

IN THE MATTER OF :  
LENCO DEVELOPMENT CO., INC. :  
W/F SIDE HILMER AVENUE, 380' EAST :  
OF MACE AVENUE, LOTS 1, 5, 13 :  
HILMER AVENUE (SILVER SPRING :  
TERRACE) :  
15th ELECTION DISTRICT :  
5th COUNCILMANIC DISTRICT :

BEFORE :  
COUNTY BOARD OF APPEALS :  
OF :  
BALTIMORE COUNTY :  
CASE NO. 89-304-A :

**RULING ON MOTION TO DISMISS**

This matter comes before this Board on a Motion to Dismiss filed by the law firm of Romadka, Gontrum & Hennegan representing the Appellee in this case.

In the Motion to Dismiss, the question was raised as to the timeliness of the appeal request. Appellant was notified by the Zoning Commissioner that the postmark on the letter would constitute the appeal date. By letter from Mr. Haines incorporated into the file, it is his statement that this information was erroneously given to the Applicant, but that since the information came from his office he would accept the postmark date as to the 30 days required for the appeal. Since this has transpired, the Board is of the opinion that at this stage to declare the appeal untimely would be an arbitrary decision by us and will therefore affirm the Zoning Commissioner's acceptance of the appeal request.

The other issue arising in the Motion to Dismiss is the fact that James Coleman signed the letter dated April 17, 1989 indicating the intention to appeal the decision. While Mr. Coleman, the son of Mrs. Scharmer, signed the letter, the letter clearly indicates that the appeal is to be taken by Mrs. Gertrude Scharmer. Mrs. Scharmer is the abutting property owner and therefore is a legitimate aggrieved party. Had Mrs. Scharmer signed the letter requesting an appeal, the legitimacy of the appeal would be unquestioned. The

within Baltimore County. Therefore, the issue is not properly before the Zoning Commissioner and will not be resolved by this decision.

The issue before the Zoning Commissioner, in this matter, is one concerning the requirements set forth in Section 307.1 of the Baltimore County Zoning Regulations.

Section 307.1, Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

In reviewing the Petition, it must be kept in mind that "(t)he standard for granting a variance. . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley.

The question, therefore, is whether it was fairly debatable that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship.

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

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

Case No. 89-304-A  
Lenco Development Co., Inc.

appeal letter, however, is not signed by Mrs. Scharmer but is signed by Mr. Coleman, who, by his own testimony, resides in Carroll County and is therefore not a legitimately aggrieved party. Rule 6(c) clearly states that Mr. Coleman cannot otherwise act in a representative capacity. By signing the letter in his own name rather than having Mrs. Scharmer sign the letter, Mr. Coleman is acting in a representative capacity which is specifically prohibited under Rule 6(c). The Board therefore has no choice but to grant the Motion and dismiss the appeal as being improperly taken.

**RULING**

It is therefore this 12th day of July, 1989 by the County Board of Appeals of Baltimore County ORDERED that the Motion to Dismiss be and the same is GRANTED.

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

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*William T. Hackett*  
William T. Hackett, Chairman

*Lynn B. Moreland*  
Lynn B. Moreland

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16 day of March, 1989 that the Petition for Zoning Variance from Section 1801.2.C.2.a for a side yard setback of 8 feet in lieu of the required 35 feet on Lots 1 and 5 of Block "A" and on lot 13 of Block "B", as more particularly described on Petitioner's Exhibit 1 be and is hereby GRANTED.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH/mmm  
cc: People's Counsel  
Mr. William Bafitis, P.E.  
Mr. and Mrs. Wellington Welch  
Mr. Joseph Scharmer

IN RE: PETITION FOR ZONING VARIANCE :  
N/E sides Hilmer Avenue 380' E :  
Mace Ave., Lots 1, 5, 13 Hilmer :  
Ave. (Silver Spring Terrace) :  
15th Election District :  
5th Councilmanic District :  
Lenco Development Co., Inc. :  
Petitioner :

BEFORE THE :  
ZONING COMMISSIONER :  
OF BALTIMORE COUNTY :  
Case No. 89-304-A :

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioner herein requests a variance from Section 1801.2.C.2.a. for a side yard setback of 8 feet in lieu of the required 35 feet on Lots 1 and 5 of Block "A" and on Lot 13 of Block "B" as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Michael Zullo, appeared and testified and was represented by John B. Gontrum, Esquire. The Petitioner was supported in his testimony by Mr. William F. Bafitis, a professional engineer. There were Protestants who appeared and testified, namely, Mr. Wellington H. Welch, Mrs. Lillian Welch, Ms. Janet M. Welch and Mr. Joseph Scharmer.

The Petitioner is seeking to develop and infill a piece of property off of Mace Avenue in the Essex section of Baltimore County. The property is zoned D.R. 5.5 and is currently undeveloped containing a stand of large trees with very thick underbrush. The property is immediately to the rear of several already existing dwellings and is accessed over a road known as Hilmer Avenue.

The Protestants do not accept that Hilmer Avenue is a public road. The Protestants' issues concerning Hilmer Avenue will be explained and dealt with more clearly below. I have personally visited the site and it is undeveloped and covered with trees.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21284  
(301) 887-3333

J. Robert Haines  
Zoning Commissioner

March 15, 1989



Dennis F. Rasmussen  
County Executive

John B. Gontrum, Esquire  
809 Eastern Boulevard  
Essex, Maryland 21221

RE: Petition for Zoning Variance  
Case #89-304-A  
Lenco Development Co., Inc.  
Petitioner

Dear Mr. Gontrum:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,  
*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

JRH/mmm  
att:

Mr. William Bafitis, P.E.  
Mr. and Mrs. Wellington Welch  
Mr. Joseph Scharmer

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21284  
(301) 887-3333

J. Robert Haines  
Zoning Commissioner

April 26, 1989



Dennis F. Rasmussen  
County Executive

Baltimore County Board of Appeals  
County Office Building, Room 315  
Townson, Maryland 21204

RE: Petition for Zoning Variance  
N/E sides Hilmer Avenue, 380' E Mace Avenue, Lots 1, 5, 13  
Hilmer Avenue (Silver Spring Terrace)  
15th Election District, 5th Councilmanic District  
LENCO DEVELOPMENT CO., INC. - Petitioner  
Case No. 89-304-A

Dear Board:

Please be advised that the correct deadline date for filing an appeal in this matter would have been on or about April 17, 1989. However, it has been brought to my attention that the Protestants, James H. Coleman was incorrectly quoted a deadline date as being the date the request envelope is post-marked by the Post Office. As the envelope in which the appeal request was enclosed was post-marked April 17, 1989, we accepted his appeal in error.

If you have any further questions on the subject, please do not hesitate to contact me.

Very truly yours,  
*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:cer

cc: People's Counsel  
Case File 89-304-A

The Petitioner's expert witness and the Petitioner, himself, both testified as to the hardships and practical difficulties concerning the construction of a reasonably sized dwelling unit upon lots 1 and 5 of Block A and lot 13 of Block B. More specifically, these lots would be narrow and in light of the 35 foot tract boundary requirement the houses would be less than 26 feet in width. This would create a very restrictive condition on all three of the subject lots. Furthermore, the narrow size and shape of home would be inconsistent with homes proposed to be developed upon the other lots and would create a situation whereby the subject lots would not be consistent with the general character of the community to be developed.

The Protestants primary objections to the development concern the wetlands that they believe exist on lot 1 of Block A of the Petitioner's project and their lack of acceptance of the existence of Hilmer Avenue as a public street for ingress and egress to the subject land. The Protestants believe and are arguing in other cases, specifically, before the Baltimore County Board of Appeals, that the existence of Hilmer Avenue as a public street is incorrect and, therefore, the Petitioner has no development right to this property.

This issue is not before the Zoning Commissioner because it is not within the jurisdiction of a Petition for Variance. The issue must be resolved by the appropriate authorities, either the Baltimore County Board of Appeals or the Circuit Court for Baltimore County.

The issue concerning the alleged wetlands on lot 1 of Block A is being addressed by the Baltimore County Department of Environmental Protection and Resource Management. They have proper jurisdiction over wetlands

IN RE: PETITION FOR ZONING VARIANCE  
N/E sides Hilmer Avenue 380'E  
Mace Ave., Lots 1, 5, 13 Hilmer  
Ave. (Silver Spring Terrace)  
15th Election District  
5th Councilmanic District

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Case No. 89-304-A

Lenco Development Co., Inc.

REQUEST FOR RECONSIDERATION AND CLARIFICATION

Now comes Mr. and Mrs. Wellington W. Welch, Petitioners herein, by counsel, Stuart Jay Robinson, and request this Board to reconsider and clarify its Decision and Order dated the 16th day of March 1989, and over:

1. The Petitioners adopt and incorporate by reference all pleadings, conditions, exhibits, reports, memoranda and other related material heretofore filed in CG case number CBA-86-130 and Zoning case number 89-304-A in this matter.
2. That the CG Board received a report from Melvin for the Estate of the Hilmer properties which is attached; said report indicates the access property off Mace Avenue as being privately owned.
3. That the Board failed to address the issues concerning the ingress/egress and the unique hardship it creates for the Welch and Cravetz properties.

4. That the Board needs to clarify its Decision relating to the language concerning the 'dedication of the property to the County' as there are expressed reservations in the deed against such dedication.

5. That the unique status of the property, coupled with its location, creates special hardship for the Petitioners named herein should the planned access road and development be allowed as currently constituted.

6. It has been determined by the reports attached and through testimony at the CG hearing that the access road is indeed a private road.

7. The best interest of justice would be served if the CG Board and the Zoning Board would reconsider this Petition to determine the appropriate relief that would minimize the impact of the Petitioners quite enjoyment of their property.

WHEREFORE, your Petitioners respectfully pray the following relief:

a. That the Decision in this case be reconsidered and the development as planned be denied; or in the alternative:

b. That the CG require the Developer to meet with the affected property owners of the unimproved private road in order to work out a plan of ingress and egress that would minimize and/or otherwise help to remove the tremendous hardship the property owners find themselves in if the plan is allowed to proceed without modification.

c. That the Developer be required to meet with the property owners of the access area off Mace Avenue in order to try to work a suitable arrangement with regard to the access road.

d. That the Developer be made to meet all County, State, and Federal Codes, Ordinances, and Regulations governing the property and access road.

- 3
- a. For such other and further relief as the nature of this cause may require.
  - f. That a "STAY" be placed on any further action pending reconsideration.

*Stuart Jay Robinson*  
STUART JAY ROBINSON, ESQUIRE  
24 East Pennsylvania Avenue  
Bel Air, Maryland 21014  
301-879-5050

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Request For Reconsideration And Clarification was mailed, postage prepaid, to William Hackett, Chairman, County Board of Appeals, Room 315, County Office Building, Towson, Maryland 21284, Stanley J. Schapiro, Esquire, Deputy County Attorney, Baltimore County Council, 2nd F, Court House, Towson, Maryland 21284; John B. Conrum, Esquire, 809 Eastern Boulevard, Essex, Maryland 21221; and J. Robert Haines, Zoning Commissioner, Office of Planning & Zoning, Towson, Maryland 21204, this 6 day of April, 1989.

*Stuart Jay Robinson*  
STUART JAY ROBINSON, ESQUIRE

IN RE: PETITION FOR ZONING VARIANCE  
N/E sides Hilmer Avenue 380'E  
Mace Ave., Lots 1, 5, 13 Hilmer  
Ave. (Silver Spring Terrace)  
15th Election District  
5th Councilmanic District

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Case No: 89-3-4-A

Lenco Development Co., Inc.

REQUEST FOR HEARING

Now comes Mr. and Mrs. Wellington W. Welch, Petitioners herein, by counsel, Stuart Jay Robinson, and request a hearing on the foregoing Request For Reconsideration And Clarification.

*Stuart Jay Robinson*  
STUART JAY ROBINSON, ESQUIRE  
24 E. Pennsylvania Avenue  
Bel Air, Maryland 21014  
301-879-5050

J. MELVILLE TOWNSEND  
Attorney At Law  
SUITE 200  
24 W. PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204

(301) 825-7488

February 9, 1989

Stuart Jay Robinson, Esquire  
24 East Pennsylvania Avenue  
Bel Air, Maryland 21014

Re: Silver Spring Terrace  
Hilmer Avenue  
15th Election District, Baltimore County  
County Board of Appeals of Baltimore County  
Case No.: CBA-88-130

Dear Stuart:

In accordance with our telephone conversation of yesterday, this is to advise that I have been contacted by William Neumann (the second), the son of Mrs. Helen Koehnlein, owners of the fee in the northern half of the bed of Hilmer Avenue, 30 feet wide, immediately adjoining Lots 20 and 21 as shown on a Plat entitled, "Subdivision of Land, surveyed and platted by J. Spence Howard," which Plat is recorded among the Land Records of Baltimore County in Plat Book C.H.K. No. 13 folio 17. As Records of Baltimore County in Plat Book C.H.K. No. 13 folio 17. As to this portion of the bed of Hilmer Avenue (the north half adjoining Lots 20 and 21), I am absolutely certain that the said Koehnlein and Neumanns are the owners of the fee subject to the private rights of other lot owners along Hilmer Avenue to use the same in common (and other lot owners along Hilmer Avenue to use the same in common (and subject to the further administration of the Estate of William H. Neumann the first)).

Argument may be raised that the said Neumann and Koehnlein are the owners of the fee in the southern half of Hilmer Avenue immediately adjoining Lot 1 as shown on said Plat as well as the northern half thereof immediately adjoining the lands now owned by the Twiggs, although it will take a Court to decide that, as will be explained herein.

AS TO THE NORTH HALF OF HILMER AVENUE  
ADJOINING LOTS 20 AND 21

The six acre tract out of which the subdivision was carved was originally acquired by William A. Hilmer and Helen E. Hilmer, his wife, by Deed dated June 14, 1916 and recorded among the Land Records of Baltimore County in Liber H.P.C. No. 429 folio 418. William A. and wife subdivided the tract as shown on the Plat in November of 1919 but did not record the same until 1942. By Deed dated December 30, 1941 and recorded as

Stuart Jay Robinson, Esquire  
February 9, 1989

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aforsaid in Liber C.H.K. No. 1177 folio 56, the said William A. Hilmer and Barbara A. Hilmer conveyed the six acre tract (less Lots 2, 3, 4 and 5) to William H. Hilmer (the first) and Barbara H. Hilmer, his wife, as tenants by the entireties, the said Grantors reserving unto each of themselves a life estate with full powers of sale.

By Deed dated June 22, 1942 and recorded as aforsaid in Liber C.H.K. No. 1230 folio 52, the said William H. Hilmer (the first) and wife Barbara conveyed to J.V. Gurgick and Mary A. Gurgick, his wife, Lots 20 and 21 as shown on the Plat (simultaneously recording the Plat at that time in Plat Book C.H.K. No. 13 folio 17, the Plat having no reservation of title and no denial of intent to offer to dedicate), subject to restrictive covenants with the following additional specific language:

"... all reference to or mention of avenues, streets, roads, lanes, sidewalks, alleys or paths in this deed and on the plat hereinbefore referred to will be and are for the purposes of 'right, title and interest in and to the same hereby expressly reserved in the grantors.'"

Mindful of the Act of 1892 (R.P. 2-114) relating to title to the beds of roads, there can be no question but that the Deed language reserved title in and to the bed of Hilmer Avenue in the Grantors and withheld any intent to offer the same for the purposes of public dedication. This attitude with reference to the denial of offer for public dedication of the bed of Hilmer Avenue is strengthened by reference to Paragraph 8 of the restrictions set forth in said Deed:

"(8) The vendors reserve unto themselves the use of all streets, roads, lanes and alleys shown on said Plat for gas, water and sewer pipes, electric light, telephone and telegraph poles and wires and for such other reasonable uses as the vendors may see fit or to close same absolutely except for the uses of the abutting owners thereon [emphasis supplied]."

William A. Hilmer and Helen E. Hilmer, his wife died and the fee in that portion of Hilmer Avenue became vested in William H. Hilmer and Barbara A. Hilmer, his wife, the remaindermen under C.H.K. No. 1177 folio 56.

William H. Hilmer survived his wife and died testate in 1986. I am advised that Mrs. Koehnlein and Mr. Neumann were his sole devisees which would place title to that portion of the bed of Hilmer Avenue in the at this date (subject to re-opening the Estate, etc.).

Stuart Jay Robinson, Esquire  
February 9, 1989

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AS TO THE SOUTH HALF OF HILMER AVENUE  
ADJOINING LOT 1

William A. Hilmer (the first) and Helen, his wife, conveyed Lots 1, 2 and 3 to Jacob W. Weiss and wife by Deed dated April 19, 1944 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1343 folio 158, in fee simple, "subject however to the restrictions, covenants and agreements particularly set forth in a deed from the grantors to James J.V. Gurgick and Mary A. Gurgick his wife dated June 22, 1942 and recorded among the Land Records of Baltimore County in Liber C.H.K. No. 1230 folio 52." While there was no specific reservation of title in the Deed to Weiss, reference was made to the restrictions, etc., in C.H.K. No. 1230 folio 52. I am now prepared to opine that this reference was made to C.H.K. No. 1230 folio 52 was sufficient to incorporate the reservation of title in the bed of the street but suggest that title to the same probably passed to the Grantee.

AS TO THE NORTH HALF OF HILMER AVENUE  
AT MACE AVENUE

By Deed dated December 11, 1971 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5237 folio 670 William H. Hilmer and Barbara A., his wife conveyed the northeast corner of Mace and Hilmer to Wellington W. Welch and Lillian R. Welch, his wife. This Deed which bounded on the north side of Hilmer Avenue was sufficient to carry title to the fee in the bed of the road to the Grantee.

By Deed dated June 8, 1953 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2305 folio 482, Helen E. Hilmer conveyed to John William Twigg and Marie Twigg, his wife, a lot of ground on the north side of Hilmer Avenue lying between the Welch lot and Lot 20 which was sufficient to vest the fee in the half of Hilmer Avenue adjoining said lot in the Grantees.

AS TO

South 1/2 Hilmer Avenue  
adjoining Lot 1

North 1/2 Hilmer Avenue at  
Corner Mace Avenue

North 1/2 Hilmer Avenue between  
Welch & Lot 20

North 1/2 Hilmer Avenue adjoining  
Lots 20 and 21

TITLE

Title PROBABLY passed by R.J.S.  
1343 folio 158 to James J.V. Gurgick

Title passed by O.T.G. 5237 folio 670  
to Wellington W. Welch, et ux

Title PROBABLY passed by G.L.B.  
2305 folio 482 to John William Twigg, et ux

Title in William H. Neumann (2nd)  
and Helen Koehnlein (subject to  
proper Estate administration)

Stuart Jay Robinson  
February 9, 1989

Page Four

AS TO

South 1/2 Hilmer Avenue adjoining  
Lots 6 through 19

North 1/2 Hilmer Avenue adjoining  
Lots 22 through 29

TITLE

Title passed to George Albert Whis,  
Sr., et ux, by E.H.K., Jr. 5325 folio 279

Title passed to George Albert Whis,  
Sr., et ux, by E.H.K., Jr. 5742 folio 332.

Very truly yours,  
*J. Melville Townsend*  
J. Melville Townsend

JMT/rlt

April 17, 1989

Mr. J. Robert Haines  
County Zoning Commissioner  
County Office Building  
111 W. Chesapeake Avenue  
Towson, MD 21204

Re: Case No. 89-304-A  
Petition for Zoning Variance  
Silver Spring Terrace

Dear Mr. Haines,

My mother, Gertrude Scharmer, does hereby appeal the decision dated March 16, 1989 granting the setback variance requested by Lenco Development Co., Inc. Because of an illness she was not able to attend the original hearing held February 27, 1989.

Gertrude Scharmer has a vital interest in this variance request. She owns all adjoining property affected by the granting of the variance for lots 1 and 5 of Block A and lot 13 of Block B.

Enclosed is a copy of the letter that was mailed to your office dated March 8, 1989. While this letter was too late for the initial hearing it should suffice for the appeal.

Looking forward to a favorable reply.

Sincerely,  
*James H. Coleman*  
James H. Coleman  
301-363-0100  
(work phone)

cc: Gertrude Scharmer  
619 Christian Ave.  
Baltimore, MD 21221

RECEIVED  
APR 18 1989  
ZONING OFFICE

March 8, 1989

Mr. James Robert Haines  
County Zoning Commissioner  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 89-304-A  
Hearing 2/27/89 - 10:00 A.M. Room 106  
Subject - Variances for 8 ft. setback on  
Lots #1 & 5 of Block A and  
Lot #13 of Block B, Silver Spring Terrace

Dear Mr. Haines:

I have been informed that at the above Zoning Hearing, Mr. Mike Zullo testified that I am in complete accord with Lenco Development Co.'s proposal to allow the requested variances. He stated that I was pleased and receptive to these variances and to the entire development project. This is not the truth of the matter. I want to clarify my position.

I was approached by Mr. Zullo on this matter when he first proposed this project. At this time, I did not object, but after examining the Plat he submitted, and giving further consideration of all aspects of this proposal, I changed my position.

Mr. Zullo contacted me, and also my son, a few days prior to the scheduled hearing. He asked my son if I would sign an approval for his requests. My son told him no, I would not. I was undecided about the entire project, but the more I thought about the impact of all this, the more convinced I became that this project would be undesirable, and I would not agree to these variances.

These lots, #1 & 5 of Block A, and lot #13 of Block B, border on, and are adjacent to, my property, and I feel a setback would detract from the value of my property and to the quality of my neighborhood. These variances would only serve to allow additional units to be erected which is not in the best interests of the neighborhood.

I hope you will consider our position when you are making your decision.

Thank you.

Respectfully submitted,  
*Mrs. Gertrude Scharmer*  
Mrs. Gertrude Scharmer  
619 Christian Avenue  
Baltimore, MD. 21221  
(301) 682-2444

IN RE: PETITION FOR ZONING VARIANCE  
N/E sides Hilmer Avenue 380' E  
Mace Ave., Lots 1, 5, 13 Hilmer  
Ave. (Silver Spring Terrace)  
15th Election District  
5th Councilmanic District  
Lenco Development Co., Inc.  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 89-304-A

ORDER

IT IS HEREBY ORDERED by the Zoning Commissioner for Baltimore County this 17th day of April, 1989 that the Request for Reconsideration and Clarification in zoning case 89-304-A be and is hereby denied.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
Room 109 County Office Bldg.  
Towson, Maryland 21204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 17th day of April, 1989 that a copy of the foregoing ORDER was mailed, postage prepaid, to Stuart Jay Robinson, Esquire, 24 E. Pennsylvania Avenue, Bel Air, Md. 21014, attorney for the Petitioner; William Hockett, Chairman, County Board of Appeals, Room 315 County Office Building, Towson, Md. 21204; Stanley J. Schapiro, Esquire, Deputy County Attorney, Second floor, Court House, Towson, Maryland 21204; Baltimore County Council, Second floor, Court House, Towson, Maryland 21204 and John B. Gontrum, Esquire, 809 Eastern Boulevard, Essex, Maryland 21221.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

LAW OFFICES OF  
Stuart Jay Robinson

STUART JAY ROBINSON  
ALSO MEMBER OF  
D.C. BAR  
RESIDENCE (301) 836-1244

MEMBER  
THE BALTIMORE COUNTY  
BAR ASSOCIATION  
207 PENNSYLVANIA AVE.  
BALTIMORE, MARYLAND 21204  
301-479-5500

April 5, 1989

Baltimore County Zoning Commission  
Office of Planning & Zoning  
Towson, Maryland 21204

Re: Case #89-304-A  
Lenco Development Co., Inc.  
Wellington Welch

Dear Sir,

Enclosed for consideration and appropriate action is a Request for Reconsideration And Clarification together with a Request For Hearing pertaining to the above matter.

If you care to discuss this matter with me, please feel free to contact me at my office.

A mutually convenient hearing date may be obtained by contacting my office, conference calling is available for this purpose.

Very truly yours,  
*Stuart Jay Robinson*  
Stuart Jay Robinson

SJR/lm  
Encl - 33

RECEIVED  
APR 11 1989  
ZONING OFFICE

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.B01-2c2a for a sideyard of 8 feet in lieu of the required 35 feet on Lots 1 and 5 of Block "A" and on Lot 13 of Block "B".

Configuration of lots in relation to wetlands and other proposed and optional site planning creates need for a variance.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, 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.

I/We do 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 Petition.

Contract Purchaser: Lenco Development Co., Inc.  
(Type or Print Name)

Signature: *Leonard M. Zullo*  
By Leonard M. Zullo, M.D.

Address: \_\_\_\_\_  
(Type or Print Name)

City and State: \_\_\_\_\_  
Signature: \_\_\_\_\_

Attorney for Petitioner: John B. Gontrum  
(Type or Print Name)

Signature: *John B. Gontrum*  
Address: 1665 Merritt Blvd. 282-5330  
Baltimore, MD. 21222 Phone No.

Address: 809 Eastern Boulevard  
Baltimore, Maryland 21221 Name, address and phone number of legal owner, contract purchaser or representative to be contacted

City and State: \_\_\_\_\_  
Signature: Michael Zullo

Attorney's Telephone No.: 684-8274  
Address: 3231 Canterbury Lane 557-8843  
Fallston, Maryland 21047 Phone No.

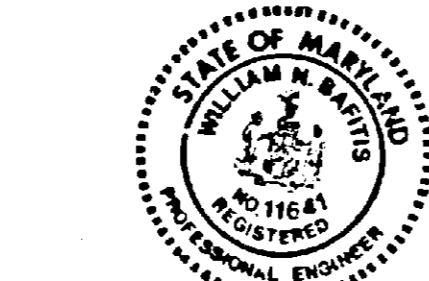
ORDERED BY The Zoning Commissioner of Baltimore County, this 17th day of April, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of Feb. 1989, at 10 o'clock P.M.

*J. Robert Haines*  
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING: 1/2 HRS.  
CONSULTING FOR HEARING: \_\_\_\_\_  
ALL INFORMATION IS BEING TRANSMITTED (over)  
SWORN BY: *[Signature]* DATE 11-18-88

MAP: 116-414  
S.D.: 15-16  
DATE: 5-18-70  
ZOO: 101  
1000: 45  
DP: \_\_\_\_\_

Baffis & Associates



*William N. Baffis, P.E.*  
William N. Baffis, P.E.  
MD. Reg. No. 11641

Civil Engineers / Land Planners / Surveyors - 1249 Engleberth Road / Baltimore, Maryland 21221 / 301-391-2336

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
N/S/5 Hilmer Ave., 380' E Mace : OF BALTIMORE COUNTY  
Ave., Lots 1, 5, & 13 Hilmer Rd.:  
(Silver Spring Terrace), 15th :  
Election Dist.: 5th Councilmanic :  
Dist. :  
LENCO DEVELOPMENT CO., INC., : Case No. 89-304-A  
Petitioner :  
: : : : :  
ZONING OFFICE

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmermann*  
Peter Max Zimmermann  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
494-2188

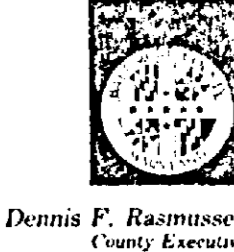
I HEREBY CERTIFY that on this 31st day of January, 1989, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, 809 Eastern Blvd., Baltimore, MD 21221, Attorney for Petitioner.

*Peter Max Zimmermann*  
Peter Max Zimmermann

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333  
J. Robert Haines  
Zoning Commissioner

February 1, 1989

NOTICE OF REASSIGNMENT



Dennis F. Rasmussen  
County Executive

CASE NUMBER: 89-304-A  
PETITIONER(S): Lenco Development Co., Inc.  
LOCATION: N & S Sides Hilmer Avenue, 380' E Mace Avenue

THE ABOVE MATTER, ORIGINALLY SCHEDULED TO BE HEARD ON Friday, February 3, 1989, HAS BEEN REASSIGNED. THE NEW HEARING DATE IS Monday, February 27, 1989 at 9:30 a.m.

J. ROBERT HAINES  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY

COPIES TO:  
Lenco Development Co., Inc.  
John B. Gontrum, Esq.  
Michael Zullo  
Stuart Jay Robinson, Esq.

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: 1/15/89

Posted for: Veronica

Petitioner: Lance Robinson

Location of property: N.E. 1/4 Hilmer Rd. (Silver Spring Terrace)

Location of Sign: On Hilmer Rd. near intersection of parcel B

Remarks: Change from 1st class to 2nd class

Posted by: M. Haines Date of return: 1/15/89

Number of Signs: 1

**CERTIFICATE OF PUBLICATION**  
TOWSON, MD., January 17, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 19, 1989.

NORTHEAST TIMES  
THE JEFFERSONIAN,  
Publisher

S. Zabe Olson

PO 08187  
rg M25179  
case 39-304-A  
price \$ 74.86

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: 1/15/89

Posted for: Veronica

Petitioner: Lance Robinson

Location of property: N.E. 1/4 Hilmer Rd. (Silver Spring Terrace)

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Remarks: Change from 1st class to 2nd class

Posted by: M. Haines Date of return: 1/15/89

Number of Signs: 1

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: 1/15/89

Posted for: Veronica

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Location of Sign: On Hilmer Rd. near intersection of parcel B

Remarks: Change from 1st class to 2nd class

Posted by: M. Haines Date of return: 1/15/89

Number of Signs: 1

LAW OFFICES OF  
**Stuart Jay Robinson**  
STUART JAY ROBINSON  
ALSO MEMBER OF  
D.C. BAR  
RESIDENCE: (301) 836-1034

BEL AIR  
24 E. PENNSYLVANIA AVE  
BEL AIR, MARYLAND 21014  
(301) 879-5000

January 24, 1989

RE: Zoning Matter  
Hearing Feb 3, 1989

Dear Miss Quinn,

My clients, Mr. and Mrs. Welch have advised me of a zoning hearing for property located near their home on Hilmer/Mace Avenue area. It is uncertain of the time, and we have no idea of the case number. The property in question is located as stated, in the Hilmer/Mace Avenue area of Baltimore County, and there is a matter currently pending before the CGO pertaining to surrounding property.

It is requested that a time be supplied as to when this hearing is scheduled. If you care to discuss this matter, or if we may be of any assistance please feel free to contact my office.

I look forward to your advising the time of the hearing.

Very truly yours,  
*Stuart Jay Robinson*  
Stuart Jay Robinson

SJR/lm

89-304-A  
2:00 PM  
Lance Robinson

LAW OFFICES OF  
**Stuart Jay Robinson**  
STUART JAY ROBINSON  
ALSO MEMBER OF  
D.C. BAR  
RESIDENCE: (301) 836-1034

BEL AIR  
24 E. PENNSYLVANIA AVE  
BEL AIR, MARYLAND 21014  
(301) 879-5000

January 25, 1989

RE: Zoning Matter  
Hearing Feb. 3, 1989

Dear Director,

Please be advised this office represents Mr. and Mrs. Wellington Welch in a matter before the CGO. That case number is CGA-88-130, Silver Spring Terrace.

I have been advised there is a hearing scheduled for property located near Mr. and Mrs. Welch in the Hilmer/Mace Avenue area which pertains to the same development, Silver Spring Terrace. We have been unable to ascertain a time for that hearing.

At this time, it is requested that the opposition expressed by my clients before the CGO be given consideration in the February 3, 1989, hearing. Further, it is requested that your office obtain from the CGO a copy of that complete file and exhibits and have them available for the scheduled hearing.

If you have any questions or care to discuss this matter, please feel free to contact me.

Very truly yours,  
*Stuart Jay Robinson*  
Stuart Jay Robinson

SJR/lm  
cc: M/M Welch

JAN 27 1989  
ZONING OFFICE

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333

J. Robert Haines  
Zoning Commissioner

Date: 1/30/89

Lenco Development Co., Inc.  
1655 Merritt Blvd.  
Baltimore, Maryland 21222

Re: Petition for Zoning Variance  
CASE NUMBER: 89-304-A  
N&S Sides Hilmer Avenue, 380' E Mace Avenue  
Lots #1,5 & 13 Hilmer Road (Silver Spring Terrace)  
15th Election District - 5th Councilmanic  
Petitioner(s): Lenco Development Co., Inc.  
HEARING SCHEDULED: FRIDAY, FEBRUARY 3, 1989 at 2:00 p.m.

Gentlemen:

Please be advised that \$87.86 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: \_\_\_\_\_ ACCOUNT: \_\_\_\_\_

AMOUNT: \$ \_\_\_\_\_

RECEIVED FROM: \_\_\_\_\_

FOR: \_\_\_\_\_

VALIDATION OR SIGNATURE OF CASHIER  
JRH:gs  
cc: John Gontzun, Esq.  
File

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-304-A  
N&S Sides Hilmer Avenue, 380' E Mace Avenue  
Lots #1,5 & 13 Hilmer Road (Silver Spring Terrace)  
15th Election District - 5th Councilmanic  
Petitioner(s): Lenco Development Co., Inc.  
HEARING SCHEDULED: FRIDAY, FEBRUARY 3, 1989 at 2:00 p.m.

Variance for a sideyard of 8 feet in lieu of the required 35 feet on Lots 1 and 5 of Block A and Lot 13 of Block B.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

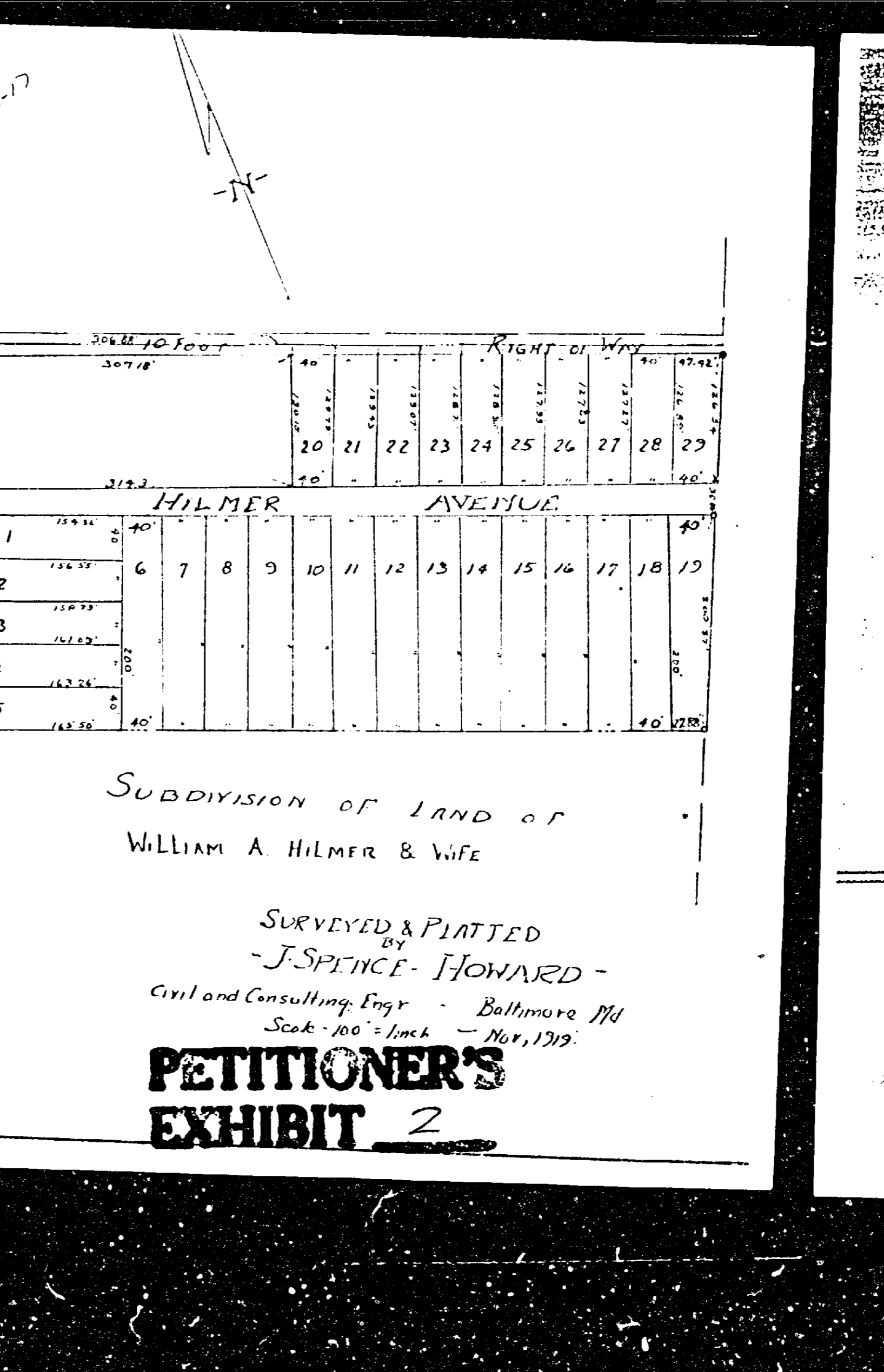
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
cc: John B. Gontzun, Esq.  
Lenco Development Co., Inc.  
File

2/24/89

Regarding moving this case to 10:00 a.m., spoke with Mr. Gontzun's office, and Mr. Robinson's office.

Also, Mrs. Welch happened to call later in the day, requesting that we procure a copy of the Board of Appeal file relative to the CGO Appeal hearing. I transferred her call to the Board and let her know that the hearing had been moved to 10:00 a.m.

Owen



BALTIMORE COUNTY OFFICE OF FINANCE - REVENUE DIVISION  
COUNTY COURTS BUILDING, ROOM 406  
TOWSON, MARYLAND 21284

REQUEST FOR VERIFICATION - LOT OF RECORD OR PLAT

APPLICANTS: PLEASE COMPLETE PARTS I AND II

I. General Information (complete for all requests):

a. Name of development (section, etc.) and location with plat attached:  
Hilmer Subdivision WPC 5-41 also recorded later as Silver Spring Terrace CHD 75-17-V

b. Lot Number(s): 1 thru 29

c. Owner(s) name: Church of Jesus Christ of Latter Day Saints

d. Owner(s) address and phone number: Suite 100 9100 Purdue Rd. Indianapolis, Ind. 46268

e. Applicant's name (if other than owner): SPELLMAN, LARSON & ASSOCIATES for Daniel Asbath Bldg. & Dev. Co.

f. Applicant's address and phone number: Suite 107 Persimmon Blg., Towson, Md. 21284 823-3535

g. Liber/Folio: 6157 - 481 h. Date recorded: 4/3/80

i. Property number(s): 16-00-00817H

j. Signature of applicant, date: Joseph V. Larson 5/18/87

II. Status of development (complete this part if verification of Plat is required):

a. Number of lots owned? #6 thru 19 & 22 thru 29  
Do these lots adjoin? Yes

b. Have building permits been issued? Yes No  
If yes, Building permit number(s): Unavailable  
Issuance date: Unavailable  
Expiration date: Lots 1 thru 5 are occupied by existing dwell.

c. Has construction of public or private improvements occurred?  
If yes, Public Works Agreement number: Unavailable  
Type of improvement started or completed and percent completed (list each type separately):

\*\* DO NOT WRITE BELOW THIS LINE \*\*

III. VERIFICATION:

Valid Lot of Record or Plat - this Lot of Record/Plat is valid until indefinitely. Lots 617 only

Invalid Lot of Record or Plat - this Lot of Record/Plat has lapsed as of 1/25/89 according to the provisions of Section 22-65 of the Development Regulations. Lots 8-17, 22-29

**PETITIONER'S EXHIBIT 3**

P.D. Fields  
Signature, Title, Date

COUNTY COUNCIL OF BALTIMORE COUNTY  
 FIFTH DISTRICT OFFICE  
 809 EASTERN BOULEVARD, ROOM 201  
 ESSEX, MARYLAND 21221

November 23, 1988

Mr. Andrew Oravetz  
 1105 Mace Avenue  
 Baltimore, Maryland 21221

Dear Andy:

In furtherance of your visit to my District Office on the above date, I would like to reiterate my knowledge as a community resident, in particular, to the Hilmer driveway off Mace Avenue.

Years ago Mr. Hilmer worked for the Glenn L. Martin Company. He had one of the nicest homes in the Essex area, which I now understand is owned by Mr. & Mrs. Wellington Welch. I know that you and Marie purchased the land and built your home on part of the old Hilmer tract next to his private driveway. At that time you put in a separate driveway to your own property, along with posting your mailbox out on Mace Avenue. I know that Mr. Hilmer and you took great pride in the line of trees dividing the properties and all or most of the original trees are still standing. Over the years my District Office would receive phone calls inquiring as to paving and snow removal for the side roads along Mace Avenue; and as I recall, Hilmer Avenue being private, it prevented the mailman and County snow removal equipment from entering for the property in the rear of the Welch home.

From all appearance it appears that the Hilmer driveway remained a private road, as it would seem the land to the rear, even though it was platted years ago, it is now default because of the lack of use of the land on the plat.

As stated, I cannot appear on your behalf before any County agency, but please let me know if there is any way I can help.

Sincerely,  
 Norman W. Lauenstein  
 COUNCILMAN

**PROTESTANT'S EXHIBIT 1**

MICHAEL J. COLLINS  
 4TH LEGISLATIVE DISTRICT  
 BALTIMORE COUNTY

SENATE OF MARYLAND  
 ANNAPOLIS, MARYLAND 21401-1991

November 25, 1988

Mr. William F. Hackett, Chairman  
 Baltimore County Board of Appeals  
 Courthouse  
 Baltimore, MD 21204

Dear Mr. Hackett:

re: Hilmer Avenue - Silver Spring Terrace Development  
 15 E. District - CRG Case #CBA-88-130

We have been contacted by constituents who reside at 1105, 1107, and 1109 Mace Avenue. They are extremely concerned about the proposed use of Hilmer Avenue as a right-of-way for the referenced development and have filed an appeal of this decision, which is scheduled to be heard on December 13. Their homes are located adjacent to Hilmer Avenue.

We recently met with the constituents and conducted an on-site inspection of the area. We find that we wholeheartedly agree with the position of the property owners that it would be inappropriate to use Hilmer Avenue for the proposed purpose. It is a small, privately maintained road that, at the present time, serves as a driveway for the residents of 1107 and 1109. It is located directly across from Eastern Vocational Technical High School and the resulting traffic flow and vehicle parking make Hilmer Avenue inaccessible to emergency vehicles, which are unable to negotiate turns from Mace Avenue. In addition, by the developer's own estimate, approximately 200 vehicles can be expected to use this right-of-way every day, and this influx would destroy the quality of life for the residents of these properties on Mace Avenue.

We understand that the decision to use Hilmer Avenue is the result of a study of a plat of the area, rather than a physical inspection. It is, therefore, understandable that this conclusion was reached. However, we strongly urge that an on-site inspection be made. We feel that when this is accomplished it is likely that an alternative right-of-way will be sought. There are two viable alternatives, Christian Avenue and Alpine Drive, either one of which would appear to be a more suitable choice.

**PROTESTANT'S EXHIBIT 2**

HOUSE OF DELEGATES  
 ANNAPOLIS, MARYLAND 21401-1991

December 11, 1988

Mr. William Hackett  
 Chairman  
 Baltimore County Board of Appeals  
 County Office Building  
 Towson, Maryland

Dear Bill:

My concern about the proposed development CRG-CBA 88-130 (Silver Spring Terrace) was supposed to have been mutually expressed in a letter from Senator Michael Collins and Delegates Connelly and Maddox.

Unfortunately, I was out of the State at that time.

The circumstances I have had the opportunity to review regarding this proposal certainly leave many unanswered questions and raise the possibility of whether or not Legislation might possibly be needed.

Knowing that your Board will be reviewing all of the facts regarding this matter fairly and then acting within the scope of your authority, I can only wait until that decision.

Sincerely yours,  
 Michael H. Weir

**PROTESTANT'S EXHIBIT 3**

January 28, 1989

Zoning Commission  
 County Office Building  
 111 W. Chesapeake Ave.  
 Towson, Maryland 21284

Re: Case # 89-301-A  
 Hearing 2/3/89 2:00 PM

This is to officially go on record that we oppose any zoning variances on Lots 1 and 5 of Block "A" and Lot 1 of Block "B".

Reason: As of today's date the Appeal Board has not ruled on Case CBA-88-130 in which an appeal was heard December 13, 1988. Any additional changes would be premature because our opinion on any change has to be contingent upon the Appeal Board's ruling.

Mr. and Mrs. Wellington Welch of 1109 Mace Ave., Baltimore, Md. 21221 are acting as our emissaries in presenting their letter to you.

Respectfully submitted,  
 Andrew Oravetz  
 1105 MACE AVE.  
 BALTIMORE, MD. 21221  
 (301) 689-0757

**PROTESTANT'S EXHIBIT 4**

We will appreciate your taking this information into consideration in reaching your decision on this matter.

Sincerely yours,  
 Michael J. Collins  
 Senator  
 R. Terry Connelly  
 Delegate  
 E. Farrell Maddox  
 Delegate

cc: Hon. Dennis F. Rasmussen

kak



89-304-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21284

Your petition has been received and accepted for filing this  
7th day of December, 1989.

*J. Robert Haines*  
ROBERT HAINES  
ZONING COMMISSIONER

Petitioner Lenco Development Co., Inc. Received by: James E. Dyer  
Petitioner's Attorney John B. Gontum Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: J. Robert Haines, Zoning Commissioner  
From: Pat Keller, Deputy Director, Office of Planning and Zoning  
Subject: Lenco Development, Zoning Petition No. 89-304-A

The applicant is requesting variances to reduce side yard setbacks adjacent to tract boundaries to allow for the development of three lots.

- The property has received CRD approval on 7/22/88. Concerns over the need for variances was discussed at the CRD. There was community concern about this project regarding access of Hilmer Road between 105 and 1109 Mace Avenue.
- The variances have not been granted due to wetlands, or the orientation of surrounding property. The need for variances is solely a result of the applicant attempting to maximize density. During the CRD, staff expressed the need to mitigate possible impacts from the development on adjoining property. Staff worked closely with the developer on this project.

Based upon the analysis conducted, staff recommends approval of the applicant's request.

FK/sf

RECEIVED  
FEB 2 1989

LAW FIRM  
Romadka, Gontum & Heneghan  
IRVINGTON FEDERAL BUILDING  
809 EASTERN BOULEVARD  
ESSEX, MARYLAND 21221  
TELEPHONE (301) 686-8274  
FAX # 686-0118

ROBERT J. ROMADKA  
JOHN B. GONTUM  
JOHN O. HENEGHAN  
DONALD H. SHEFFY  
NANCY E. DWYER

April 10, 1989

J. Robert Haines  
Zoning Commissioner  
Baltimore County  
Office of Planning and Zoning  
Towson, Maryland 21204

Re: Case No. 89-304-A

Dear Commissioner Haines:

Please note our opposition to the request for reconsideration and clarification filed by Stuart Robinson, Esquire in the above referenced matter. A review of the request for reconsideration does not address any of the issues before the Zoning Commissioner and the variance hearing. As this was purely a variance hearing and not a hearing relating to the road, I cannot understand how access and road development has anything to do with the variances which petitioner requested. Accordingly, we would ask that you deny the request for reconsideration and clarification as there are no issues raised in it germane to the variance request. We do not see any need for a hearing with respect to this matter as it only serves to unduly delay the process. Protestants can always note an appeal if they disagree with the opinion. In addition, furthermore, I cannot understand what clarification the opinion which was issued in this case could need. Thank you for your consideration.

Very truly yours,  
*J.B. Gontum*  
John B. Gontum

JBG:kb  
cc: Stuart Robinson, Esquire  
Michael Zullo

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 25, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21284

- MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

John B. Gontum, Esquire  
809 Eastern Boulevard  
Baltimore, Maryland 21221  
RE: Item No. 204, Case No. 89-304-A  
Petitioner: Lenco Development Co., Inc.  
Petition for Zoning Variance

Dear Mr. Gontum:  
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: Rafitis & Associates  
1249 Engleberth Road  
Baltimore, Maryland 21221

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 57-3554

January 17, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 174, 192, 202, 204, 206, 208, 211, 212, 213, and 214.

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lw

Baltimore County  
Fire Department  
Towson, Maryland 21204-2386  
494-4500

December 29, 1988

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: Lenco Development Co., Inc.

Location: N&S sides of Hilmer Avenue, 380' E. Mace Avenue  
Lots 1, 5, & 13 Hilmer Road, "Silver Spring Terrace"  
Item No.: 204 Zoning Agenda: Meeting of 12/6/88

Gentlemen:  
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Kelly 12/29/88*  
Planning Group  
Special Inspection Division  
NOTED & APPROVED: Fire Prevention Bureau

/s/

PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Alfred...</i>	<i>1107 Mace Ave. Balto. 21221</i>
<i>Joseph Scharrer</i>	<i>703 Chestnut Ave 21221</i>
<i>James M. Welch</i>	<i>1107 Mace Ave. Balto. 21221</i>
<i>William...</i>	<i>1107 Mace Ave. Balto. 21221</i>

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Michael Zullo</i>	<i>3231 Canterbury Lane Fallston, Md</i>
<i>William...</i>	<i>1107 Mace Ave. Balto. 21221</i>

March 8, 1989

RECEIVED  
1989  
ZONING OFFICE

Mr. James Robert Haines  
County Zoning Commissioner  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 89-304-A  
Hearing 2/27/89 - 10:00 A.M. Room 106  
Subject - Variances for 8 ft. setback on Lots #1 & 5 of Block A and Lot #13 of Block B, Silver Spring Terrace

Dear Mr. Haines:

I have been informed that at the above Zoning Hearing, Mr. Mike Zullo testified that I am in complete accord with Lenco Development Co.'s proposal to allow the requested variances. He stated that I was pleased and receptive to these variances and to the entire development project. This is not the truth of the matter. I want to clarify my position.

I was approached by Mr. Zullo on this matter when he first proposed this project. At this time, I did not object, but after examining the Plat he submitted, and giving further consideration of all aspects of this proposal, I changed my position.

Mr. Zullo contacted me, and also my son, a few days prior to the scheduled hearing. He asked my son if I would sign an approval for his requests. My son told him no, I would not. I was undecided about the entire project, but the more I thought about the impact of all this, the more convinced I became that this project would be undesirable, and I would not agree to these variances.

These lots, #1 & 5 of Block A, and lot #13 of Block B, border on, and are adjacent to, my property, and I feel a setback would detract from the value of my property and to the quality of my neighborhood. These variances would only serve to allow additional units to be erected which is not in the best interests of the neighborhood.

I hope you will consider our position when you are making your decision.

Thank you.

Respectfully submitted,  
*Mrs. Gertrude Scharrer*  
Mrs. Gertrude Scharrer  
619 Christian Avenue  
Baltimore, Md. 21221  
(301) 682-2444

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 687-3180

July 12, 1989

Mrs. Gertrude Scharrer  
619 Christian Avenue  
Baltimore, MD 21221

RE: Case No. 89-304-A  
Lenco Development Co., Inc.

Dear Mrs. Scharrer:

Enclosed is a copy of the Board's Ruling on the Motion to Dismiss filed in the subject case issued this date.

Sincerely,  
*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Secretary

Encl.

- cc: Mr. James H. Coleman  
John B. Gontum, Esquire  
Lenco Development Co., Inc.  
Mr. Michael Zullo  
Mr. & Mrs. Andrew Oravetz  
Mr. William F. Rafitis  
Mr. Wellington H. Welch  
Quartley Robinson, Esquire  
Mr. Joseph Scharrer  
F. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
Docket Clerk - Zoning  
Arnold Casper, County Attorney

IN THE MATTER OF  
SILVER SPRING TERRACE  
HILMER AVENUE

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF BALTIMORE COUNTY  
\* Case No. CBA-88-130

**MOTION TO DISMISS**

Leonard M. Zullo, M.D., P.A., Defined Benefits Pension Plan and Lenco Development Company, Petitioners, by its attorneys, John B. Gontrum and Romadka, Gontrum & Hennegan, moves the Baltimore County Board of Appeals to dismiss the above captioned matter and in support of this states:

1. Petition was not filed within the time allowed by Baltimore County Zoning Regulations, Section 500.10.
2. Petition was not filed within the time granted and approved by the zoning commissioner in this case per his Order of March 16, 1989 as it was filed more than thirty (30) days from the order.
3. That James H. Coleman was not a party to the proceeding before the zoning commissioner, and has no interest particular to him of any interest in the property. He does not own property in Baltimore County and is a resident of Howard County.
4. That the zoning regulations state that an appeal must be filed by the individual or by their attorney, and James H. Coleman is not qualified to file an appeal for another individual.

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HENNEGAN

5. Gertrude Scharmer who is not a party to the original case and has technically never filed an appeal in this case.  
6. That James H. Coleman does not own property in the vicinity and has no direct interest in the property has he is not a current owner of any neighboring property and therefore has no interest particular to him as opposed to any other resident of Baltimore County.

7. That the Order of Appeal was not signed by the original party or by an attorney.  
8. That the Board of Appeals lacks jurisdiction over this matter as a result of failure to file the petition for appeal timely and as a result of appellants failure to allege either grounds for appeal or facts which would make him aggrieved.

WHEREFORE, the Movant respectfully requests that the Board of Appeals grant the Motion to Dismiss.

*J.B.G.*  
John B. Gontrum  
Romadka, Gontrum & Hennegan  
809 Eastern Boulevard  
Baltimore, Maryland 21221  
686-8274

LAW FIRM  
ROMADKA,  
GONTRUM  
& HENNEGAN  
ESSEX, MARYLAND

2

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11 day of May, 1989, a copy of the foregoing was mailed to James H. Coleman, P.O. Box 315, Owings Mills, Maryland 21117 and Gertrude Scharmer, 619 Christian Avenue, Baltimore, Maryland 21221.

*J.B.G.*  
John B. Gontrum

**REQUEST FOR HEARING**

Please set the above matter in for a motion hearing.

*J.B.G.*  
John B. Gontrum

LAW FIRM  
ROMADKA,  
GONTRUM  
& HENNEGAN  
ESSEX, MARYLAND

3



**County Board of Appeals of Baltimore County**

COUNTY OFFICE BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 494-3180  
May 19, 1989  
**MOTION ONLY HEARING**

**NOTICE OF ASSIGNMENT**

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-304-A  
LENCO DEVELOPMENT CO., INC.  
NE/sides Hilmer Avenue, 380' E Mace Avenue  
Lots 1, 5, 13 Hilmer Avenue  
(Silver Spring Terrace)  
15th Election District  
5th Councilmanic District  
VAR -side yard setback of 8' in lieu of req. 35'  
3/16/89 -Z.C.'s Order that Petition for Variance  
is GRANTED.

Upon receipt of a Motion to Dismiss filed by Counsel for Petitioner, this case has been set in for a **MOTION ONLY HEARING** on June 6, 1989. There will be no testimony or evidence received on June 6 on the merits of the case.

ASSIGNED FOR: **TUESDAY, JUNE 6, 1989 at 9:00 a.m.**

cc: John B. Gontrum, Esquire Counsel for Appellee /Petitioner  
Mr. Michael Zullo Appellee /Petitioner  
Leonard M. Zullo, M.D. Appellee /Petitioner  
Lenco Development Co., Inc.  
Stuart Jay Robinson, Esquire Counsel for Wellington H. Welch, et ux  
Mr. & Mrs. Wellington H. Welch  
Ms. Gertrude Scharmer Appellant /Protestant  
Mr. William F. Bafitis  
Mr. Joseph Scharmer  
Mr. James H. Coleman  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nasterowicz  
James E. Dyer  
Docket Clerk -Zoning  
Arnold Jablon, County Attorney  
Kathleen C. Weidenhammer  
Administrative Secretary

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

April 27, 1989



Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

Dennis F. Rasmussen  
County Executive

RE: Petition for Zoning Variance  
N/E sides Hilmer Avenue, 380' E Mace Avenue, Lots 1, 5, 13  
Hilmer Avenue (Silver Spring Terrace)  
15th Election District, 5th Councilmanic District  
LENCO DEVELOPMENT CO., INC. - Petitioner  
Case No. 89-304-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on April 18, 1989 by James H. Coleman. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,  
*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

JRH:cer

Enclosures

cc: Michael Zullo, 3231 Canterbury Lane, Fallston, Md. 21047  
John B. Gontrum, 809 Eastern Boulevard, Essex, Md. 21221  
William F. Bafitis, 1249 Engleberth Road, Baltimore, Md. 21221  
Wellington H. Welch, 1109 Mace Avenue, Baltimore, Md. 21221  
Joseph Scharmer, 703 Christian Avenue, Baltimore, Md. 21221  
Gertrude Scharmer, 619 Christian Avenue, Baltimore, Md. 21221  
People's Counsel, Rm. 304, County Office Bldg., Towson, Md. 21204  
File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

April 26, 1989



Dennis F. Rasmussen  
County Executive

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
N/E sides Hilmer Avenue, 380' E Mace Avenue, Lots 1, 5, 13  
Hilmer Avenue (Silver Spring Terrace)  
15th Election District, 5th Councilmanic District  
LENCO DEVELOPMENT CO., INC. - Petitioner  
Case No. 89-304-A

Dear Board:

Please be advised that the correct deadline date for filing an appeal in this matter would have been on or about April 17, 1989. However, it has been brought to my attention that the Protestant, James H. Coleman was incorrectly quoted a deadline date as being the date the request envelope is post-marked by the Post Office. As the envelope in which the appeal request was enclosed was post-marked April 17, 1989, we accepted his appeal in error.

If you have any further questions on the subject, please do not hesitate to contact me.

Very truly yours,  
*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:cer

cc: People's Counsel

Case File 89-304-A

69 MAY -3- 11 11 1989  
HENNEGAN

**SPECIAL WETLAND NOTE**

THE LOCATIONS OF EXISTING WETLANDS IN LOT 1 REMOVED FOR HOUSE CONSTRUCTION SHALL BE RECREATED IN BETTER CONDITION & IN A MORE SUITABLE LOCATION WITHIN THE SWM & WQM AREA LOCATED DOWNSTREAM.

**D.R. 5.5**  
RESIDENTIAL USE

EVA B & LAWRENCE P ZIERSKI  
3637/355

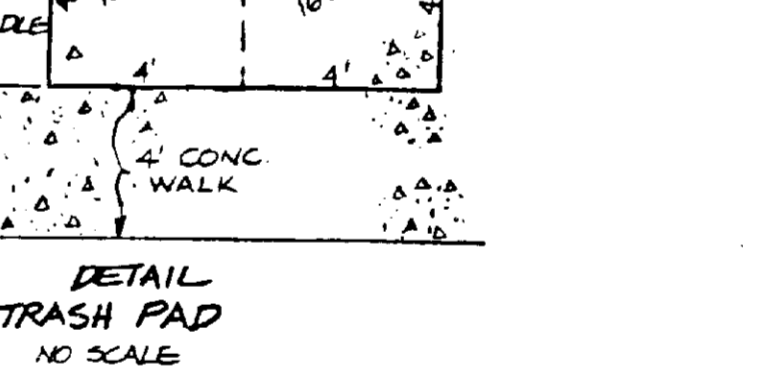
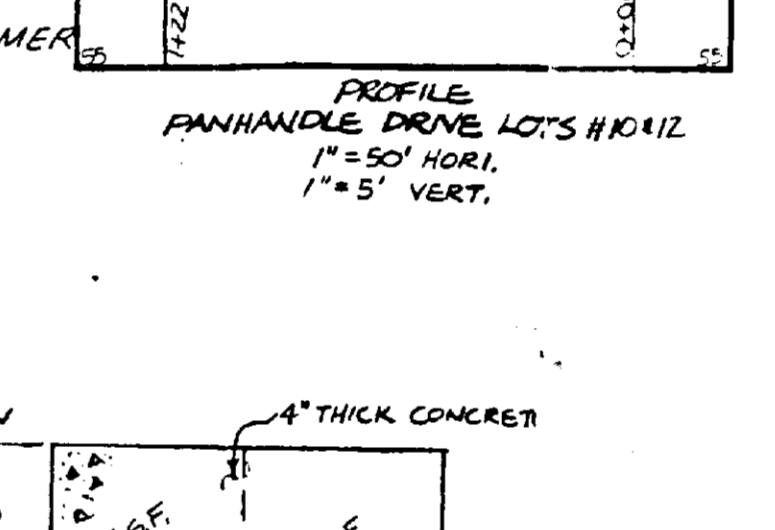
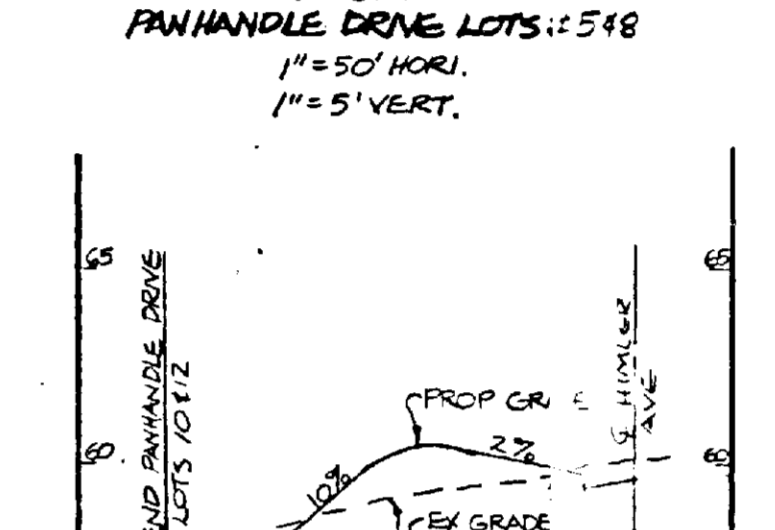
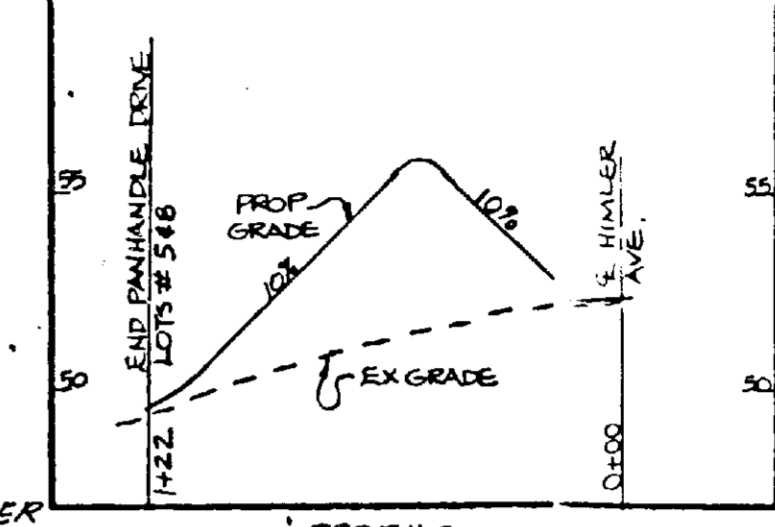
**HYDRIC SOIL NOTE:**

DELINEATION OF HYDRIC SOIL AREA HAS BEEN APPROVED BY IDEP/M. NO CLEARING, GRADING OR CONSTRUCTION WILL BE ALLOWED IN THIS AREA, EXCEPT WHERE MITIGATIVE MEASURES ARE TAKEN.

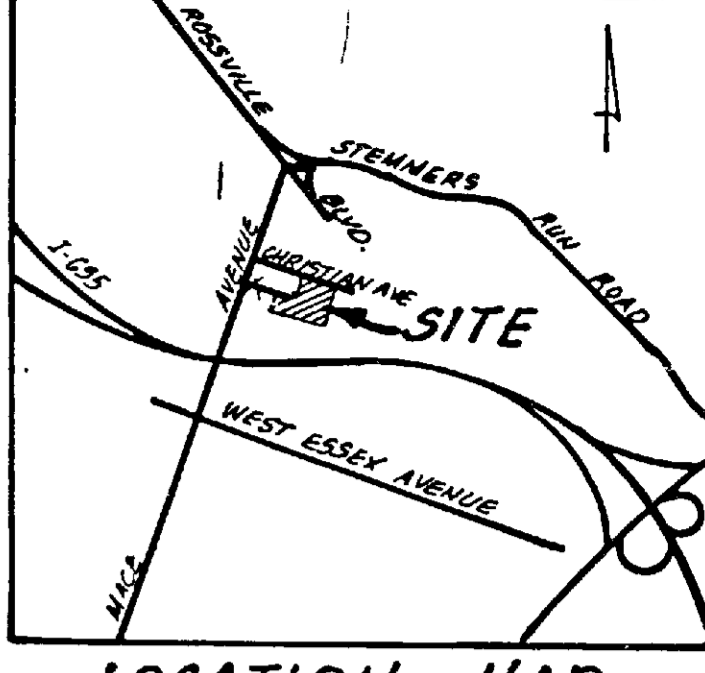
FENCE ALONG WETLANDS SHALL BE INSTALLED PRIOR TO CONSTRUCTION. WETLAND AND EXISTING STREAM SHALL BE SHOWN ON ALL SUBSEQUENT PLATS AND CONSTRUCTION DRAWINGS.

**PROFILE**  
PANHANDLE DRIVE LOT #2

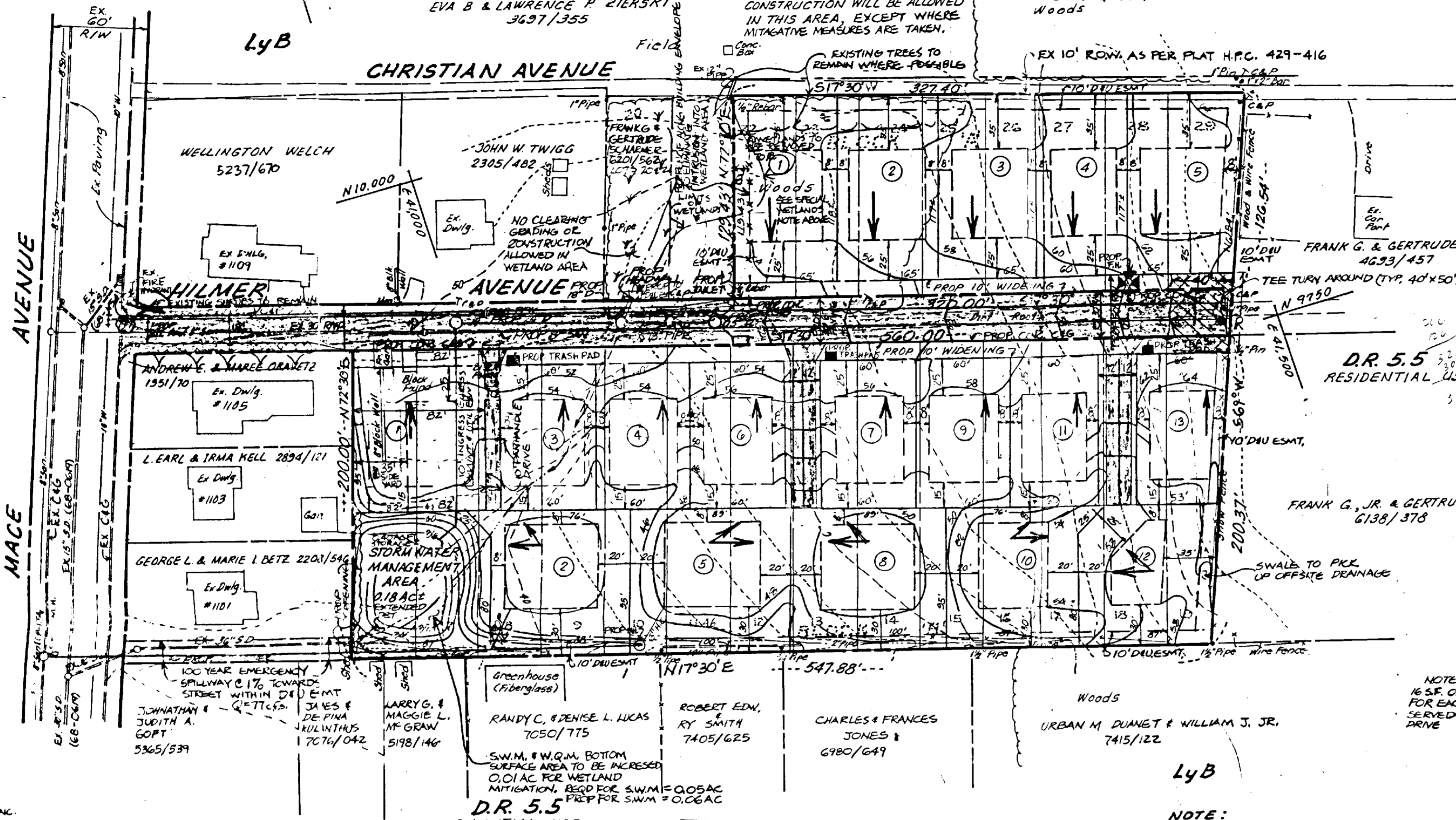
1" = 50' HORI.  
1" = 5' VERT.



**NOTE:**  
THE ENTIRE AREA SHOWN HEREON, IS COMPOSED OF LyB (LOAMY & CLAYEY) SOIL.



**LOCATION MAP**  
1" = 2000'



- GENERAL NOTES:**
- THERE WILL BE TWO (2) PAVED OFF-STREET PARKING SPACES PER LOT.
  - PREVIOUS OWNER HAD NO ADJOINING OWNERSHIP.
  - ONLY DEAD OR DAMAGED TREES AND TREES IN THE WAY OF CONSTRUCTION WILL BE CUT AND REMOVED FROM LOTS.
  - PANHANDLE DRIVEWAYS WILL BE COMPOSED OF 3 INCH BITUMINOUS CONCRETE AND 3 INCH OF CRUSHER RUN STONE AND WILL BE MAINTAINED BY THE HOME OWNER. DRIVEWAYS TO BE A MINIMUM OF 16 FEET WIDE WHEN SHARED BY MORE THAN ONE OWNER.
  - A WAIVER FOR LOCAL OPEN SPACE HAS BEEN APPROVED JUNE 29, 1988. LOCAL OPEN SPACE REQUIRED = 650 SF x 18 LOTS = 0.27 AC. ±.
  - ALL DWELLING UNITS ARE TO BE SOLD.
  - REFER TO PREVIOUSLY RECORDED PLATS: WAC 5/41; ALSO RECORDED LATER IN C.H.K. 13/11.
  - EXISTING WETLANDS TO BE MITIGATED.
  - EXISTING GARAGE TO BE RAZED.

- SITE DATA:**
- OWNER: DANIEL ACKWITH BUILDING AND DEVELOPMENT CO., INC. 1665 MERRITT BOULEVARD BALTIMORE, MARYLAND, 21222 301-282-5333
  - DEED REFERENCE: LIBER 7611 FOLIO 785
  - TAX ACCOUNT NOS: 1600008178 AND 1600000270
  - SITE ACREAGE: GROSS 3.81 AC. ± NET 3.30 AC. ±
  - ELECTION DISTRICT: 15 C 5
  - CENSUS TRACT: 4503
  - WATERSHED: 20
  - SUB SEWER SHED: G
  - EXISTING ZONING: DR 5.5
  - EXISTING USE: VACANT
  - PROPOSED USE: RESIDENTIAL
  - NUMBER OF DWELLINGS ALLOWED: 20.35 (3.81 AC x 5.5)
  - NUMBER OF DWELLINGS PROPOSED: 18
  - AVERAGE DAILY TRIPS: 13 UNITS x 10.4 = 135.2  
3 UNITS x 12.4 = 37.2  
TOTAL = 172.4 ADT'S
  - S.W.M. AREA TO BE LANDSCAPED IN ACCORDANCE WITH THE BALG. CO. LANDSCAPE MANUAL.
  - PARKING REQD: 18 LOTS x 2 PS./LOT = 36 PARKING SPACES. PARKING PROP = 2% PARKING SPACES.

**PETITIONER'S SUBMIT 1**

William N. Baftis, P.E.  
301-301-2336  
#204  
Civil Engineers / Land Planners / Surveyors  
1249 Engleberth Rd. Baltimore, Md. 21221

**PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE**  
FOR RESUBDIVISION OF LOTS 6 THRU 19 AND LOTS 22 THRU 29 OF  
**SILVER SPRING TERRACE**  
PLAT BOOK CHK LIBER 13 FOLIO 17

(REVENUE CRG PLAN RE-A WITH MAPS)

**SCALE**  
1" = 50'

**JOB ORDER NO.**  
1

**DATE**  
5-3-88

WILLIAM N. BAFTIS, P.E. SHEET 1 OF 1

NO.	REVISIONS	DATE
1	REVISIONS	7-5-88

**TYPICAL PAVING SECTION**  
NO SCALE

**D-5 DISTANCES BETWEEN BUILDINGS (FACING ELEVATIONS)**

1.05 AC. x 5.5 = 5.7 UNITS PERMITTED  
5 UNITS PROPOSED

2.71 AC. x 5.5 = 14.9 UNITS PERMITTED

**DENSITY CALCULATIONS**

**NORTH SIDE OF HILMER DRIVE:**  
1.05 AC. x 5.5 = 5.7 UNITS PERMITTED  
5 UNITS PROPOSED

**SOUTH SIDE OF HILMER DRIVE:**  
2.71 AC. x 5.5 = 14.9 UNITS PERMITTED

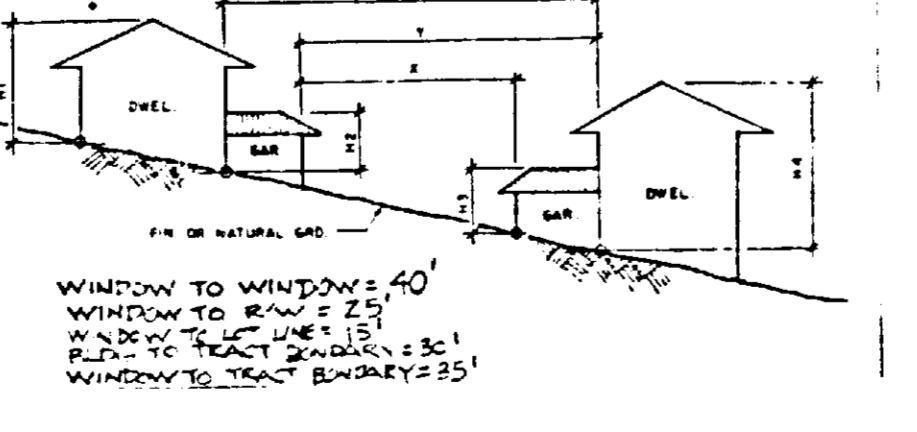
**REFERENCE DRAWINGS**

MACE AVENUE: WATER 310G4  
SEWER 68-1154  
STORM DRAIN 68-0G19  
HILMER AVENUE: SEWER 68-1154

**ZONING NOTE:**

- A VARIANCE FOR AN 8' SIDEYARD SETBACK IN LIEU OF THE REQUIRED 35' FOR LOT NO. 1 AND NO. 5 OF BLOCK 'A' WILL BE APPLIED FOR.
- A VARIANCE FOR AN 8' SIDEYARD SETBACK IN LIEU OF THE REQUIRED 35' FOR LOT NO. 13 OF BLOCK 'B' WILL BE APPLIED FOR.

- BEST MANAGEMENT PRACTICES**
- All areas except that used for buildings, streets and paved parking will be planted with vegetative cover and/or landscaped as soon as possible after final grading and maintained in such condition.
  - Dirt and debris accumulating on private roads and parking lots will be removed according to the following schedule: May through October, concurrent with grass mowing; November through April, monthly.
  - Snow removal will be by mechanical means except in severe snow and ice conditions, when ditching equipment may be used.
  - Application of fertilizers, herbicides and pesticides will not exceed recommendations of the University of Maryland Cooperative Extension Service.
  - Filling will not occur in grassed or lined drainage ditches or swales.
  - Wetlands at headwaters of stream on site must be delineated and labeled with a note indicating no clearing, grading or construction to be allowed in wetlands area. Stream may be piped below proposed Hilmer Avenue. Show stream on site in its entirety on all subsequent plans. These requirements are to be carried through Record Plat.



H	Minimum Horizontal Distance to Vertical Projection of Floor or Building Part Normally Assembled
20 feet or less	16 feet
More than 20 feet but not more than 25 feet	25 feet
25 - 30 feet	30 feet
30 - 40 feet	40 feet
40 - 50 feet	50 feet

**SOILS LIMITATION CHART**

SyA	SERIES	WITH BASEMENT	WITHOUT BASEMENT	STREETS & PARKING	TYPE
LyB	LOAMY & CLAYEY	SEVERE: SUBSOIL SHRINKAGE AND INSTABILITY.	SEVERE: SUBSOIL SHRINKAGE AND INSTABILITY.	SEVERE: SUBSOIL SHRINKAGE AND INSTABILITY.	D'



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Wirth / SWM  
Mr. Powell / EIRD  
Mr. Pilson / W&S  
Mr. Flowers / CBCA  
Mr. Fisher / Planning  
Mr. Richards / Zoning  
Mr. Bowling / DED (2)  
Mr. Famili / Traffic  
Mr. Weiss / Sanitation  
Mr. Beaumont / Land Acq.  
Ms. Lutz / House Nos.  
Capt. Kelly / Fire Dept.  
Mr. Kincer / Rec. & Parks  
Mr. Brocato / SHA  
Mr. Butcher / C&P  
Mr. Keller / OPZ Deputy Director (FYI)

DATE: June 18, 1991

FROM: Susan Wimbly  
Bureau of Public Services

SUBJECT: District: 15C5  
Project Name: Silver Spring Terrace  
Project No. : 87322  
Engineer : Bafitis  
Phone No.: 391-2336

*Hilmer Ave  
E. Marc*

*To: John L.  
6/18/91 ucr*

ACTION REQUESTED:

- CRG Plan Review (Meeting Waived) :
- CRG Plan Refinement Review :
- CRG Non-Material Amendment Review :
- CRG Plan Approval Extension Review:xx
- Panhandle Minor CRG Plan Review :
- Minor Subdivision Review :

Pre-Approved Building Permits:

Please provide separate comments for Building Permits.  
NOTE: Please detail any comments where permit cannot be approved, but subdivision approval is acceptable.

Please review the attached plan for compliance with current regulations and return comments to our office by 7-9-91. If you have no comments or do not need to review this plan, please indicate by placing your initials here \_\_\_\_\_.

Thank you for your attention to our request.

SDW:sdw  
cc: File

SILVER SPRING TERRACE

#XV-462

Old #87322

CRG Extension  
Plan Date: 7/5/88  
Comments For: 7/9/91  
Comments Date: 6/25/91  
Comments Completed: 6/26/91

Update the plan. Provide a zoning history by case number on the plan including the date of the last Order, what was requested, granted or denied and listing and indicating compliance with any restrictions including, but not necessarily limited to, case number 89-304-A.

Tract boundary notes and bounds must be shown for the entire tract.

Any requests for further information from the Zoning Office must include a reference to the CRG Plan Approval Extension Review and written correspondence or revised plans must be accompanied by a copy of these comments.

*JLL*  
JOHN L. LEWIS  
PLANNER II

JLL:scj

cc: Current Planning  
Zoning File - #89-304-A  
Waiver File