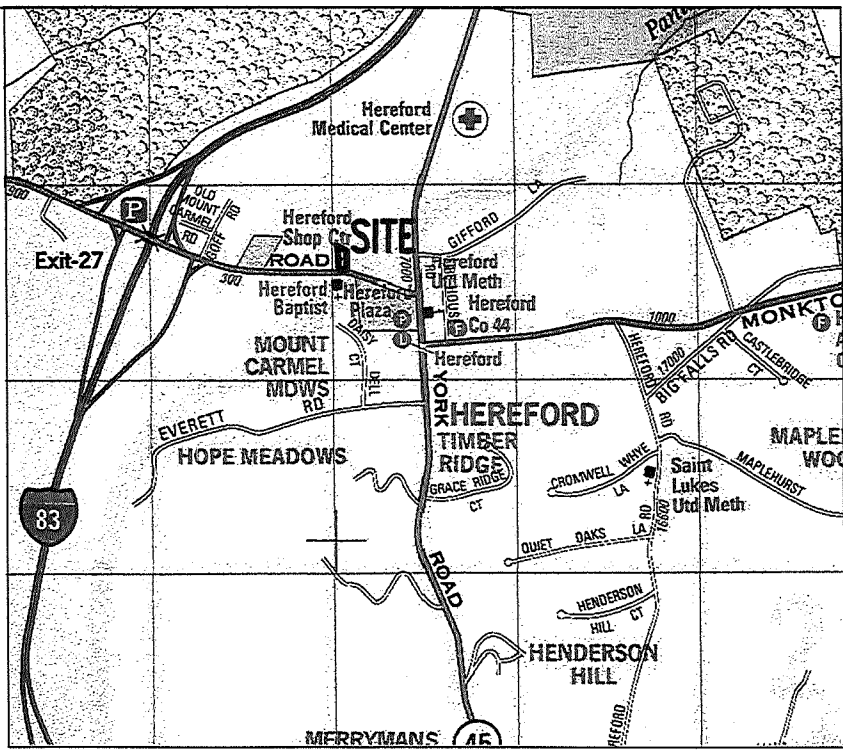
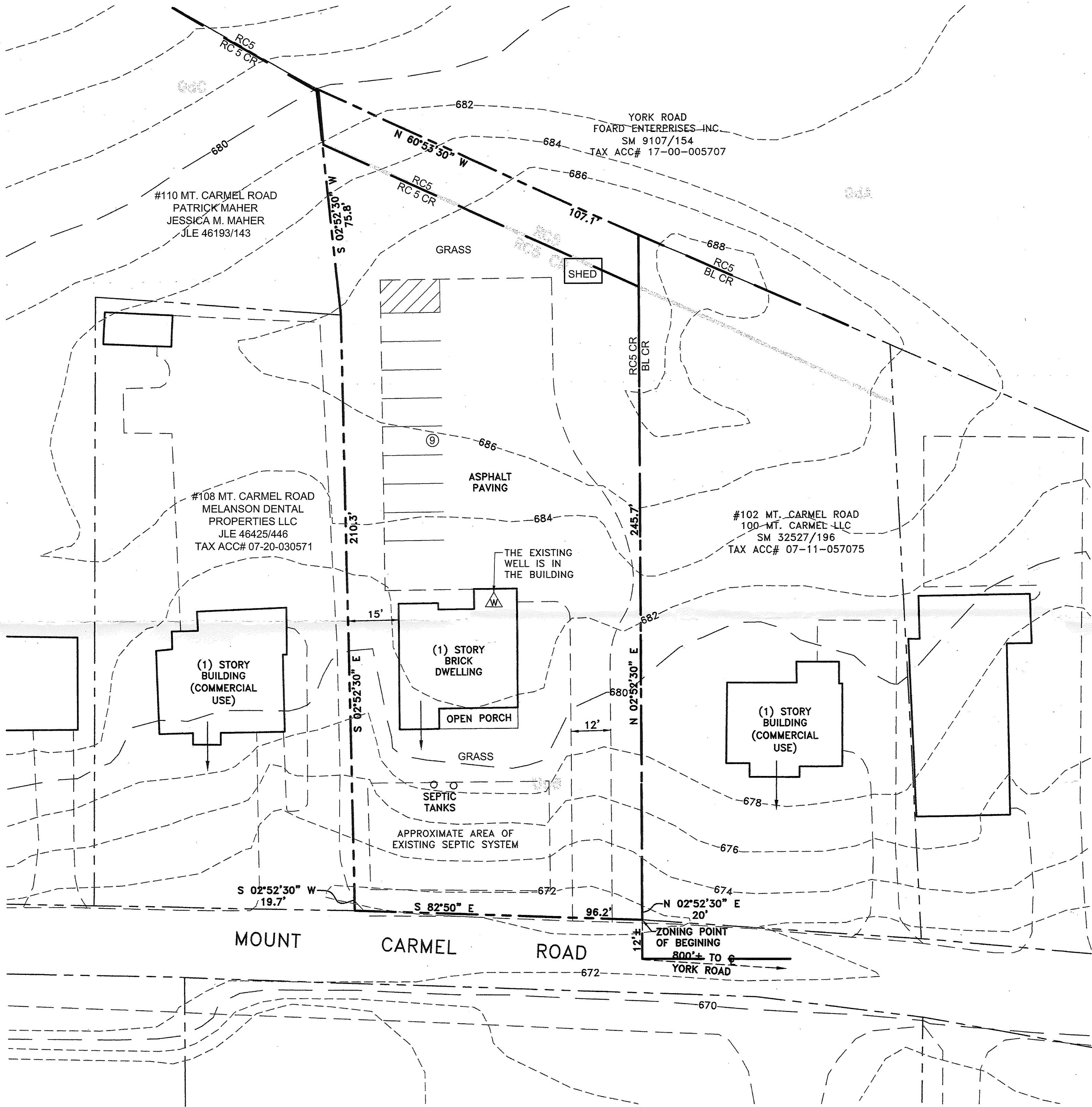
OFFICE OF PLANNING

Regional Planning District: Hereford / Maryland Line District Code: 301

1. The subject dwelling is not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

To change the commercial use of the building from a beauty shop to a doctors office & medical clinic

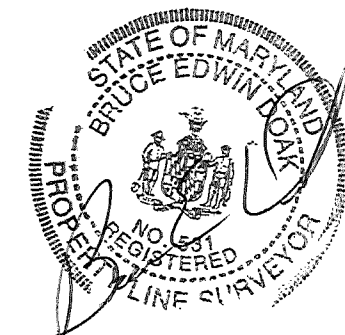


Vicinity Map - Scale: 1" = 2000'
ADC The Map People - Permitted Use #20612205

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21063
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com



PLAN TO ACCOMPANY
A PETITION
FOR
#106 MOUNT CARMEL ROAD
BALTIMORE COUNTY, MARYLAND
7th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT



Date: 1/2/23
Scale: 1" = 20'



2023-0006-SP14X



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 106 MT CARMEL ROAD which is presently zoned RC5C0
 Deed References: 32855/39 10 Digit Tax Account # 0719058075
 Property Owner(s) Printed Name(s) JOSEPH P. DWYER

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

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

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

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

SEE ATTACHED PAGE

3. a **Variance** from Section(s)

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

TO BE PRESENTED AT 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: ANN P. GATTUSO

ROBERT L. GATTUSO
 Name- Type or Print ANN P. GATTUSO

Robert L. Gattuso
 Signature 505 POND VIEW LANE HUNT VALLEY MD 21030

505 POND VIEW LN HUNT VALLEY MD
 Mailing Address City State

21030 410-916-3757 JDwyer56@gmail.com
 Zip Code Telephone # Email Address

Attorney for Petitioner: ROBGATTU@AOL.COM

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

JOSEPH P. DWYER
 Name #1 - Type or Print Name #2 - Type or Print

Joseph P. Dwyer
 Signature #1 Signature #2

106 MT CARMEL ROAD PARKTON MD
 Mailing Address City State

21120 410-916-3757 JDwyer56@gmail.com
 Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
 Name - Type or Print BRUCE E. DOAK CONSULTING LLC

Bruce E. Doak
 Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
 Mailing Address City State

21053 410-919-9906 BD00AK@BRUCEEDDOAKCONSULTING.COM
 Zip Code Telephone # Email Address

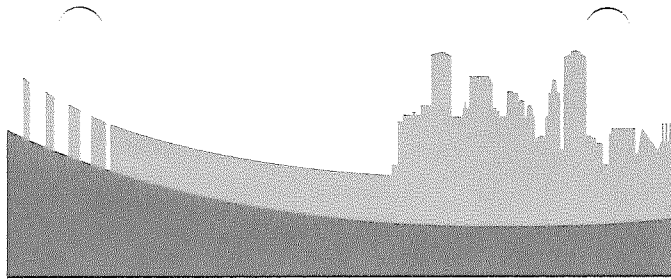
Do Not Schedule Dates: Reviewer gh

CASE NUMBER 2023-000684X Filing Date 1/11/23

Zoning Hearing Petitions Being Requested

Special Exception per Section 259.3.B.2 BCZR to permit a doctor's office and medical clinic in an existing building on a lot within a RC 5 CR zone which is not permitted in the underlying zone and which meets the bulk regulations of Section 259.3.C.1.

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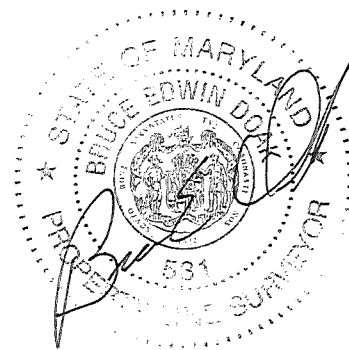


Zoning Description
106 Mount Carmel Road
Seventh Election District Third Councilmanic District
Baltimore County, Maryland

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

2023-0006-SPHX

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

For Newspaper Advertising:

Case Number: 2023-0006-SPHX

Property Address: 106 Mt Carmel Road PARNETT MD 21120

Property Description: 0.615 ACRE PARCEL OF LAND WEST OF YORK ROAD

Legal Owners (Petitioners): JOSEPH P. DWYER

Contract Purchaser/Lessee: ROBERT L. GATUSSO & ANN P. GATUSSO

PLEASE FORWARD ADVERTISING BILL TO:

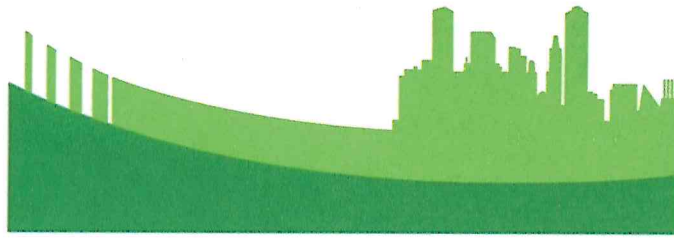
Name: BRUCE E. DOAK

Company/Firm (if applicable): BRUCE E. DOAK CONSULTING LLC

Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MD 21053

Telephone Number: 410-419-4906

Revised 5/20/2014



CERTIFICATE OF POSTING

February 15, 2023

_____ amended for second inspection

Re:

Zoning Case No. 2023-0006-SPHX

Legal Owner: Joseph P. Dwyer

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 **106 Mt Carmel Road**.

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 "Bruce E. Doak". The signature is stylized with a large "B" and "D".

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. 2023-0006-SPHX

106 Mt. Carmel Road

**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 1:30 PM

**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 ALLOW THE VARIANCES GRANTED IN CASE
2014-0194-A TO REMAIN IN PLACE FOR THE PROPOSED USE BEING
REQUESTED.**

**SPECIAL EXCEPTION TO PERMIT A DOCTOR'S OFFICE AND MEDICAL
CLINIC IN AN EXISTING BUILDING ON A LOT WITHIN A RC 5 CR ZONE
WHICH IS NOT PERMITTED IN THE UNDERLYING ZONE AND WHICH
MEETS THE BULK REGULATIONS.**

ZONING NOTICE

CASE NO. 2023-0006-SPHX

106 Mt. Carmel Road

**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 1:30 PM

**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 ALLOW THE VARIANCES GRANTED IN CASE
2014-0194-A TO REMAIN IN PLACE FOR THE PROPOSED USE BEING
REQUESTED.**

**SPECIAL EXCEPTION TO PERMIT A DOCTOR'S OFFICE AND MEDICAL
CLINIC IN AN EXISTING BUILDING ON A LOT WITHIN A RC 5 CR ZONE
WHICH IS NOT PERMITTED IN THE UNDERLYING ZONE AND WHICH
MEETS THE BULK REGULATIONS.**

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 26, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0006-SPHX
Address: 106 Mt. Carmel Rd
Legal Owner: Joseph Dwyer

Zoning Advisory Committee Meeting of January 30, 2023.

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
 - a. Site must meet GWM requirements for adequacy of well and septic for a change of occupancy permit.

Reviewer: Rochelle V. Underwood

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND SPECIAL EXCEPTION		
106 Mount Carmel Road; N/S of Mount	*	OF ADMINSTRATIVE
Carmel Road, W 800' to c/line of York Road		
7 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Joseph Dwyer		
Contract Purchaser(s): Robert & Ann Gattuso	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2023-006-SPHX

* * * * *

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/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January, 2023, a copy of the foregoing Entry of Appearance was emailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, BDoak@bruceedoakconsulting.com, Representative for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE		
515 Owings Avenue & 534 -536 Reisterstown	*	OF ADMINISTRATIVE
Road; SW/S of Reisterstown Road, 115' NW		
c/line of Chartley Drive		
4 th Election & 4 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): 534 Reisterstown Road LLC &		
Craig & Mary Whitecraft	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2023-007-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.

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Carole S. Demilio/rmw
 CAROLE S. DEMILIO
 Deputy People's Counsel
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 105 West Chesapeake Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January, 2023, a copy of the foregoing Entry of Appearance was emailed to Jennifer Busse, Esquire, 1 W. Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, JBusse@wtplaw.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
19925 Grave Run Road; W/S of Grave Run	*	OF ADMINSTRATIVE
Road, S 886' to c/line of Church Road		
6 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Blair & Heidi Darsch		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2023-009-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

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People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January, 2023, a copy of the foregoing Entry of Appearance was emailed to Edward Gilliss, Esquire, 102 West Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, gilliss@rmmr.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
9808 Reisterstown Road; S/S of Reisterstown		
Road, 3159' SW of Painters Mill Road	*	OF ADMINISTRATIVE
3 rd Election & 2 nd Councilmanic Districts		
Legal Owner(s): GFV, LLC	*	HEARINGS FOR
Contract Purchaser(s): Heritage Imports Inc		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2023-011-A

* * * * *

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.

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Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January, 2023, a copy of the foregoing Entry of Appearance was emailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, dhkarceski@venable.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
3613-3615 East Joppa Road; Corner of S/S of *
Joppa Road, E/S of Hervesy Court * OF ADMINISTRATIVE
11th Election & 5th Councilmanic Districts HEARINGS FOR
Legal Owner(s): Joppa Road Commercial LLC*
Contract Purchaser: PB&J's Grill & Game LLC
Petitioner(s) * BALTIMORE COUNTY
* 2023-012-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

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Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING January 23, 2023
FORMAL OR INFORMAL RESPONSE DUE AT January 30, 2023 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
* PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
* PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.gov
* PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
* Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
* Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
* Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovement@baltimorecountymd.gov
* County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov
* tbostwick@baltimorecountymd.gov
* Mike Ruby (Newspaper), mildmanneredcomm@aol.com
+ People's Counsel, rwheatley@baltimorecountymd.gov
+ IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
+ Kathy Are, kare@baltimorecountymd.gov
& State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
& Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
& PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov
People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, jlivingston@baltimorecountymd.gov; Steve Ford, sford@baltimorecountymd.gov
IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
* IF ELDERLY HOUSING, Community Development, MS #1102M
* IF TOWER, Tower Coordinator, c/o OIT, MS #2007
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2023-0006-SPHX **Reviewer:** Gary Hucik
Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL HEARING, SPECIAL EXCEPTION
Legal Owner: Joseph Dwyer
Contract Purchaser: Robert & Ann Gahuso

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 7 **Council Dist:** 3

Property Address: 106 MT CARMEL RD

Location: Property located on the North side of Mt. Carmel Rd. West 800 feet to centerline of York Rd.

Existing Zoning: RC 5 CR **Area:** .615 ACRES

Proposed Zoning:

SPECIAL HEARING:

BCZR 500.7: To allow the variances granted in Case 2014-0194-A to remain in place for the new proposed use being requested.

SPECIAL EXCEPTION:

BCZR 259.3.B.2: To permit a doctors office and medical clinic in an existing building on a lot within a RC 5 CR zone which is not permitted in the underlying zone and which meets the bulk regulations of Section 259.3.C.1.

Attorney: Not Available

Prior Zoning Cases: 2014-0194-A

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2023-0007-SPHXA **Reviewer:** Mitchell Kellman
Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: VARIANCE, SPECIAL EXCEPTION, SPECIAL HEARING
Legal Owner: 534 Reisterstown Road LLC. Craig Mary Whitecraft
Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 515 OWINGS AVE

Location: Property located Southwest side of Reisterstown Rd., 115 feet Northwest centerline of Chartley Dr.

Existing Zoning: DR 3.5; BR; BR-AS

Area:

Proposed Zoning:

VARIANCE:

534 Reisterstown Rd

- 1.) BCZR 238.2: To permit a side yard setback for adjacent commercial building of 0 feet in lieu of the 30 feet.
- 2.) BCZR 238.2: To a rear yard setback for accessory structures of 0 feet in lieu of 30 feet.
- 3.) BCZR 307; 409.8.A.1 & 504.1; BCC 32-4-404; and page 19 of the Landscape Manual: To permit 0% of the parking lot area for interior landscaping in lieu of the otherwise required 7% accordance.

ZAC AGENDA

536 Reisterstown Rd.

- 1.) BCZR 238.2: To permit a side yard setback of 0 feet in lieu of 30 feet.

515 Owings Ave.

- 1.) BCZR 238.2: To a rear yard setback for accessory structures of 0 feet in lieu of 30 feet.

SPECIAL EXCEPTION:

534 Reisterstown Rd.

BCZR 236.2: To permit a used motor vehicle outdoor sales area separated from a sales agency building.

SPECIAL HEARING:

534 Reisterstown Rd.

- 1.) To extinguish previously approved Special Exception in Case No. 66-98-X.
- 2.) To allow existing buildings to straddle existing property lines where the subject properties have not merged.

Attorney: Jennifer Busse

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

3 addresses. 515 Owings Ave. %34-536 Reisterstown Rd. (Main Street)

ZAC AGENDA

Case Number: 2023-0009-SPHA **Reviewer:** Gary Hucik

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: SPECIAL HEARING, VARIANCE

Legal Owner: Blair and Heidi Darsch

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 6 **Council Dist:** 3

Property Address: 19925 GRAVE RUN RD

Location: Property located West side of Grave Run Rd. South 886 feet to centerline of Church Rd.

Existing Zoning: RC 5/ RC 2

Area: 1 ACRE

Proposed Zoning:

SPECIAL HEARING:

BCZR 500.7: To permit a proposed accessory building (garage) with a building footprint (2,448 square feet) which is larger than the principal dwelling (1,120 square feet).

VARIANCE:

BCZR 400.3: To permit a proposed accessory building (garage) with a height of 28 feet in lieu of the maximum height of 15 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0010-A **Reviewer:** Jason Seidelman

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Glenn Mason

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 8 **Council Dist:** 3

Property Address: 10803 LAKESPRING DR

Location: Property located on Southeast side of Lakespring Dr. (60 feet) 137 feet Northeast of intersection with Staffordshire Rd. (50 feet).

Existing Zoning: DR 3.5

Area: 9052 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 1B01.2.c.1.b: To permit a side yard dwelling addition (garage) with a side setback of 3 feet and combined sum of side yard setbacks of 21 feet in lieu of the required 10 feet and 25 feet, respectively.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 02/13/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0011-A **Reviewer:** Christina Frink
Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: VARIANCE
Legal Owner: GFU, LLC.
Contract Purchaser: Lisa Olivieri

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 9808 REISTERSTOWN RD

Location: Property located on the South side of Reisterstown Rd.; 3159 feet Southeast of Paintersmill Rd.

Existing Zoning: BR; BR-Im **Area:** 2.9 ACRES

Proposed Zoning:

VARIANCE:

1.) BCZR 450.4.Table of Sign Regulations5(a): To allow a total of 4 wall-mounted enterprise signs in a single tenant building in lieu of the permitted 3 wall-mounted enterprise signs with no more than 2 signs on any one facade (Sign Nos. 3,4,5,7)

2.) BCZR 450.4.Table of Sign Regulations3: To allow a wall-mounted directional sign with a sign area/face of 16 square feet in lieu of the permitted 8 square feet (Sign No. 6)

Attorney: David Karceski

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0012-SPH **Reviewer:** Mitchell Kellman
Existng Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL HEARING
Legal Owner: Joppa Road Commercial, LLC.
Contract Purchaser: PB & J's Grill & Games, LLC.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 5

Property Address: 3613 3615 JOPPA RD E

Location: Property located corner of South side of Joppa Rd., East side of Hervesy Court.

Existing Zoning: BLR/ DR 5.5 **Area:** 8,672 SQ FT.

Proposed Zoning:

SPECIAL HEARING:

To amend the order approved in Zoning Case No. 2008-0553-X to allow operation of the arcade by a new entity, pursuant to Condition No. 2 to the Order, and to remove Condition No. 4 and the requirement for an interior patron connection between the arcade tenant space and the restaurant tenant space.

Attorney: David Karceski

Prior Zoning Cases: 2008-0553-X

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2023-0013-A **Reviewer:** Shaun Crawford
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Frederick John Dillon
Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** Yes **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 8622 TALL OAKS RD

Location: Property located beginning at East side of Tall Oaks Rd., which is about 20 feet in width, at a distance of 219 feet North of Shore Rd.

Existing Zoning: DR 5.5 **Area:** 1.08 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1: To approve an accessory structure (shed) in side yard in lieu of the required rear yard only.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 02/13/2023

Miscellaneous Notes:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 1/27/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0006-SPHX

INFORMATION:

Property Address: 106 Mt. Carmel Road
Petitioner: Joseph P. Dwyer
Zoning: RC 5 CR
Requested Action: Special Exception and Special Hearing

The Department of Planning has reviewed the petition for:

1. Special Exception per Section 259.3.B.2 BCZR to permit a doctor's office and a medical clinic in an existing building on a lot within an RC 5 CR zone which is not permitted in the underlying zone and which meets the bulk regulations of Section 259.3.C.1; and
2. Special Hearing to allow the Variances granted in Case 2014-0194-A to remain in place for the new proposed use being requested

The properties along this section of Mt. Carmel Road, which leads to Hereford's commercial district, were previously utilized for residential purposes, but have since been converted to office or commercial usage. The petitioner wishes to convert the subject site from a hair shop to a medical office and clinic. The petitioner does not propose any alterations to the building's façade.

According to the request for a Special Hearing in this matter, the petitioner wishes to maintain the variance relief granted in Case No. 2014-0194, which included:

1. To permit zero additional landscaping in lieu of the required landscaping in the front, side, and rear setbacks per Section 259.3.C.a BCZR 2;
2. To permit 0% of the parking lot to be pervious in lieu of the required 7% per Section 259.3.C.3.b BCZR;
3. To permit zero trees to be planted in lieu of the required one per eight parking spaces per Section 259.3.C.3.b BCZR;
4. To permit the existing parking lot not to be accessible from adjacent non-residential uses and zones per Section 259.4 BCZR; and
5. To permit a two-way access driveway to have a width of 12 feet in lieu of the required 20 feet per Section 409.4.A BCZR.

Comments in that Zoning Case had been provided by Planning, Development Plans Review, Zoning Review, and State Highway Administration. Planning had no objections, but deferred to the County Landscape Architect as far as planting requirements were concerned. The relief in Case No. 2014-0194

was granted with the condition that the petitioner must comply with the requirements of the Baltimore County Landscape Manual.

Because of all the uses are currently existing and the Department did not object to the originally petitioned relief, the Department of Planning has no objection to this zoning application.

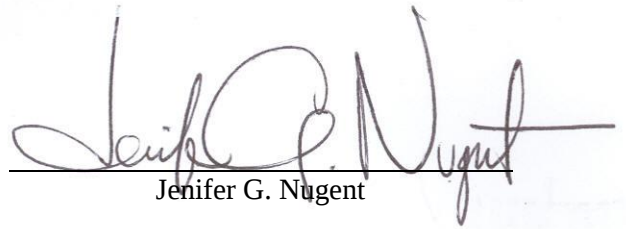
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Henry Ayakwah

Division Chief:



Jenifer G. Nugent

SL/JGN

c: Bruce E. Doak
Joseph Wiley
Megan Benjamin
Jeff Perlow, Zoning Review
Lajuanda Whitaker, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

SITE INFORMATION

1. Ownership: Joseph P. Dwyer
106 Mt Carmel Road Monkton, MD 21111
2. Address: 106 Mt Carmel Road Monkton, MD 21111
3. Deed references: SM 32855 / 39
4. Area: 26,789 sq. ft. / 0.615 acre (per SDAT)
5. Tax Map / Parcel / Tax account #: Z2 / Z0 / 07-19-058075
6. Election District: 7 Councilmanic District: 3
ADC Map: 4234D6 GIS tile: 022A2 Position sheet: 108NW10
Census tract: 407000 Census block: 240054070003006
Schools: Fifth District ES Hereford MS Hereford HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tiles 022A2 and the information provided by Baltimore County on the internet.
8. Improvements: Single story building & parking lot. The existing building and parking lot will remain.

OFFICE OF ZONING

Zoning: R.C. 5 CR

Zoning History: Case 2014-0194-A Approved

Parking Calculations

Required parking spaces: 1254 Sq. Ft.(1.254 x 4.5 = 5.64) 6
(4.5 parking spaces per 1000 square feet of gross floor area per section 409.6A.1 BCZR)

Parking spaces provided on site: 9

R.C. 5 CR Setbacks for Commercial Buildings

- Front: 15 feet from the street right of way (existing front setback 60 feet)
- Side / Rear: 15 feet from property line existing side setback 15 feet / existing rear setback 140 feet)

Special requirements per the CR District

Per Section 259.3C

- 1.a. Gross floor area: 1254 Sq. Ft.
- 1.b. Floor area ratio: Shall not exceed 0.20 (existing 0.047)
- 1.c. The existing building shall not exceed 30 feet in height (existing building less than 30 feet high)
- 2.a. The front yard setback exceeds the required 15 feet
- 2.b. The rear and side yard setbacks exceed the required 15 feet
4. The existing parking is located in a manner appropriate and consistent with adjoining development. There will continue to be only one access to the roadway.
5. The subject property can support the proposed development without over burdening the required private sewage disposal system and the potable water supply, endangering the metropolitan district reservoirs or creating a health or environmental nuisance for neighboring properties.
6. There will be no outside storage of equipment or materials. The shed provides storage for the grounds maintenance equipment.
7. Any signs erected on the subject property will meet the requirements of Section 259.3C.7 BCZR & Section 450 BCZR
8. Any new buildings or additions shall be appropriate to the surrounding neighborhoods.

Per Section 259.3E

1. The petitioner can document that the use is needed in the area and will not be detrimental. The medical practice and clinic are already located in the community.
2. The proposed development of the subject property shall take into account the existing and proposed roads, topography, existing vegetation, soil types and the configuration of the site. The proposed development will not disturb slopes with grades exceeding 25%: will minimize disturbance to vegetated areas, wetlands and streams: and will not result in undue site disturbance or excessive erosion and sediment loss. Infiltration will be maximized and storm water management discharge will be decentralized.
3. Architecturally or historically significant buildings and their settings shall be preserved and integrated into the site plan. The subject building is not historic or in a historic district.
4. The building shall continue to be sited to protect scenic views from public roads and so that the natural rural features, including but not limited to pastures, croplands, meadows and trees, are preserved to the extent possible. The existing trees will be maintained as a visual buffer to the surrounding properties.
5. The proposed development will not be detrimental to neighboring uses and the tranquility of the rural area through excessive noise and will not result in a nuisance or air pollution from dust, fumes, vapors, gases and odors.

Per Section 259.3E

The existing building was in existence as of the date of the enactment of Bill No. 103-1988 or any CR District designation.

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 1

1. The existing building is currently served by a private well and septic system.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.
5. The well for the subject property is located within the building and the septic system is located in the front yard.

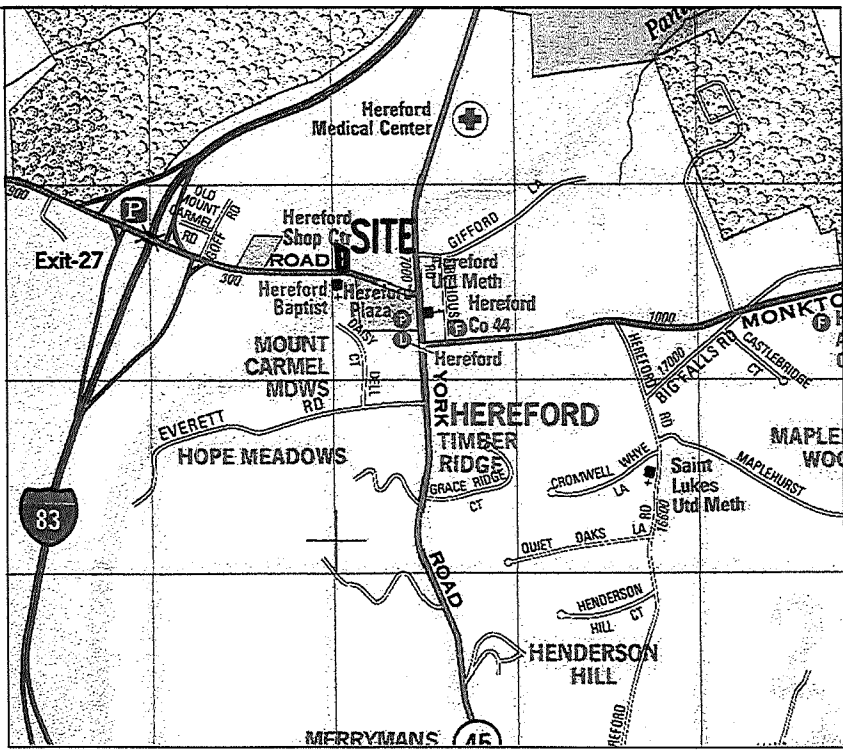
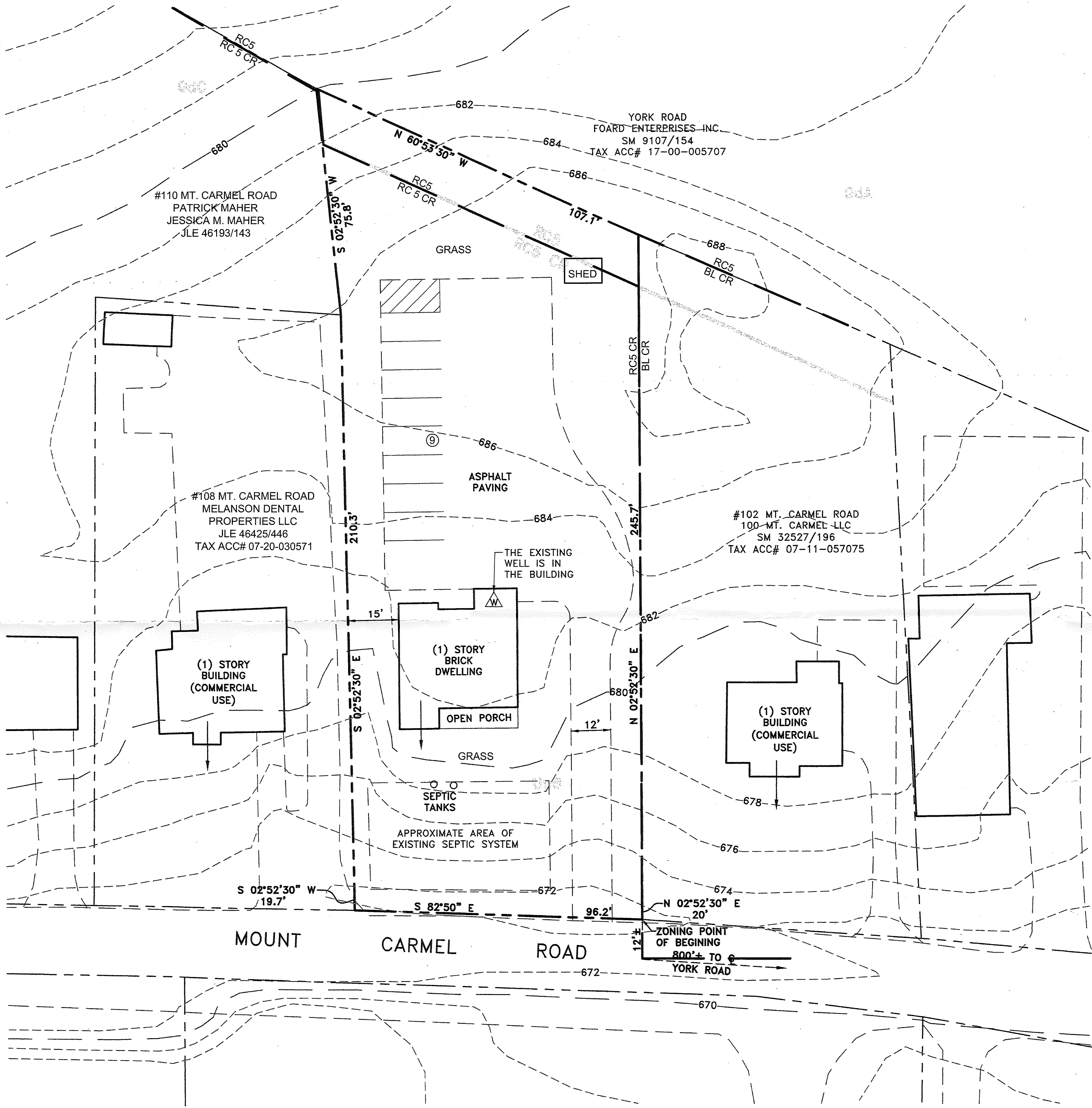
OFFICE OF PLANNING

Regional Planning District: Hereford / Maryland Line District Code: 301

1. The subject dwelling is not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

To change the commercial use of the building from a beauty shop to a doctors office & medical clinic

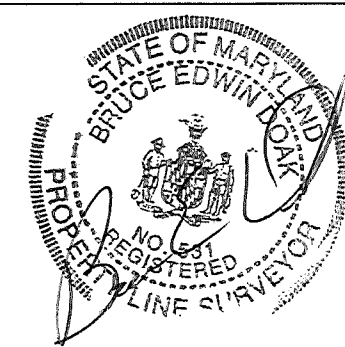


Vicinity Map - Scale: 1" = 2000' N
ADC The Map People - Permitted Use #20612205

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Freeland, MD 21063
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PLAN TO ACCOMPANY
A PETITION
FOR
#106 MOUNT CARMEL ROAD
BALTIMORE COUNTY, MARYLAND
7th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT



Date: 1/2/23
Scale: 1" = 20'



2023-0006-SP14X