



KATHERINE A. KLAUSMEIER  
County Executive

MAUREEN E. MURPHY  
Chief Administrative Law Judge  
ANDREW M. BELT  
Administrative Law Judge  
DEREK J. BAUMGARDNER  
Administrative Law Judge

May 21, 2025

Christopher D. Mudd, Esquire – [cdmudd@venable.com](mailto:cdmudd@venable.com)  
Venable, LLP  
210 w. Pennsylvania Avenue  
Towson, MD 21204

RE: Petitions for Special Exception, Variance and Special Variance  
Case No. 2024-0234-XASA  
Property: 8328, 8400 Bellona Avenue

Dear Mr. Mudd:

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 "Maureen E. Murphy". The signature is written in a cursive style.

MAUREEN E. MURPHY  
Administrative Law Judge  
for Baltimore County

MEM/dlm  
Enclosure

<b>IN RE: PETITIONS FOR SPECIAL EXCEPTION, *          VARIANCE &amp; SPECIAL VARIANCE          (8328 &amp; 8400 Bellona Lane)          8<sup>th</sup> Election District          2<sup>nd</sup> Council District          PPA Building Services, LLC  <i>Legal Owner</i></b>	* * * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY  <b>Case No. 2024-0234-XASA</b>
<b>Petitioner</b>	*	
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**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Exception, Variance, and Special Variance filed by Petitioner, PPA Building Services, LLC, (“Petitioner”), legal owner for the properties located at 8328 and 8400 Bellona Lane, Towson (“the Property”). The Petition for Special Exception was filed under Baltimore County Zoning Regulations (“BCZR”), §204.3.B.2 and §502.1, for a Class B office building. As originally filed, the Petitions for Variance seek relief under BCZR, §307.1 to permit:

- (1) a Class B office building to contain 100% of the total adjusted gross floor area as medical office in lieu of the maximum 25% allowed under BCZR, §204.3.B.2.a;
- (2) a minimum rear yard setback of 10 ft. in lieu of the required 30 ft. as required by BCZR, §204.4.C.5;
- (3) a 0 ft. landscape buffer in lieu of the 20 ft. (to residentially zoned or residentially used properties) required by BCZR, §204.4.C.9;
- (4) a 0 ft. landscape buffer in lieu of the 10 ft. (to non-residentially zoned properties) required by BCZR, §204.4.C.9;
- (5) 45 parking spaces in lieu of the 50 spaces required by BCZR, §409.6.2, and
- (6) the following modifications from the requirements of the Baltimore County Landscape Manual:

- (a) a 1 foot landscape strip along the edge of parking lot in lieu of the required 10 ft.;
- (b) a 0 foot landscape strip along the property line in lieu of the required 10 ft.;
- (c) a 1 foot landscape strip along the base of a retaining wall in lieu of the required 10 ft.

A Petition for Special Variance was filed pursuant to BCZR, §4A02.4.G, to allow development of the subject property within the Charles St./Bellona Ave./Kenilworth Ave. traffic shed. <sup>1</sup>

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on November 18, 2024. The Petition was properly advertised and posted. Arash M. Rostami, DDS, authorized representative of PPA Building Services, LLC, appeared at the hearing in support of the Petition along with James Matis, PE of Matis Warfield, the civil engineering firm who prepared and sealed a site plan (the “Site Plan”) (Pet. Ex. 1), and Mickey Cornelius, PA, PTOE, RSP, Senior Vice President of The Traffic Group. Christopher Mudd, Esquire of Venable, LLP represented the Petitioners. There were no Protestants or interested citizens who attended the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”), Department of Planning (“DOP”) and Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DPWT”) which agencies did not oppose the requested relief.

**FACTUAL BACKGROUND**

The Property is an unimproved tract consisting of two (2) lots (Lot 4 and Lot 5) which collectively measure 0.7809 acres +/- (34,014 sf). Lots 4 and 5 were previously improved with 2 dwellings which have been razed. The Property is oddly-shaped with 4 sides; the south eastern boundary is curved. It is zoned Residential Office (R-O). An aerial photograph shows the Property

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<sup>1</sup> An Amended Petition is contained in the File.

is located on the corner of Bellona Avenue and Bellona Lane. Petitioner purchased the Property at auction and after doing so, learned that the Property boundary lines do not extend to the centerlines of those two (2) roads. Between Bellona Avenue and Bellona Lane, there are two (2) strips of land, one of which is owned by Baltimore County and one is owned by a third party (Heirs of Strickland). (Pet. Ex. 7). The Property adjoins two (2) office buildings namely: Windsor Court Professional Center and Ruxton Professional Center. (Pet. Ex. 2). The land on which Ruxton Professional Center sits is split-zoned such that the building is zoned Office Building – Residential (OR-1), but its associated parking lot is zoned Residential Office (R-O). East of the Property, the zoning is Density Residential (DR 16), and to the south, across Bellona Avenue, are single family homes known as The Ridge at Ruxton zoned DR 2.

Street view photographs of the Property depict a downward sloping grade from both Bellona Avenue and Bellona Lane. (Pet. Ex. 5). Along the southern perimeter of the Property around the curve is a forested and/or tree covered area on the Baltimore County owned land. (Pet. Exs. 2, 5). The Property is located within a failing traffic shed (F level of service) on the 2024 Basic Services Map due to its proximity to the signalized intersection of Bellona Avenue/Charles Street/Kenilworth Drive. (Pet. Ex. 1).

Petitioner wishes to construct a 2-story, 11,020 sf medical office building for his dental practice which will have an address of 8400 Bellona Lane. Architectural renderings and a concept plan show the various views of the proposed building sections from different directions and the extent of the changes in grade. (Pet. Ex. 6). The proposed days and hours of operation are Monday – Thursday from 7:00 am - 5:00 pm, and on Fridays from 7:00 am -12:30 pm.

Mr. Matis, who was accepted as a professional engineer, confirmed that the topography provides site engineering challenges. (Pet. Ex. 4). He verified that due to the sloping terrain, the

stormwater management device (*i.e.*, a bio-retention facility) must be located on the north-west corner. The topography also dictates that retaining walls will be needed on the north eastern and southern boundary lines. (Pet. Ex.6).

Previously, in the R-O zone, a medical office within a Class B office building could only occupy 25% of the total adjusted gross floor area under BCZR, §204.3.B.2.a. However, on November 13, 2024, the County Council passed Bill 80-24 which changed the law to permit medical offices to occupy 100% of the adjusted gross floor area of a Class B Office building; reduced the rear yard setback from 30 ft. to 10 ft. when certain zones are adjoining the rear yard; and eliminated the 20 ft. landscape buffer where the adjoining property is used for non-residential purposes. (Pet. Ex. 3). The effective date of the Bill is November 27, 2024. Bill 80-24 also authorized OAH to approve modifications from Bulk Regulations and Landscape Requirements through a Petition for Special Hearing, after demonstration that approval thereof will not have an adverse impact on owners of adjoining properties. With the recent enactment of this Bill, Mr. Mudd advised that Variance relief (1), (2) and (3) listed above are no longer needed. Consequently, Petitioner filed an Amended Attachment to Zoning Petition which eliminated those Variance requests and added, in the alternative, a Petition for Special Hearing, seeking the same relief already requested under a different type of relief. (See File for Amended Petition).

In regard to the Petition for Special Variance, Mickey Cornelius, PE, PTOE, RSP1 was accepted as an expert in traffic engineering. (Pet. Ex. 8). Notwithstanding that a traffic impact study would not be required here because the proposed use will generate less than 50 peak hour trips, Mr. Cornelius prepared a Traffic Feasibility Evaluation to address the 'F' Level of Service traffic shed at the intersection of Charles Street with Kenilworth Drive/Bellona Avenue. (Pet. Ex.9). Mr. Cornelius explained that he incorporated the traffic counts available from the County

for the 3 signalized intersections along Charles Street. He mentioned that the County determined that the failing traffic movements for that intersection were southbound on Charles Street from I-695, but did not delineate which movement(s) resulted in the 'F' level of service designation under the County's Loaded Cycle Methodology. As a result, Mr. Cornelius had drone video taken to analyze the traffic movements over a 3-day period. The results of that video footage revealed that the singular failing traffic movement occurs southbound on Charles Street, in the evening peak hours (4:30 pm – 6:30 pm), when making a left turn lane onto Kenilworth Drive. Mr. Cornelius concluded that the traffic generated by the proposed Office Building will have no impact on that failing left turn movement, or on the 'F' intersection, as it is a low-intensity use which does not generate peak hour trips southbound on Charles Street, or left onto Kenilworth Drive. Using the Institute of Transportation Engineers ("ITE") Trip Generation Manual (11<sup>th</sup> Ed.), the Traffic Feasibility Evaluation highlighted that the proposed use will generate 33 morning peak hour trips, and 42 evening peak hour trips. With regard to trip assignment of those vehicles accessing the Property, he emphasized that vehicles can enter and exit from the east or west on Bellona Avenue, and there is a designated southbound right-turn-lane onto Bellona Avenue from I-695. As a result, he concluded that none of those anticipated trip assignments from this proposed use will turn left at Kenilworth Drive from Charles Street.

It was noted during the hearing that BCZR, §4A02.4.G.2 mandates DOP to provide a report to OAH prior to the consideration of the Petition for Special Variance. As this was not contained within the DOP ZAC comment, Petitioner worked with DOP and DPWT to obtain the report. By email from DOP dated May 21, 2025, DOP informed OAH that it concurred with the analysis of DPWT, Chief of Traffic Engineering, Kristopher Nebre, regarding the F intersection. Specifically, Mr. Nebre, by email to Mr. Cornelius dated April 18, 2025, stated that the traffic generated by the

proposed office building would not impact the intersection:

Mickey,

The failing approach for this intersection is the southbound left turn pocket in the pm peak hour. Because the southbound left turn movement is oriented away from the proposed site, generated traffic by site would not add traffic to the failing approach in question.

Kris

#### 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 (1981). In *Schultz*, the Supreme Court of Maryland held that “the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and therefore should be denied, is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.” (*Id.* at 291 Md. 1, 22-23; 432 A.2d at 1331). The Supreme Court of Maryland in *People’s Counsel for Baltimore County v. Loyola College in Md.* 406 Md. 54, 106, 956 A.2d 166 (2008) upheld that longstanding *Shultz* analysis, explaining that a Special Exception use has “certain [inherent] adverse effects....[which] are likely to occur”. In its analysis, the *Loyola* Court observed that “[t]he special exception adds flexibility to a comprehensive legislative zoning scheme by serving as a ‘middle ground’ between permitted use and prohibited uses in a particular zone.” *Id.*, 406 Md. at 71, 956 A.2d at 176 (2008). The *Schultz* and *Loyola* Courts, and more recently in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 285 (2017) have expressly recognized that “[a] special exception is presumed to be in the interest of the general welfare, and therefore a special exception

enjoys a presumption of validity.” (See also *Loyola*, 406 Md. at 84, 88; 105 *Schultz*, 291 Md. at 11).

BCZR, §101.1 defines an Office as:

OFFICE — A building or portion of a building used for conducting the affairs of a business, profession, service, industry or government, including a medical office. The term "office" does not include a bank, a post office, a veterinarian's office or an establishment where merchandise is stored on or sold from the premises.

BCZR, §101.1 defines ‘Class B Office Building’ as:

OFFICE BUILDING, CLASS B — A principal building used for offices and which is not a Class A office building.

In the R-O zone, a Class B Office Building is permitted by Special Exception in BCZR, §204.3.B.2. Applying the BCZR, §502.1 factors here, the uncontroverted evidence was that the proposed Class B Office Building will not be detrimental to the health, safety or general welfare of the locality involved as Petitioner worked extensively with the applicable community association(s) and adjoining property owners resulting in no opposition at the hearing. The Property is vacant and is located next to two (2) other professional office buildings. As such, its inclusion in this defined area is beneficial to the surrounding community. (BCZR, §502.1.A). As both the Traffic Feasibility Analysis and Mr. Cornelius’ testimony demonstrated, and as supported by both DOP and DPWT, the proposed use will not tend to create congestion in roads, streets or alleys as there are multiple ways to access the Property, and importantly, vehicles accessing the Property will not add to the failing left turn onto Kenilworth Drive from Charles Street. (BCZR, §502.1.B). The proposed Office building will not create a potential hazard from fire, panic or other danger as it will be required to meet all Building Codes and application regulations. (BCZR, §502.1.C). The use will not tend to overcrowd land and cause undue



concentration of population because this dental practice has 1-hour patient appointments so there are a limited number of patients who will be coming to the office during office hours. (BCZR, §502.1.D). There is public water and sewer available to the Property, neither of which is failing on the Basic Services Map. Additionally, this use does not have any impact on adequate provisions for schools, parks, transportation or other public requirements, conveniences or improvements. (BCZR, §502.1.E). The Office Building will be 34 feet in height but spaced apart from Ruxton Professional Building and Windsor Court Professional Center, so as not to cast shadows or interfere with air flow. (BCZR, §502.1.F). The proposed use as a Class B Office Building is permitted by Special Exception in the R-O zone, and in consideration of Bill 80-24 permitting medical offices to occupy 100% of the building along with relaxed Bulk Regulations, is consistent with the spirit and intent of the BCZR. (BCZR, §502.1.G). Regarding consistency with the impermeable surface and vegetative retention provisions of BCZR, there is existing paving on the Property, existing perimeter vegetation on the strip of land owned by the County, and additional vegetation will be planted as delineated on the Landscape Plan. (BCZR, §502.1.H). Finally, the Class B Office Building will not be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains as the property does not have any environmental areas. DEPS did not provide an adverse ZAC comment. (BCZR, §502.1.I).

Accordingly, the Special Exception use as a Class B Office Building will be approved for a period of five (5) years from the date of this Order as I find this time period of time is reasonable in that the applicable governmental approvals will take time.

## VARIANCE

Under BCZR, §307, and Maryland common law, in order to be entitled to variance relief the Petitioners must satisfy a two-step legal analysis, 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 is what necessitates the requested 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).

As described above, the Property is irregularly shaped caused in part, by the third-party ownership of the area between the Property boundary lines and the adjoining roads. It also has a downward sloping topography from both Bellona Avenue and Bellona Lane. These physical features make the Property unique under *Cromwell, supra*, and limit the area available for development. The topography also presents grading and engineering challenges necessitating retaining walls to be constructed along the north eastern and southern Property lines. I find that the unique features create a practical difficulty and unreasonable hardship because, without Variance relief, a Class B Office Building could not be constructed. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

It should be noted that the effective date of Bill 80-24 was November 27, 2024 which was after the date of the hearing in this case, but prior to the date of this Opinion and Order. The effective date does not appear on the Petitioner's copy. (Pet. Ex. 3). However, the case law is clear that a change in the law applies to pending litigation. Generally, absent an express statement to the contrary by an enacting legislative body, changes to both State and County land use laws, affecting the status of property, apply to matters that are pending and not yet decided by the agency

responsible for *de novo* decision making. *Holland v. Woodhaven Bldg. & Development, Inc.*, 113 Md. App. 274, 687 A.2d 699 (1996). *Powell v. Calvert County*, 137 Md. App. 425, 768 A.2d 750 (2001), *rev'd*, 368 Md. 400, 795 A.2d 96 (2002).

As to the specific Variances requested, the steep topography along the northern boundary line which adjoins the OR-1 zoned (non-residentially zoned) land to the north (where a retaining wall must be constructed) effectively eliminates the area where a 10 ft. landscape buffer could be installed. While some landscaping is proposed in that area, it is not possible to plant or maintain a 10 ft. landscape buffer. As a practical matter, a landscape buffer there would only serve to shield that adjoining parking lot of the Ruxton Professional Center. For these reasons, a nexus between the unique features and the alleged practical difficulty, and as a result, I will grant the 0 ft. landscape buffer in lieu of the 10 ft. required buffer in the area marked on the Site Plan as 'E.'

In regard to the request for 45 parking spaces in lieu of the required 50, there is limited developable area for a parking lot which, again, is caused by the Property's unique features. I find that permitting 5 parking spaces less than what is required will not adversely impact the surrounding area particularly given the uncontroverted evidence that this use will generate 33 weekday morning peak hour trips, and 42 weekday evening peak hour trips. With the additional consideration that dental appointments are set each hour, that office hours will end at 12:30 pm on Fridays, and the absence of parking restrictions on Bellona Lane, I find that permitting 45 total parking spaces for this use is within the spirit and intent of BCZR, §409.6.2 and will not be detrimental to the neighboring properties.

Petitioner also seeks Variance relief from the requirements of the Landscape Manual for the areas referenced on the Site Plan as 'G1', 'G2', and 'G3.' This Variance relief is sought because the Bulk Regulations for the R-O zone as contained in BCZR, §204.4.C.9, and as amended

in Bill 80-24, incorporate compliance with the Landscape Manual. Again, the unique Property features restrict the developable areas of the Property and create a practical difficulty and unique hardship on Petitioner in providing 10 ft. landscape buffers in those designated areas. It should be noted that the existing tree-lined perimeter which appears to be located on Baltimore County owned property, will remain, thus serving the same purpose. As such, the Variance relief for the Landscape Manual buffers will be granted.

### 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).

In the instant case, the need for the Special Hearing relief arose out of Bill 80-24 which added BCZR, §204.4.D, authorizing OAH, after a Special Hearing, to approve modifications from both the Bulk Regulations and the Landscape requirements upon demonstration that the approval of the modifications will not have an adverse impact on the owners of adjoining properties. The

Petition here was filed prior to the enactment of Bill 80-24 on November 27, 2024. The Special Hearing requests are exactly the same as previously filed by way of Variance relief, and therefore it does not substantively change the merits of the original Petition. While the granting of the Special Hearing relief may seem duplicative, I find that the Special Hearing is within the spirit and intent of the BCZR and for the reasons already set forth herein, it will be granted.

SPECIAL VARIANCE – BCZR, §4A02.4.G.

The Property lies within the failing traffic shed of Charles Street with Kenilworth Drive/Bellona Avenue. Charles Street is a State-owned road (MD 139) while Bellona Avenue, Bellona Lane and Kenilworth Drive are County-owned. The uncontroverted evidence presented by Mr. Cornelius was that the County does not specify which specific movements within the southbound flow of traffic are failing under the County’s Loaded Cycle Methodology. The drone video footage confirmed the singular failing movement is left turn onto Kenilworth Drive from Charles St.

BCZR, §4A02.4.G.2 requires the DOP provide the ALJ with a report for consideration of the Special Variance. In this case, by email dated May 21, 2025, DOP deferred to DPWT, Traffic Engineering, for expert analysis of this Special Variance request. DPWT provided an email dated April 18, 2025 wherein DPWT confirmed that the proposed Class B Office Building would not add traffic to the failing intersection because the specific failing turning movement is oriented away from the Property. I find the DOP/DPWT report to be persuasive.

In regard to the Special Variance provision in BCZR, §4A02.4.G, it requires that the Special Variance Petition not violate the provision’s purpose. That purpose is set forth in BCZR, §4A02.4.D.1 as follows:

D. Transportation.

1. Intent. The transportation standards and maps are intended to regulate nonindustrial development where it has been determined that

the capacity of arterial and arterial collector intersections is less than the capacity necessary to accommodate traffic both from established uses and from uses likely to be built pursuant to this article.

A request for a Special Variance focuses on what impact a particular development will have on an intersection rated as failing, to determine whether or not the building permit restriction can be lifted for a particular project. If the impact from the development is net zero, then a waiver of the building permit moratorium can be granted. With prior OAH decisions, some of the important factors to be considered when determining a request for Special Variance are: the direction of the failing traffic movement(s); the anticipated volume, nature and timing of traffic to be generated by the proposed use; the route (including access and exit) of traffic to and from the proposed development; anticipated roadway improvements in the area; and existing potential development patterns in the area.

The uncontroverted evidence was that the failing movement which generated the 'F' level of service rating is the southbound easterly left turn lane from Charles Street onto Kenilworth Drive. This direction is heading away from the Property. Here, vehicles accessing the Property for the proposed dental office will not be making a left turn onto Kenilworth Drive. The proposed use generates little traffic in that the morning peak hours are 33, and the afternoon peak hours are 42. There are multiple means of ingress and egress to the Property. Accordingly, there is a net zero impact on that failing traffic movement and this intersection will be able to accommodate the minimal traffic generated by the use. Moreover, these findings are consistent with the purpose of the Transportation Basic Services Map (above) which is to determine whether capacity will exist at the intersection to accommodate both existing traffic and that generated by the proposed use. It is also consistent with the required finding in BCZR, §4A02.4.G.1.a that the demand or impact from traffic generated by the proposed use, will be less than that presumed by the district standard. I find that the demand or impact from the proposed Class B Office Building, which will be entirely occupied by medical offices, will result in a net zero

impact to the intersection.

Lastly, I also find the Petition for Special Variance will not adversely affect a person whose application was filed prior to the Petitioner's application in accordance with BCZR, §4A02.3.G.2.b, as there was no evidence that any applications for reserve capacity use certificates are on file. The Petitioner here is not seeking a reserve capacity use certificate here. As a result, I find that provision is not applicable in this case.

THEREFORE, IT IS ORDERED this **21st** day of **May 2025**, by this Administrative Law Judge, that the Petition for Special Exception from the Baltimore County Zoning Regulations (“BCZR”), §204.3.B.2 and §502.1, for a Class B office building be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that pursuant to BCZR, §502.3, the Special Exception is valid for a period of five (5) years from the date of this Order; and

IT IS FURTHER ORDERED that the Petition for Variance from BCZR, §204.4.C.9.c (2) to permit a 0 ft landscape buffer in lieu of the 10 ft (to non-residentially zoned properties) be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §409.6.2 to allow 45 parking spaces in lieu of the required 50 spaces, be and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from the Baltimore County Landscape Manual to allow the following modifications: (1) a 1 ft landscape strip along the edge of parking lot in lieu of the required 10 ft; (2) a 0 ft landscape strip along the property line in lieu of the required 10 ft; and (3) a 1 ft landscape strip along the base of a retaining wall in lieu of the required 10 ft be, and they are each hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Special Hearing pursuant to BCZR, §500.7 and §204.4.D to permit: (1) 0 ft landscape buffers along adjacent property lines (§204.4.C.9); (2) 1 ft

landscape strip along the edge of parking lot (Landscape Manual); (3) 0 ft landscape strip along the property line (Landscape Manual); and (4) 1 ft landscape strip along the base of a retaining wall be, and they are each hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Special Variance from BCZR, §4A02.4.G, to allow development of the Property within the Charles St./Bellona Ave./Kenilworth Ave. traffic shed be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. The Site Plan (Pet. Ex. 1), a copy of which is attached hereto, is incorporated herein.
3. Petitioner shall comply with the DOP and DPR ZAC comments, copies of which are attached hereto.

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



MAUREEN E. MURPHY  
Chief Administrative Law Judge  
for Baltimore County

MEM:dlm



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

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

**DATE:** 11/7/2024

**FROM:** Steve Lafferty  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 2024-0234-XASA

**INFORMATION:**

**Property Address:** 8328 Bellona Avenue and 8400 Bellona Lane  
**Petitioner:** PPA Building Services, LLC c/o Arash M. Rostami, DDS  
**Zoning:** RO  
**Requested Action:** Special Exception, Variance, and Special Variance

The Department of Planning has reviewed the petition for:

*Special Exception –*

1. Pursuant to Baltimore County Zoning Regulations (BCZR) Sections 204.3.B.2 and 502.1 of the for a Class B office building.

*Variance, pursuant to BCZR Section 307.1 –*

1. To permit a Class B office building to contain 100% of the total adjusted gross floor area as medical office in lieu of the maximum 25% allowed under BCZR Section 204.3.B.2.a;
2. To permit a minimum rear yard setback of 10 feet in lieu of the 30 feet required by BCZR Section 204.4.C.5;
3. To permit a 0 foot landscape buffer in lieu of the 20 feet to non-residentially zoned properties required by BCZR Section 204.4.C.9;
4. To allow 45 parking spaces in lieu of the 50 spaces required by BCZR Section 409.6.2;
5. To allow the following modifications from the requirements of the Baltimore County Landscape Manual:
  - a. A 1 foot landscape strip along the edge of the parking lot in lieu of the required 10 feet;
  - b. A 0 foot landscape strip along the property line in lieu of the required 10 feet; and
  - c. A 1 foot landscape strip along the base of a retaining wall in lieu of the required 10 feet.

*Special Variance –*

1. Pursuant to BCZR Section 4A02.4.G to allow development of the subject property within the Charles Street/Bellona Avenue/Kenilworth Avenue traffic shed.

The subject site is two parcels totaling approximately 0.78 acres at the corner of Bellona Avenue and Bellona Lane in the West Towson/Ruxton/Riderwood area. The lots are currently vacant and forested.

Uses surrounding the subject site vary. Immediately north of the subject site is a three-story medical office building with associated surface parking. Beyond the building is multi-family residential known as Charlesgate Apartments. Additional multi-family residential is located northeast/east of the subject site and is known as Ruxton Towers. Further east, beyond Charles Street, there are multiple offices, including multiple medical offices, as well as multi-family apartments and single-family detached residential. South of the subject site, across Bellona Avenue, the primary use is single family detached residential. West of the subject site is an office building, which includes multiple medical offices, and additional units of Charlesgate Apartments.

The subject site is in close proximity to the Charles Street/Bellona Avenue/Kenilworth Avenue intersection – which is an F Level-of-Service intersection – and falls within the Charles Street/Bellona Avenue/Kenilworth Avenue F Level-of-Service Transportation Zone, as designated on the 2024 Basic Services Map. Areas around an F Level-of-Service intersection would have a moratorium on building permits for non-industrial development, with some very limited exceptions.

The subject site is within the boundary of the Ruxton-Riderwood-Lake Roland Area Community Plan, adopted April 3<sup>rd</sup>, 2023. The plan focuses on crime and public safety, Code Enforcement, development, zoning, the Falls Road corridor, flooding, and sewer lines within the plan area boundary. Relevant to development, the plan states that “over-development or development of property in a manner outside the general character of our community is perceived by area residents to be among the foremost threats to the community” and Section 2, Goal 1 is to “maintain high-quality residential and business community standards” (page 16).

The site is within the boundary of the Ruxton/Riderwood/Lake Roland Design Review Panel (DRP) area, a residential DRP area. Because the project is not residential in nature, no DRP review will be required.

The Department of Planning met with the representative for the petition on November 6<sup>th</sup>, 2024 to discuss the petition in greater depth. During the meeting, the representative explained the following to the Department:

- On Monday, November 7<sup>th</sup>, Council Bill 80-24 – Zoning Regulations – Office Buildings in the Residential-Office (R-O) Zone was passed. With the passage of the Bill, multiple components of the Zoning Petition are no longer needed. This includes Variance #1 to permit a Class B office building to contain 100% of the total adjusted gross floor area; Variance #2 to permit a minimum rear yard setback of 10 feet; and Variance #3 to permit a 0 foot landscape buffer. The Special Exception, Variance #4 to allow 45 parking spaces, Variance #5 to allow modifications from the requirements of the Baltimore County Landscape Manual, and the Special Variance are all still required at this time.
- The Petitioner is a dentist with an existing practice on West Road near the subject site. He purchased the subject site at auction and wishes to construct a dental office so he can move his practice.
- The Petitioner and his team have worked closely with the Ruxton-Riderwood-Lake Roland Area Improvement Association (RRLRAIA) over the past year to develop a proposal the community is comfortable with. This included the Petitioner’s team meeting with the RRLRAIA Zoning Committee two to three times, as well as working with the surrounding property owners, including the owners of the medical office building north of the subject site, the owner of the Ruxton Towers, and the condo association for the development along Ballona Lane.

Following the meeting, the representative provided the Department with cross-sections of the proposed office building, showing the site looking east, looking north, the view along Bellona Avenue, and the view along the driveway of the adjoining office building. The cross-sections show that the proposed

building is in keeping with the general character of the immediate surroundings and the Ruxton-Riderwood-Lake Roland area, as required by the Ruxton-Riderwood-Lake Roland Area Community Plan. In addition, the representative provided the Department of Planning with the Development Review Committee (DRC) Plan filed with the County on November 1<sup>st</sup>; the plan shows the Limit of Disturbance and that the entire site will not be disturbed. Finally, the representative informed the Department that there is a County and State-owned right-of-way between the subject site and Bellona, and that the land that is most closely located to the intersection of Bellona Lane and Bellona Avenue will retain the existing tree cover.

The Department of Planning appreciates the Petitioners work with the local community association leading up to the submittal of the Zoning Case and DRC application. The Department of Planning has no objections to the Special Exception, Special Variance, and/or remaining Variance items, subject to the following condition:

- Existing vegetive buffers along Bellona Avenue and Bellona Lane shall be maintained to the greatest extent possible, as stated by the applicant.

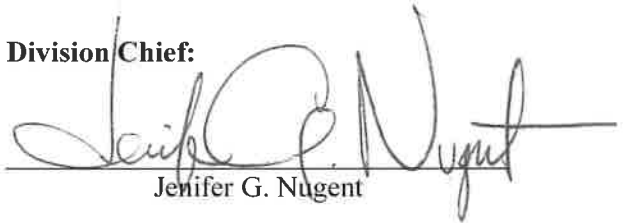
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

**Prepared by:**



Krystle Patchak

**Division Chief:**



Jenifer G. Nugent

SL/JGN/KP

c: Christopher D. Mudd  
Sydnie Cooper, Community Planner  
Jeff Perlow, Zoning Review  
Kristen Lewis, Zoning Review  
Office of Administrative Hearings  
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Peter Gutwald, Director  
Department of Permits, Approvals

**DATE:** October 31, 2024

**FROM:** Vishnu Desai, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
Case 2024-0234-XASA

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

**DPR:** No comment.

**DPW-T:** No exception taken.

**Landscaping:** If Special Exception and Zoning Relief is granted a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required.

**Recreations & Parks:** No comment LOS & No Greenways affected.



# 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 8328 and 8400 Bellona Lane which is presently zoned RO  
 Deed References: 48275/417 10 Digit Tax Account # 080200399070808005310  
 Property Owner(s) Printed Name(s) PPA BUILDING SERVICES, LLC

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

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

1.  a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2.  a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for  
SEE ATTACHED
3.  a **Variance** from Section(s) SEE ATTACHED
4.  a **Special Variance** pursuant to BCZR Section 4A02.4.G 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 \_\_\_\_\_

**Legal Owners (Petitioners):**

SEE ATTACHED  
 Name #1 - Type or Print \_\_\_\_\_ Name #2 - Type or Print \_\_\_\_\_  
 Signature #1 \_\_\_\_\_ Signature #2 \_\_\_\_\_  
 Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
 Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

**Attorney for Petitioner:**

Christopher D. Mudd, Esquire  
 Name - Type or Print \_\_\_\_\_  
Christopher D. Mudd  
 Signature Venable LLP  
 210 W. Pennsylvania Ave., Ste. 500 Towson MD  
 Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
 21204 / 410-494-6365 / cdmudd@venable.com  
 Zip Code Telephone # Email Address

**Representative to be contacted:**

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CASE NUMBER 2024-0234-XASA Filing Date 11/10/2024 Do Not Schedule Dates: \_\_\_\_\_ Reviewer h

## ATTACHMENT TO ZONING PETITION

**Petition for Special Exception**, pursuant to BCZR Sections 204.3.B.2 and 502.1 for a Class B office building.

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- To allow 45 parking spaces in lieu of the 50 spaces required by BCZR Section 409.6.2; and
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  - A 1 foot landscape strip along the edge of parking lot in lieu of the required 10 feet;
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  - A 1 foot landscape strip along the base of a retaining wall in lieu of the required 10 feet.

**Petition for Special Variance**, pursuant to BCZR Section 4A02.4.G, to allow development of the subject property within the Charles Street/Bellona Avenue/Kenilworth Avenue traffic shed.

**ATTACHMENT TO ZONING PETITION**

<sup>Bellona Avenue</sup>  
8328 and 8400 Bellona Lane  
Tax Account Nos. 0802003990 and 0808005310

**Legal Owner/Petitioner**

**PPA BUILDING SERVICES, LLC**

By: 

Name: Arash M. Rostami, DDS  
Title: Authorized Person  
Address: 110 West Road, Suite 200  
Towson, Maryland 21204  
Phone: 301-908-5304  
Email: mikerostami@gmail.com

September 24, 2024

**Description to Accompany Zoning Petitions  
8328 Bellona Avenue & 8400 Bellona Lane  
Election District 8  
Baltimore County, Maryland**

Beginning for the same at a point located on the north side of Bellona Avenue, said point located *North 76° 56' West 227 feet*, more or less, from the point of intersection of the centerlines of Bellona Avenue and Bellona Lane, thence leaving said north side of Bellona Avenue and running the four following courses viz:

1. **North 21°02'26" West 227.44 feet** to a point, thence
2. **North 78°16'59" East 35.00 feet** to a point, thence
3. **North 81°30'37" East 66.88 feet** to a point, thence
4. **South 70°37'08" East 149.36 feet** to a point on the west side of Bellona Lane located along the cutoff leading to Bellona Avenue, thence binding along said cutoff the two following courses viz:
5. By a curve to the right having a **radius of 275.38 feet for an arc length of 130.24 feet** thence
6. By a curve to the right having a **radius of 275.38 feet for an arc length of 124.77 feet** to a place of beginning.

Containing 0.7809 acres+/- or 34,014 square feet.

*This description is intended for zoning purposes only and is not intended for use in conveyance of land.*





**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 **two** signs 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**

For Newspaper Advertising:

Case Number: 2024-0234-XASA

Property Address: 8328 Bellona Avenue and 8400 Bellona Lane

Legal Owners (Petitioners): PPA Building Services, LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Venable LLP

Address: c/o Christopher D. Mudd, Esq.  
210 W. Pennsylvania Avenue, Suite 500  
Towson, Maryland 21204

Telephone Number: 410-494-6200

\*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.



# PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections  
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SEE ATTACHED
3.  a **Variance** from Section(s) SEE ATTACHED
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of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:  
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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 \_\_\_\_\_

**Legal Owners (Petitioners):**

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**Attorney for Petitioner:**

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CASE NUMBER 2024-0234-XASA Filing Date 11/10/2024 Do Not Schedule Dates: \_\_\_\_\_ Reviewer h

## ATTACHMENT TO ZONING PETITION

**Petition for Special Exception**, pursuant to BCZR Sections 204.3.B.2 and 502.1 for a Class B office building.

**Petition for Variance**, pursuant to BCZR Section 307.1:

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- To permit a 0 foot landscape buffer in lieu of the 10 feet (to nonresidentially zoned properties) required by BCZR Section 204.4.C.9;
- To allow 45 parking spaces in lieu of the 50 spaces required by BCZR Section 409.6.2; and
- To allow the following modifications from the requirements of the Baltimore County Landscape Manual:
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  - A 1 foot landscape strip along the base of a retaining wall in lieu of the required 10 feet.

**Petition for Special Variance**, pursuant to BCZR Section 4A02.4.G, to allow development of the subject property within the Charles Street/Bellona Avenue/Kenilworth Avenue traffic shed.

**ATTACHMENT TO ZONING PETITION**

<sup>Bellona Avenue</sup>  
8328 and 8400 Bellona Lane  
Tax Account Nos. 0802003990 and 0808005310

**Legal Owner/Petitioner**

**PPA BUILDING SERVICES, LLC**

By: 

Name: Arash M. Rostami, DDS  
Title: Authorized Person  
Address: 110 West Road, Suite 200  
Towson, Maryland 21204  
Phone: 301-908-5304  
Email: mikerostami@gmail.com

September 24, 2024

**Description to Accompany Zoning Petitions  
8328 Bellona Avenue & 8400 Bellona Lane  
Election District 8  
Baltimore County, Maryland**

Beginning for the same at a point located on the north side of Bellona Avenue, said point located *North 76° 56' West 227 feet*, more or less, from the point of intersection of the centerlines of Bellona Avenue and Bellona Lane, thence leaving said north side of Bellona Avenue and running the four following courses viz:

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6. By a curve to the right having a **radius of 275.38 feet for an arc length of 124.77 feet** to a place of beginning.

Containing 0.7809 acres+/- or 34,014 square feet.

*This description is intended for zoning purposes only and is not intended for use in conveyance of land.*



# CERTIFICATE OF POSTING

2024-0234-XASA

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_

PPA Building Services, LLC

November 18, 2024

Date of Hearing/Closing: \_\_\_\_\_

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

Attn: Jeff Perlow:

Ladies and Gentlemen:

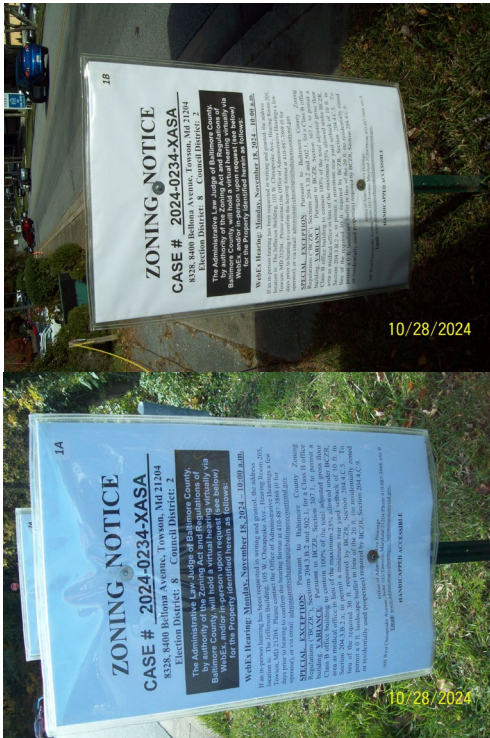
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: \_\_\_\_\_

**8328, 8400 Bellona Avenue *SIGN 1A & 1B***

October 28, 2024

The sign(s) were posted on \_\_\_\_\_

(Month, Day, Year)



Sincerely,

 October 28, 2024  
\_\_\_\_\_  
(Signature of Sign Poster) (Date)

SSG Robert Black

\_\_\_\_\_  
(Print Name)

1508 Leslie Road

\_\_\_\_\_  
(Address)

Dundalk, Maryland 21222

\_\_\_\_\_  
(City, State, Zip Code)

(410) 282-7940

\_\_\_\_\_  
(Telephone Number)

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge  
Office of Administrative Hearings

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

DATE: October 25, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0234-XASA  
Address: 8328, 8400 BELLONA AVENUE  
Legal Owner: PPA Building Services, LLC

Zoning Advisory Committee Meeting of October 28, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Peter Gutwald, Director  
Department of Permits, Approvals

**DATE:** October 31, 2024

**FROM:** Vishnu Desai, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
Case 2024-0234-XASA

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

**DPR:** No comment.

**DPW-T:** No exception taken.

**Landscaping:** If Special Exception and Zoning Relief is granted a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required.

**Recreations & Parks:** No comment LOS & No Greenways affected.



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

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

**DATE:** 11/7/2024

**FROM:** Steve Lafferty  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 2024-0234-XASA

**INFORMATION:**

**Property Address:** 8328 Bellona Avenue and 8400 Bellona Lane  
**Petitioner:** PPA Building Services, LLC c/o Arash M. Rostami, DDS  
**Zoning:** RO  
**Requested Action:** Special Exception, Variance, and Special Variance

The Department of Planning has reviewed the petition for:

*Special Exception –*

1. Pursuant to Baltimore County Zoning Regulations (BCZR) Sections 204.3.B.2 and 502.1 of the for a Class B office building.

*Variance, pursuant to BCZR Section 307.1 –*

1. To permit a Class B office building to contain 100% of the total adjusted gross floor area as medical office in lieu of the maximum 25% allowed under BCZR Section 204.3.B.2.a;
2. To permit a minimum rear yard setback of 10 feet in lieu of the 30 feet required by BCZR Section 204.4.C.5;
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  - c. A 1 foot landscape strip along the base of a retaining wall in lieu of the required 10 feet.

*Special Variance –*

1. Pursuant to BCZR Section 4A02.4.G to allow development of the subject property within the Charles Street/Bellona Avenue/Kenilworth Avenue traffic shed.

The subject site is two parcels totaling approximately 0.78 acres at the corner of Bellona Avenue and Bellona Lane in the West Towson/Ruxton/Riderwood area. The lots are currently vacant and forested.

Uses surrounding the subject site vary. Immediately north of the subject site is a three-story medical office building with associated surface parking. Beyond the building is multi-family residential known as Charlesgate Apartments. Additional multi-family residential is located northeast/east of the subject site and is known as Ruxton Towers. Further east, beyond Charles Street, there are multiple offices, including multiple medical offices, as well as multi-family apartments and single-family detached residential. South of the subject site, across Bellona Avenue, the primary use is single family detached residential. West of the subject site is an office building, which includes multiple medical offices, and additional units of Charlesgate Apartments.

The subject site is in close proximity to the Charles Street/Bellona Avenue/Kenilworth Avenue intersection – which is an F Level-of-Service intersection – and falls within the Charles Street/Bellona Avenue/Kenilworth Avenue F Level-of-Service Transportation Zone, as designated on the 2024 Basic Services Map. Areas around an F Level-of-Service intersection would have a moratorium on building permits for non-industrial development, with some very limited exceptions.

The subject site is within the boundary of the Ruxton-Riderwood-Lake Roland Area Community Plan, adopted April 3<sup>rd</sup>, 2023. The plan focuses on crime and public safety, Code Enforcement, development, zoning, the Falls Road corridor, flooding, and sewer lines within the plan area boundary. Relevant to development, the plan states that “over-development or development of property in a manner outside the general character of our community is perceived by area residents to be among the foremost threats to the community” and Section 2, Goal 1 is to “maintain high-quality residential and business community standards” (page 16).

The site is within the boundary of the Ruxton/Riderwood/Lake Roland Design Review Panel (DRP) area, a residential DRP area. Because the project is not residential in nature, no DRP review will be required.

The Department of Planning met with the representative for the petition on November 6<sup>th</sup>, 2024 to discuss the petition in greater depth. During the meeting, the representative explained the following to the Department:

- On Monday, November 7<sup>th</sup>, Council Bill 80-24 – Zoning Regulations – Office Buildings in the Residential-Office (R-O) Zone was passed. With the passage of the Bill, multiple components of the Zoning Petition are no longer needed. This includes Variance #1 to permit a Class B office building to contain 100% of the total adjusted gross floor area; Variance #2 to permit a minimum rear yard setback of 10 feet; and Variance #3 to permit a 0 foot landscape buffer. The Special Exception, Variance #4 to allow 45 parking spaces, Variance #5 to allow modifications from the requirements of the Baltimore County Landscape Manual, and the Special Variance are all still required at this time.
- The Petitioner is a dentist with an existing practice on West Road near the subject site. He purchased the subject site at auction and wishes to construct a dental office so he can move his practice.
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building is in keeping with the general character of the immediate surroundings and the Ruxton-Riderwood-Lake Roland area, as required by the Ruxton-Riderwood-Lake Roland Area Community Plan. In addition, the representative provided the Department of Planning with the Development Review Committee (DRC) Plan filed with the County on November 1<sup>st</sup>; the plan shows the Limit of Disturbance and that the entire site will not be disturbed. Finally, the representative informed the Department that there is a County and State-owned right-of-way between the subject site and Bellona, and that the land that is most closely located to the intersection of Bellona Lane and Bellona Avenue will retain the existing tree cover.

The Department of Planning appreciates the Petitioners work with the local community association leading up to the submittal of the Zoning Case and DRC application. The Department of Planning has no objections to the Special Exception, Special Variance, and/or remaining Variance items, subject to the following condition:

- Existing vegetive buffers along Bellona Avenue and Bellona Lane shall be maintained to the greatest extent possible, as stated by the applicant.

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

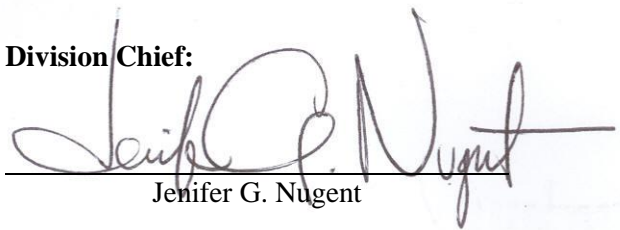
**Prepared by:**



---

Krystle Patchak

**Division Chief:**



---

Jenifer G. Nugent

SL/JGN/KP

c: Christopher D. Mudd  
Sydnie Cooper, Community Planner  
Jeff Perlow, Zoning Review  
Kristen Lewis, Zoning Review  
Office of Administrative Hearings  
People's Counsel for Baltimore County

Real Property Data Search ( )  
 Search Result for BALTIMORE COUNTY

[View Map](#)      [View GroundRent Redemption](#)      [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 08 Account Number - 0808005310

**Owner Information**

Owner Name: PPA BUILDING SERVICES LLC Use: COMMERCIAL/RESIDENTIAL  
 Principal Residence: NO

Mailing Address: 20 DALEBROOK DRIVE Deed Reference: /48275/ 00417  
 PHOENIX MD 21131-

**Location & Structure Information**

Premises Address: 8328 BELLONA AVE Legal Description:  
 BALTIMORE 21204- WADLEIGH

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:  
 0069 0005 0884 20000.04 0000 4 2023 Plat Ref: 0019/ 0026

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use  
 1354 17,760 SF 06

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements  
 /

**Value Information**

	Base Value	Value As of 01/01/2023	Phase-in Assessments	
			As of 07/01/2024	As of 07/01/2025
Land:	248,200	248,200		
Improvements	0	0		
<b>Total:</b>	<b>248,200</b>	<b>248,200</b>	<b>248,200</b>	<b>248,200</b>
Preferential Land:	0	0		

**Transfer Information**

Seller: BELLONA LANE ORTHOPAEDIC Date: 08/03/2023 Price: \$395,000  
 Type: ARMS LENGTH MULTIPLE Deed1: /48275/ 00417 Deed2:

Seller: WEINER JEROME Date: 01/16/2014 Price: \$360,000  
 Type: ARMS LENGTH IMPROVED Deed1: /34616/ 00202 Deed2:

Seller: HAVERTY ROBERT W Date: 07/14/1976 Price: \$68,000  
 Type: ARMS LENGTH IMPROVED Deed1: /05654/ 00020 Deed2:

**Exemption Information**

Partial Exempt Assessments: Class	07/01/2024	07/01/2025
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00

Special Tax Recapture: None

**Homestead Application Information**

Homestead Application Status: No Application

**Homeowners' Tax Credit Application Information**

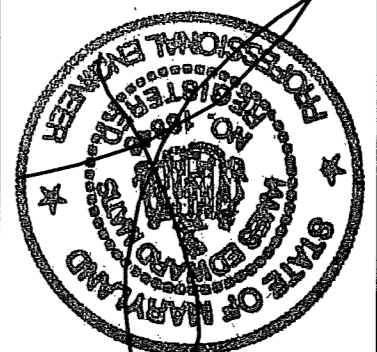
Homeowners' Tax Credit Application Status: No Application Date:



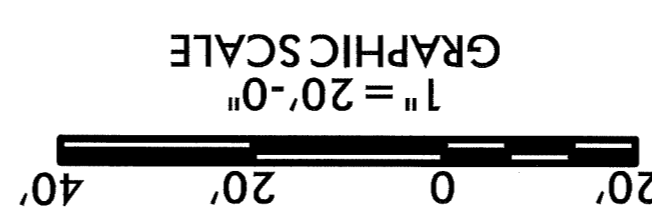


909 Ridgeway Road Suite 100 Sparks, Maryland 21152  
 410.883.7004 PHONE  
 www.matiswarfield.com

**MATISWARFIELD**  
 Consulting Engineers



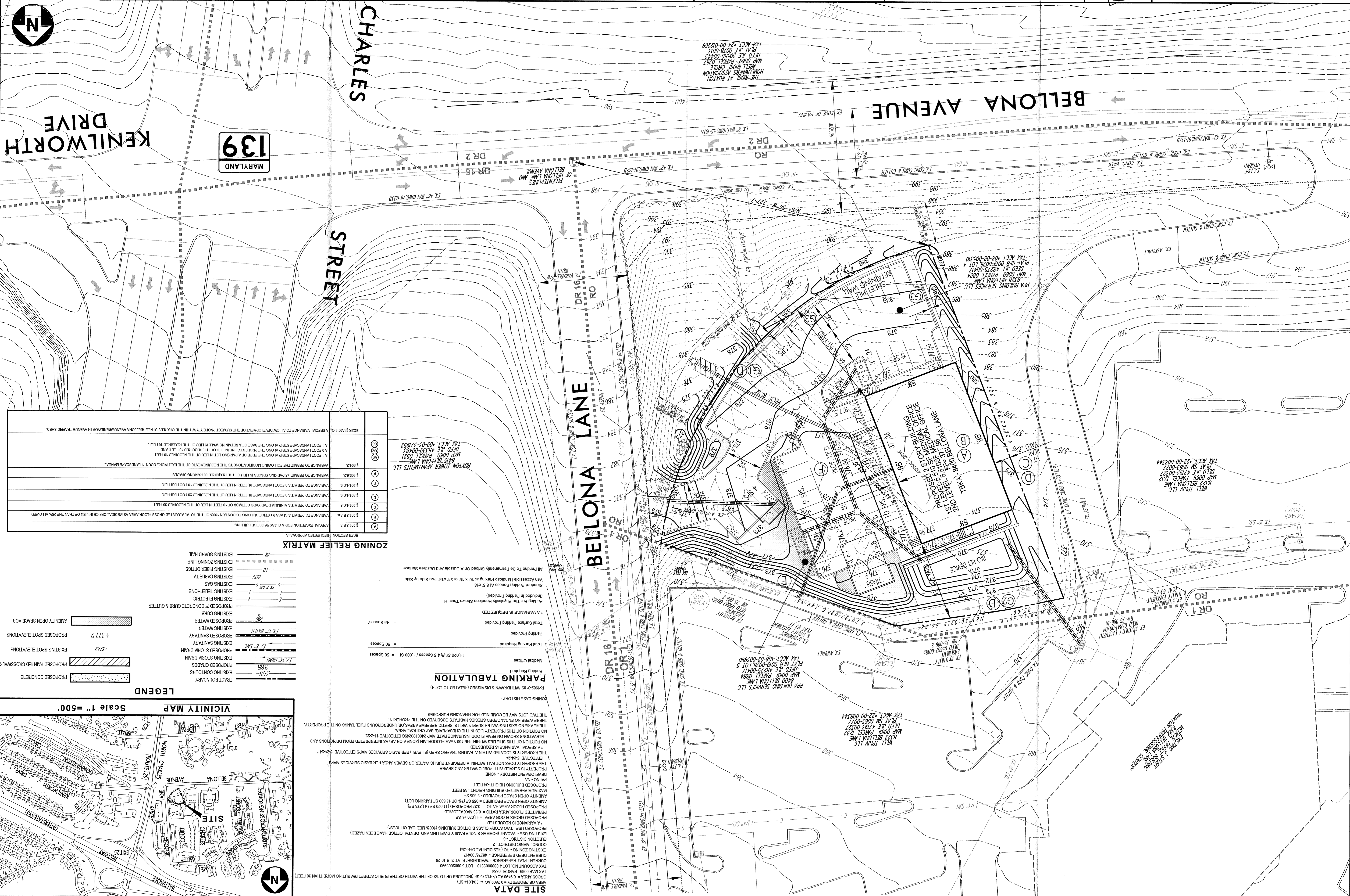
Professional Engineer  
 Matiswarfield has prepared and approved by me,  
 and that I am a duly licensed  
 professional engineer under the laws  
 of the State of Maryland.  
 License No. PE 9848  
 Expiration Date: 9-30-28



LEGAL OWNER  
 PPA BUILDING SERVICES, LLC  
 20 DALEBROOK DRIVE  
 PHOENIX MD 21131

Date	Issue
9-24-24	FOR FILING

PLAN TO ACCOMPANY ZONING PETITIONS  
 FOR SPECIAL EXCEPTION, VARIANCES AND  
 SPECIAL VARIANCE  
 8328 BELLONA AVENUE & 8400 BELLONA LANE  
 BALTIMORE COUNTY, MARYLAND  
 ELECTION DISTRICT NO. 8  
 COUNCILMANIC DISTRICT 2



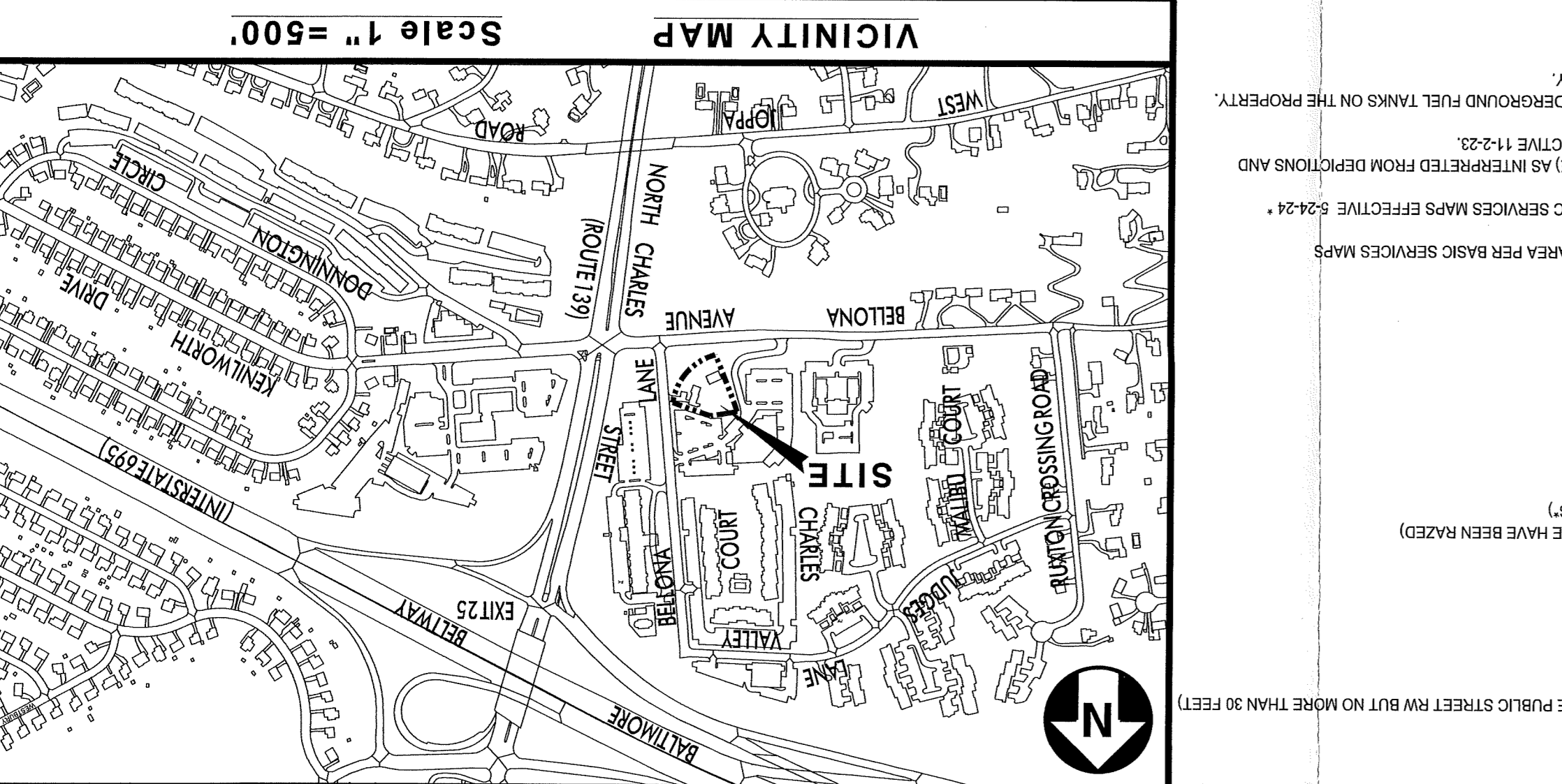
Symbol	Description
(A)	VARIANCE TO PERMIT A CLASS B OFFICE BUILDING TO CONTAIN 100% OF THE TOTAL ADJUSTED GROSS FLOOR AREA AS MEDICAL OFFICE IN LIEU OF THAT WHICH IS ALLOWED.
(B)	VARIANCE TO PERMIT A CLASS B OFFICE BUILDING TO CONTAIN 100% OF THE TOTAL ADJUSTED GROSS FLOOR AREA AS MEDICAL OFFICE IN LIEU OF THAT WHICH IS ALLOWED.
(C)	VARIANCE TO PERMIT A MINIMUM REAR YARD SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 30 FEET.
(D)	VARIANCE TO PERMIT A 0 FOOT LANDSCAPE BUFFER IN LIEU OF THE REQUIRED 20 FOOT BUFFER.
(E)	VARIANCE TO PERMIT A 0 FOOT LANDSCAPE BUFFER IN LIEU OF THE REQUIRED 10 FOOT BUFFER.
(F)	VARIANCE TO PERMIT 45 PARKING SPACES IN LIEU OF THE REQUIRED 60 PARKING SPACES.
(G)	VARIANCE TO PERMIT THE FOLLOWING MODIFICATIONS TO THE REQUIREMENTS OF THE BALTIMORE COUNTY LANDSCAPE MANUAL: A 1 FOOT LANDSCAPE STRIP ALONG THE EDGE OF A PARKING LOT IN LIEU OF THE REQUIRED 10 FEET; A 1 FOOT LANDSCAPE STRIP ALONG THE EDGE OF A RETAINING WALL IN LIEU OF THE REQUIRED 10 FEET.
(H)	BEAR WALLS & A SPECIAL VARIANCE TO ALLOW DEVELOPMENT OF THE SUBJECT PROPERTY WITHIN THE CHARLES STREET/BELLONA AVENUE/KENILWORTH AVENUE TRAFFIC SHED.

**ZONING RELIEF MATRIX**

Symbol	Description
---	EXISTING GRADES
---	PROPOSED GRADES
---	EXISTING STORM DRAIN
---	PROPOSED STORM DRAIN
---	EXISTING SANITARY
---	PROPOSED SANITARY
---	EXISTING WATER
---	PROPOSED WATER
---	EXISTING CURB
---	PROPOSED CURB
---	EXISTING 7" CONCRETE CURB & GUTTER
---	PROPOSED 7" CONCRETE CURB & GUTTER
---	EXISTING FIBER OPTICS
---	EXISTING ZONING LINE
---	EXISTING GUARD RAIL

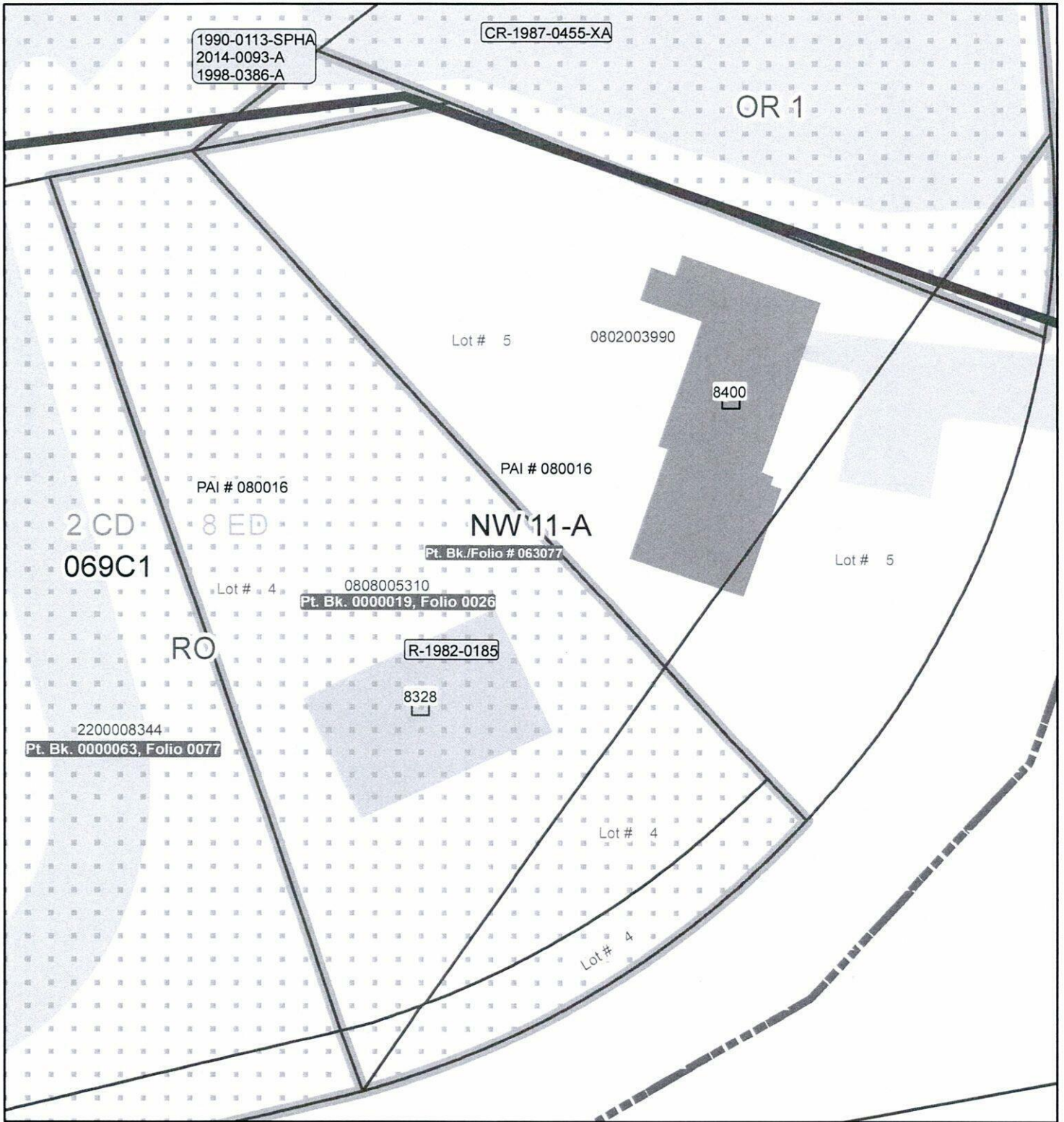
**LEGEND**

---	PROPOSED CONCRETE
---	PROPOSED PAINTED CROSSWALK
---	EXISTING SPOT ELEVATIONS
---	PROPOSED SPOT ELEVATIONS
---	EXISTING OPEN SPACE AOS
---	PROPOSED OPEN SPACE AOS



**SITE DATA**  
 GROSS AREA = 0.988 AC +/- 173 SF (INCLUDES UP TO 12' OF THE WIDTH OF THE PUBLIC STREET R/W BUT NOT MORE THAN 30 FEET)  
 TAX MAP 069 PARCEL 084  
 TAX MAP ACCOUNT NO. LOT 4 08000510 / LOT 5 080200990  
 CURRENT PLAT REFERENCE - WILMINGTON PLAT 078 19-28  
 EXISTING ZONING - RO (RESIDENTIAL OFFICE)  
 ELECTION DISTRICT - 8  
 EXISTING USE - VACANT (FORMER SINGLE FAMILY DWELLING AND DENTAL OFFICE HAVE BEEN RAZED)  
 A VARIANCE IS REQUESTED.  
 PROPOSED GROSS FLOOR AREA = 11,020 +/- SF  
 PERMITTED FLOOR AREA RATIO = 0.33 MAX ALLOWED  
 AMENITY OPEN SPACE REQUIRED = 965 SF (7% OF 13,600 SF PARKING LOT)  
 MAXIMUM OPEN SPACE PROVIDED = 3,333 SF  
 PROPOSED BUILDING HEIGHT - 35 FEET  
 PROPOSED BUILDING HEIGHT - 34 FEET  
 DEVELOPMENT HISTORY - NONE  
 THE PROPERTY DOES NOT FALL WITHIN A DEPARTMENT PUBLIC WATER OR SEWER AREA PER BASIC SERVICES MAPS  
 EFFECTIVE 5-24-24  
 A SPECIAL VARIANCE IS REQUESTED  
 NO PORTION OF THIS PROPERTY USE IN THE CHARLES AND CENTRAL AREA  
 ELEVATIONS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 2401002456 EFFECTIVE 11-2-23  
 THERE ARE NO EXISTING WATER SURVEY WELLS, SEPTIC RESERVE AREAS OR UNDERGROUND FUEL TANKS ON THE PROPERTY.  
 THERE WERE NO ENDANGERED SPECIES HABITATS OBSERVED ON THE PROPERTY.  
 THE TWO LOTS MAY BE COMBINED FOR FINANCING PURPOSES.  
 ZONING CASE HISTORY -  
 R-1922-0185 WITHDRAWN & DISMISSED (RELATED TO LOT 4)  
 Parking Required  
 11,020 SF @ 45 Spaces / 1,000 SF = 50 Spaces  
 45 Spaces  
 Total Surface Parking Provided  
 Parking Provided  
 45 Spaces  
 \* A VARIANCE IS REQUESTED  
 (Provided For The Physically Handicap Show Time: H  
 Van Accessible Handicap Parking at 18' x 18' or 24' x 12' Two Side by Side  
 Standard Parking Spaces at 8.5' x 18'

# 8328 BELLONA AVE



Publication Date: 10/10/2024

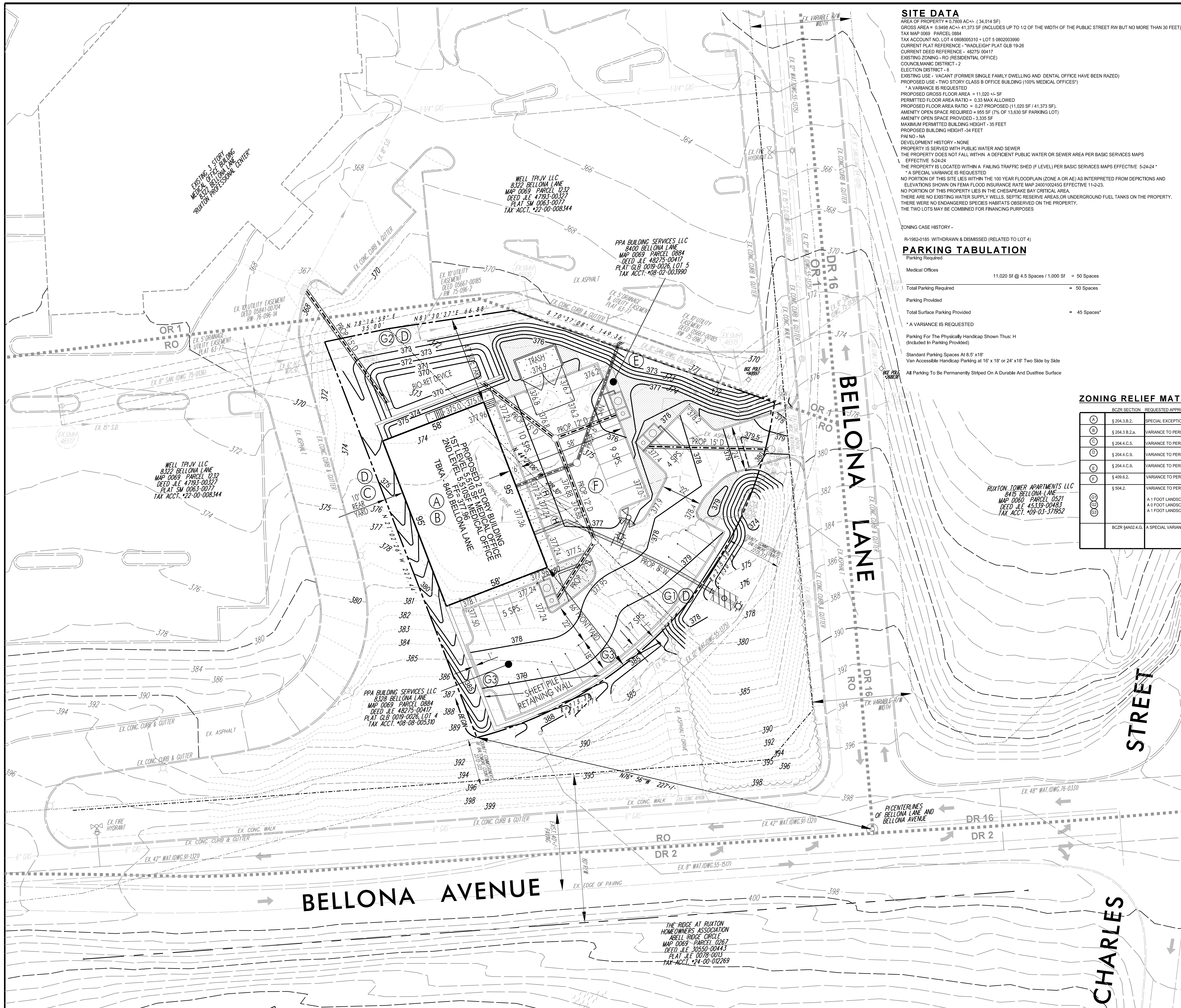


Publication Agency: Permits, Approvals & Inspections  
Projection/Datum: Maryland State Plane,  
FIPS 1900, NAD 1983/91 HARN, US Foot

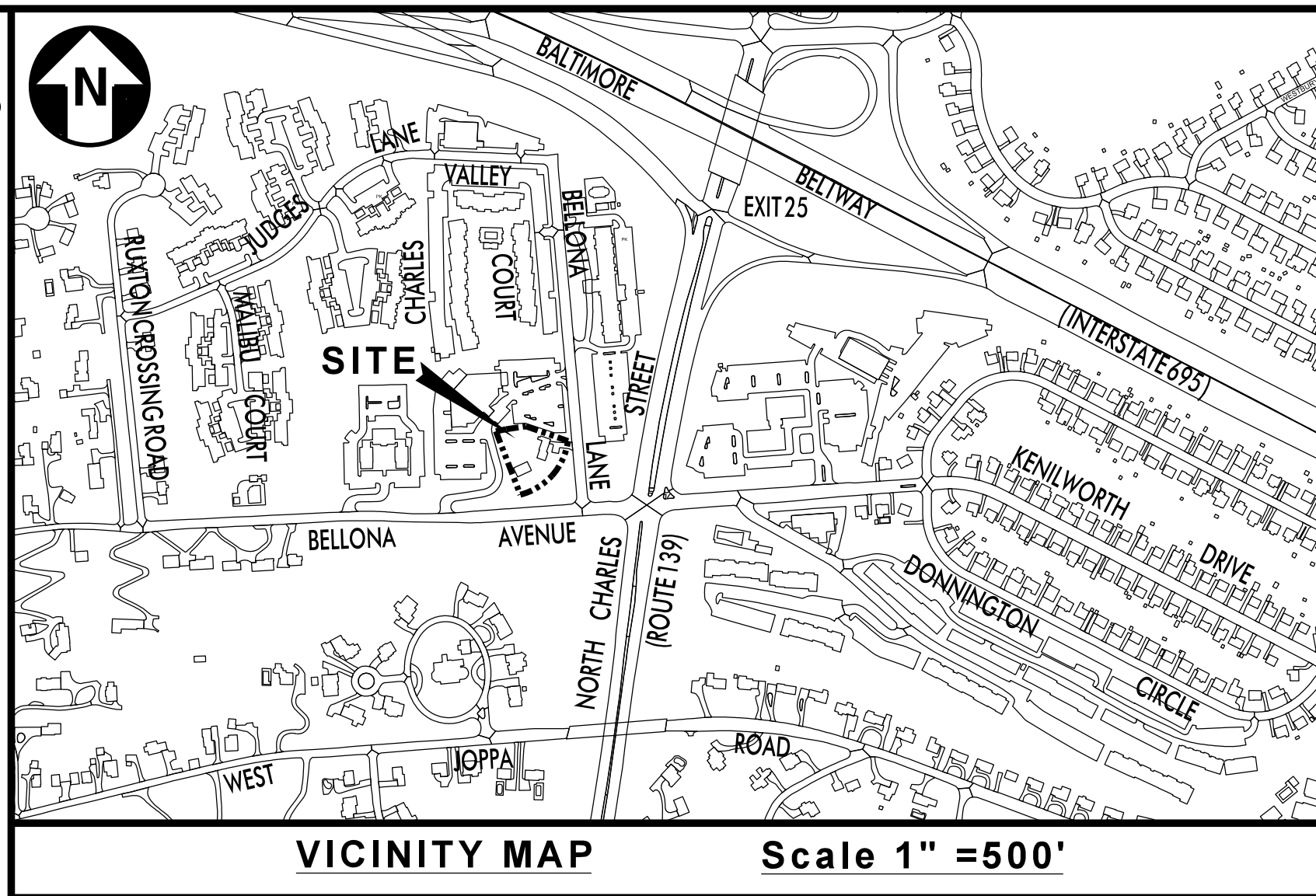


0 5 10 20 30 40  
Feet

1 inch = 33.362008 feet

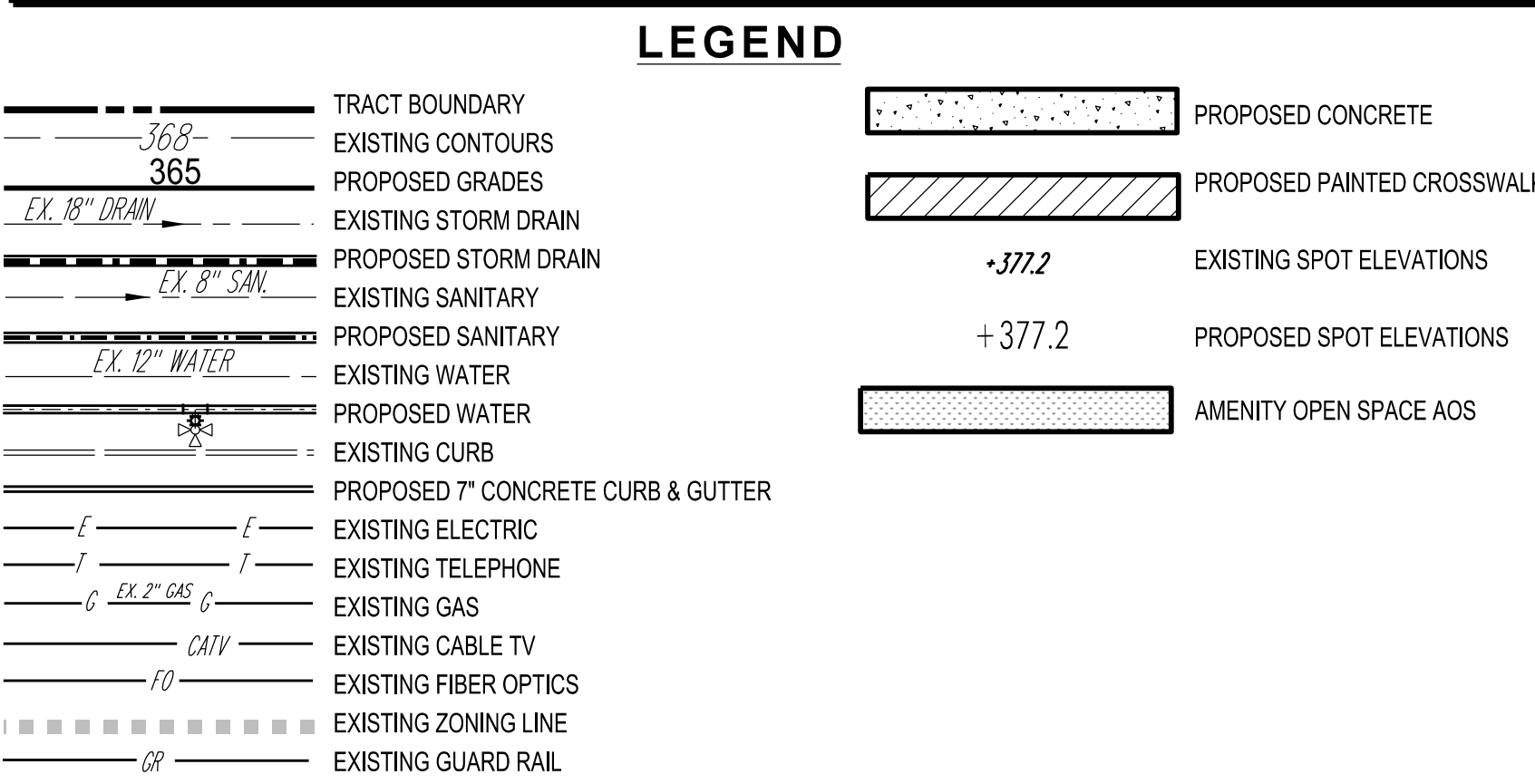


**SITE DATA**  
 AREA OF PROPERTY = 0.7800 AC± (34,014 SF)  
 GROSS AREA = 0.9488 AC± (41,373 SF) (INCLUDES UP TO 1/2 OF THE WIDTH OF THE PUBLIC STREET BUT NO MORE THAN 30 FEET)  
 TAX MAP 0069 PARCEL 0884  
 TAX ACCOUNT NO. LOT 4 080800310 • LOT 5 080200390  
 CURRENT PLAT REFERENCE - "WADLEIGH PLAT GLB 19-28"  
 CURRENT DEED REFERENCE - 48275 00417  
 EXISTING ZONING - RO (RESIDENTIAL OFFICE)  
 COUNCILMANIC DISTRICT - 2  
 ELECTION DISTRICT - 8  
 EXISTING USE - VACANT (FORMER SINGLE FAMILY DWELLING AND DENTAL OFFICE HAVE BEEN RAZED)  
 PROPOSED USE - TWO STORY CLASS B OFFICE BUILDING (100% MEDICAL OFFICES)  
 \* A VARIANCE IS REQUESTED  
 PROPOSED GROSS FLOOR AREA = 11,020 ± SF  
 PERMITTED FLOOR AREA RATIO = 0.33 MAX ALLOWED  
 PROPOSED FLOOR AREA RATIO = 0.27 PROPOSED (11,020 SF / 41,373 SF)  
 AMENITY OPEN SPACE REQUIRED = 355 SF (1% OF 13,630 SF PARKING LOT)  
 AMENITY OPEN SPACE PROVIDED = 3,335 SF  
 MAXIMUM PERMITTED BUILDING HEIGHT - 35 FEET  
 PROPOSED BUILDING HEIGHT - 34 FEET  
 P#14 NO - NA  
 DEVELOPMENT HISTORY - NONE  
 PROPERTY IS SERVED WITH PUBLIC WATER AND SEWER  
 THE PROPERTY DOES NOT FALL WITHIN A DEFICIENT PUBLIC WATER OR SEWER AREA PER BASIC SERVICES MAPS  
 EFFECTIVE 5-24-24  
 THE PROPERTY IS LOCATED WITHIN A FAILING TRAFFIC SHED (F LEVEL) PER BASIC SERVICES MAPS EFFECTIVE 5-24-24  
 \* A SPECIAL VARIANCE IS REQUESTED  
 NO PORTION OF THIS SITE LIES WITHIN THE 100 YEAR FLOODPLAIN (ZONE A OR AE) AS INTERPRETED FROM DEPICTIONS AND ELEVATIONS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 2400100245G EFFECTIVE 11-2-23.  
 NO PORTION OF THIS PROPERTY LIES IN THE CHESAPEAKE BAY CRITICAL AREA.  
 THERE ARE NO EXISTING WATER SUPPLY WELLS, SEPTIC RESERVE AREAS OR UNDERGROUND FUEL TANKS ON THE PROPERTY.  
 THERE WERE NO ENDANGERED SPECIES HABITATS OBSERVED ON THE PROPERTY.  
 THE TWO LOTS MAY BE COMBINED FOR FINANCING PURPOSES.



**ZONING CASE HISTORY -**  
 R-1962-0185 WITHDRAWN & DISMISSED (RELATED TO LOT 4)

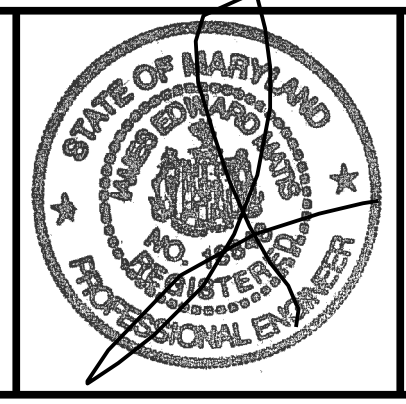
**PARKING TABULATION**  
 Parking Required  
 Medical Offices  
 11,020 SF @ 4.5 Spaces / 1,000 SF = 50 Spaces  
 50 Spaces  
 Total Parking Required = 50 Spaces  
 Parking Provided = 50 Spaces  
 Total Surface Parking Provided = 45 Spaces\*  
 \* A VARIANCE IS REQUESTED  
 Parking For The Physically Handicap Shown Thus: H (Included In Parking Provided)  
 Standard Parking Spaces At 8.5' x 18'  
 Van Accessible Handicap Parking at 16' x 18' or 24' x 18' Two Side by Side  
 All Parking To Be Permanently Striped On A Durable And Dustfree Surface



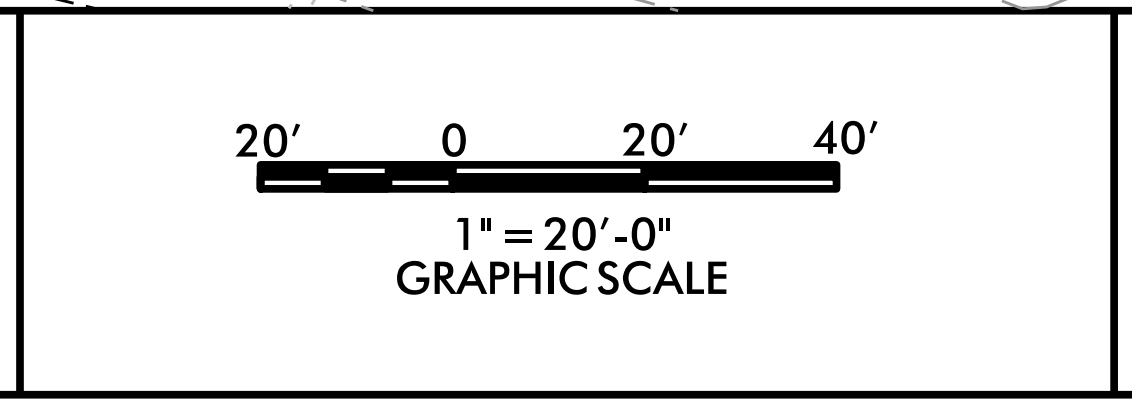
**ZONING RELIEF MATRIX**

BICZR SECTION	REQUESTED APPROVALS
(A)	§ 204.3.B.2. SPECIAL EXCEPTION FOR A CLASS B OFFICE BUILDING
(B)	§ 204.3.B.2.a. VARIANCE TO PERMIT A CLASS B OFFICE BUILDING TO CONTAIN 100% OF THE TOTAL ADJUSTED GROSS FLOOR AREA AS MEDICAL OFFICE IN LIEU OF THAN THE 25% ALLOWED.
(C)	§ 204.4.C.5. VARIANCE TO PERMIT A MINIMUM REAR YARD SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 30 FEET.
(D)	§ 204.4.C.9. VARIANCE TO PERMIT A 0 FOOT LANDSCAPE BUFFER IN LIEU OF THE REQUIRED 20 FOOT BUFFER.
(E)	§ 204.4.C.9. VARIANCE TO PERMIT A 0 FOOT LANDSCAPE BUFFER IN LIEU OF THE REQUIRED 10 FOOT BUFFER.
(F)	§ 406.6.2. VARIANCE TO PERMIT 45 PARKING SPACES IN LIEU OF THE REQUIRED 50 PARKING SPACES.
(G)	§ 504.2. VARIANCE TO PERMIT THE FOLLOWING MODIFICATIONS TO THE REQUIREMENTS OF THE BALTIMORE COUNTY LANDSCAPE MANUAL: A 1 FOOT LANDSCAPE STRIP ALONG THE EDGE OF A PARKING LOT IN LIEU OF THE REQUIRED 10 FEET; A 0 FOOT LANDSCAPE STRIP ALONG THE PROPERTY LINE IN LIEU OF THE REQUIRED 10 FEET; AND A 1 FOOT LANDSCAPE STRIP ALONG THE BASE OF A RETAINING WALL IN LIEU OF THE REQUIRED 10 FEET.
(H)	BCZR §4402.4.G. A SPECIAL VARIANCE TO ALLOW DEVELOPMENT OF THE SUBJECT PROPERTY WITHIN THE CHARLES STREET/BELLONA AVENUE/KENILWORTH AVENUE TRAFFIC SHED.

**MATISWARFIELD**  
 Consulting Engineers  
 909 Ridgebrook Road Suite 100 Sparks, Maryland 21152  
 410.983.7004 PHONE  
 www.matiswarfield.com



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. PE 18948  
 Expiration Date: 9-19-26



**EXHIBIT**  
 1

LEGAL OWNER  
 PPA BUILDING SERVICES LLC  
 20 DALEBROOK DRIVE  
 PHOENIX MD 21131

Date	Issue
9-24-24	FOR FILING

PLAN TO ACCOMPANY ZONING PETITIONS FOR SPECIAL EXCEPTION, VARIANCES AND SPECIAL VARIANCE  
 8328 BELLONA AVENUE & 8400 BELLONA LANE  
 BALTIMORE COUNTY, MARYLAND  
 ELECTION DISTRICT NO.8  
 COUNCILMANIC DISTRICT 2