IN RE: PETITION FOR VARIANCE	*	BEFORE THE
NW/S Merry Hill Court 761' N of Anton North Way E of Park Heights Avenue (22 Merry Hill Court	* * *	ZONING COMMISSIONER
3rd Election District 3rd Councilmanic District	*	OF
Steven and Michelle Blum,	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 95-147-A

* * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance. The Petitioners herein, Steven and Michelle Blum (the "Petitioners"), request approval (1) for a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations ("BCZR") to allow a 40-foot lot line setback for Lot No. 22 of the Anton North subdivision in lieu of the required 50-foot setback, and (2) for an amendment to the First-Amended Final Development Plan for Section Two of Anton North with respect to the building envelope for Lot No. 22, pursuant to Section 1B01.3.A.7(b) BCZR, all as more particularly shown on the Plat to Accompany the Petition for Variance submitted as Petitioners' Exhibit 1.

Appearing at the public hearing were Steven Blum, the legal owner and Petitioner herein (together with his wife, Michelle) and Steve Greenberg, the contract purchaser (together with his wife, Ivy). Appearing on behalf of the Petitioners were Jay Brown, the architect for the proposed house to be built on Lot No. 22, and Scott Shanaberger, with Shanaberger & Lane, the

engineering firm which prepared the plat identified as Petitioners' Exhibit 1. The Petitioners were represented by G. Paige Wingert, Esquire and Robert A. Hoffman, Esquire. There were no protestants present.

As there were no protestants in attendance, Mr. Wingert proffered testimony on behalf of those present at the hearing. This testimony indicated that the Anton North subdivision is located just east of Park Heights Avenue approximately two-thirds of a mile north of the Beltway in the Greenspring Valley. Anton North is a high-quality neighborhood featuring large homes (homes are required to be at least 4,000 sq. ft. in area) on lots ranging on average from 1.5 to 3 acres in size. See Photographs submitted as Petitioners' Exhibits 2(a)-(f). The subject property, Lot No. 22, is zoned RC-5 and comprises approximately 1.6 acres. It is important to note that the property line that is the subject of this variance request does not adjoin another lot, but rather adjoins the stormwater management basin for the subdivision. See Exhibits 2(a)-(f).

By way of testimony proffered on behalf of Mr. Blum, Mr. Wingert explained that the requested setback variance was necessary to provide a slightly larger building envelope to accommodate the dwelling to be constructed on Lot No. 22. As illustrated on the Plat to Accompany the Variance Petition, Mr. Wingert explained that due to the topography of the subject lot and the location of the stormwater management system, the building envelope is of an unusual "triangular" dimension. As a

result of this unusual shape, the Petitioners are faced with a practical difficulty in complying with the required setback distance because it would preclude the building of a house of comparable size with those already existing in the neighborhood. In addition, Mr. Wingert stated that the Petitioners would have to bear an unreasonable hardship if forced to comply with the 50 ft. setback, given the fact that the property line that is the subject of the variance does not adjoin any of the residential lots, but instead merely adjoins the stormwater management facility. Thus, the impact of the variance, if any, is minimal.

In addition to this testimony, the Petitioners also submitted into evidence as Exhibit No. 3, a letter from Robert E. Frankel, President of the Anton North Association, dated November 16, 1994, stating the Association's support of the zoning relief requested herein. The Anton North Association is a community association representing over 30 families living in the Anton North subdivision.

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 Petitioners must meet the following:

> (1) Whether strict compliance with the requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
>
> (2) Whether the grant would do substantial injustice to the 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. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

I find it clear from the testimony that if the setback variance is granted, it will not be contrary to the spirit of the Zoning Regulations and will not result in any injury to the public good. After due consideration of the testimony and evidence presented, it is clear that practical difficultly and unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject site (I.e. the subdivision's square footage requirement, the topography of the subject site and the shape of the building envelope), and that the requirement from which the Petitioners seek relief will unduly restrict the use of the land due to these special conditions. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. I further find that the granting of the Petitioners' request is in strict harmony with the spirit and intent of the Zoning Regulations.

Turning to the second half of the Petitioners' request, amendments to Final Development Plans are governed by Section 1B01.3.A.7 of the B.C.Z.R. This section provides that "plans may be amended [only] through [the] special exception procedures

[contained] in Section 502" and only if "the amendment would be consistent with the spirit and intent of the original plan and of this article." Accordingly, Mr. Wingert next proffered testimony as to the requirements of Section 502.1 of the B.C.Z.R. establishing that the requested amendment to the Final Development Plan would comply with those provisions and that it would not be inconsistent with the spirit and intent of the original plan. Based upon this testimony, I find that the proposed revision to the building envelope for Lot No. 22 is appropriate and that the First-Amended Final Development Plan should be amended accordingly.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____ day of November, 1994, that the Petition for Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations ("BCZR") to allow a 40-foot lot line setback for Lot No. 22 of the Anton North subdivision in lieu of the required 50-foot setback; and to approve an amendment, pursuant to Section 1B01.3.A.7(b) BCZR, to the First-Amended Final Development Plan for Section Two of Anton North with respect to the building envelope for Lot No. 22, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

(1) The Petitioners may apply for their building permit and be granted same upon receipt of this order; however,

Petitioners are hereby made aware that proceeding at such time is at their own risk until such time as the 30-day appellate process from this order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 10/21/94
By M. Forrest

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 21, 1994

G. Paige Wingert, Esquire
Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

RE: Case No. 95-147-A
Petition for Zoning Variance
Steven and Michelle Blum, Petitioners
Property: Lot 22, Anton North Subdivision, Sec. II

Gentlemen:

Enclosed please find the decision rendered in 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 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
cc: Mr. and Mrs. Steven Blum

145

Petition for Variance

95-147-A

to the Zoning Commissioner of Baltimore County

for the property located at Anton North subdivision, Section 2, Lot 22

which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s) 1A04.3.B.3 BCZR to allow a 40 ft. lot line setback for Lot No. 22 in lieu of the required 50 ft. setback; and an amendment to the 1st amended Final Development Plan for Anton North to revise the building envelope for Lot No. 22 consistent with this variance request.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) (to be determined at hearing)

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.

Contract Purchaser/Lessee:

Steve Greenberg
(Type or Print Name)

Ivy Greenberg
Signature

5 Jenny Lane
Address

Baltimore, MD 21208
City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman
(Type or Print Name)

Signature

Venable, Baetjer and Howard
210 Allegheny Ave. 494-6262
Address Phone No.

Towson MD 21204
City State Zipcode

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

Legal Owner(s):

Steven Blum
(Type or Print Name)

Signature

Michelle Blum
(Type or Print Name)

Signature

27 Evan Way 484-6566
Address Phone No.

Baltimore MD 21208
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Name

210 Allegheny Ave.
Towson MD 21204 494-6262
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

DROP-OFF
NO REVIEW
10/12/94
WCR

Zoning Administration & Development Management

145

SHANABERGER & LANE

Surveying • Land Planning • Construction Stakeout

95-147-A

ZONING DESCRIPTION FOR # 22 MERRY HILL COURT

Beginning at a point on the west side of Merry Hill Court which is 50 feet wide at the distance of 761.51' north of the extension of the centerline of Anton North Way which is 50 feet wide. Being Lot #22, Section 2 in the subdivision of Anton North as recorded in Baltimore County Plat Book #58, Folio #27, containing 67,949 S.F. or 1.5599 Ac. Also known as #22 Merry Hill Court and located in the 3rd Election District, 3rd Councilmanic District.

STATE OF MARYLAND
GREGORY SCOTT SHANABERGER
REGISTERED
NO. 10849
PROFESSIONAL LAND SURVEYOR

6/14/94

MICROFILMED

8726 Town and Country Boulevard • Suite 104 • Ellicott City, Maryland 21043 • (410) 461-9563

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 95-147-A

Towson, Maryland

District 3rd Date of Posting 10/30/94

Posted for: Variance

Petitioner: Anton North Sub division, Sect. 2 - Lot #22

Location of property: 22 Merry Hill Ct, N w/s

Location of Signs: Facing roadway on property being zoned.

Remarks: No Pd Issued

Posted by [signature] Date of return: 11/4/94

Signature

Number of Signs: 1

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-147-A
(Item 145)
22 Merry Hill Court
Anton North Subdivision,
Section 2, Lot 22
NW/S Merry Hill Court,
761' N of Anton North Way,
E of Park Heights Avenue
3rd Election District
3rd Councilmanic
Petitioner(s):
Steven and Michele Blum
Contract Purchaser:
Steve and Ivy Greenberg
Hearing: Thursday,
November 17, 1994 at
9:00 a.m. in Rm. 118, Old
Courthouse.

Variance to allow a 40-foot lot line setback for lot #22 in lieu of the required 50-foot setback; and an amendment to the [illegible] Development Plan [illegible] to revise the building envelope for lot #22 in accordance with this variance request.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1)Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2)For information concerning the File and/or Hearing; Please Call 887-3391.
10/311 Oct. 27.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 28, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct. 27, 1994.

THE JEFFERSONIAN,

G. Henderson

LEGAL AD. - TOWSON

Publisher

MICROFILMED

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-147-A

Account: R-001-6150

Number

Date 10/24/94

145 (WCR)

#040 - SPECIAL HEARING (To Amend FDP) ---------- $50.00

Steven & Michelle Blum (Legal Owner)
Steven & Ivy Greenberg (Contract Purchaser)
Anton North Subdivision (Section 2, Lot 22)
3rd Election District

Check from:
Venable, Baetjer & Howard

MICHRCHRD

03A03#0001MICHRC $50.00
BA C008:58AM10-25-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-147-A

Account: R-001-6150

Number 145 (WCR)

DROP-OFF — NO REVIEW

Date 10/18/94

#010 - VARIANCE ---------- $50.00
#080 - SIGN POSTING ---------- 35.00

TOTAL ---------- $85.00

Legal Owner: Steven Blum & Michelle Blum
Contract Purchaser: Steve Greenberg & Ivy Greenberg
Anton North Subdivision, Section 2, Lot 22 (#22 Merry Hill Court)
Zoning: D.C.-5
Acres: 1.5599 acres
District: 3c3
Attorney: Robert Hoffman

MICROFILMED

Check from Steven & Michelle Blum

01A01#0077MICHRC $85.00
BA CO11:33AM10-18-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 145

Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Ms. Barbara White-Ormord

ADDRESS: 210 Allegheny Ave.
Towson, MD 21204

PHONE NUMBER: 494-6201

AJ:ggs

MICROFILMED

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
October 27, 1994 Issue - Jeffersonian

Please foward billing to:

Ms. Barbara White-Ormord
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204
494-6201

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-147-A (Item 145)
22 Merry Hill Court
Anton North Subdivision, Section 2, Lot 22
NW/S Merry Hill Court, 761' N of Anton North Way, E of Park Heights Avenue
3rd Election District - 3rd Councilmanic
HEARING: THURSDAY, NOVEMBER 17, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to allow a 40-foot lot line setback for lot #22 in lieu of the required 50-foot setback; and an amendment to the 1st amended Final Development Plan for Anton North to revise the building envelope for lot #22 consistent with this variance request.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 21, 1994

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-147-A (Item 145)
22 Merry Hill Court
Anton North Subdivision, Section 2, Lot 22
NW/S Merry Hill Court, 761' N of Anton North Way, E of Park Heights Avenue
3rd Election District - 3rd Councilmanic
HEARING: THURSDAY, NOVEMBER 17, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to allow a 40-foot lot line setback for lot #22 in lieu of the required 50-foot setback; and an amendment to the 1st amended Final Development Plan for Anton North to revise the building envelope for lot #22 consistent with this variance request.

Arnold Jablon
Director

cc: Steven and Michelle Blum
Steve Greenberg
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Venable, Baetjer and Howard
210 Allegheny Ave.
Towson, Maryland 21204

NOV. 3 1994

RE: Case No. 95-147A, Item No. 145
Petitioner: Steven & Michelle Blum

Dear Mr. Robert A. Hoffman:

The Zoning Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on October 12, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following is related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office:

1. The director of the Office of Zoning Administration and Development Management has instituted a system whereby zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions' filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.

3. Those individuals who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Joyce Watson in the zoning office at 887-3391 or the commenting agency.

Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jnw
Enclosure(s)

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: October 31, 1994

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for October 31, 1994
Items 138, 140, 141, 142 and 145

The Developers Engineering Section has reviewed the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 20, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 138, 141, 142, 145.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kerns

PK/JL

MICROFILMED

NOCOMTS/PZONE/ZAC1

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/26/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF 10/24/94

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 138, 140, 141, 142 AND 145.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

10-21-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: #145 (WCR)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE 22 Merry Hill Court (Anton North Subdivision, Section 2, Lot 22), NW/S Merry Hill Court, 761' N of Anton North Way, E of Park Heights Ave. 3rd Election Dist., 3rd Councilmanic Steven and Michelle Blum Petitioners	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 95-147-A

* * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of November, 1994, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, P. O. Box 5517, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 24, 1994

Robert A. Hoffman, Esquire
Venable, Baetjer, and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #145)
Legal Owner: Steven & Michelle Blum
Contract Purchaser: Steve & Ivy Greenberg
Anton North Subdivision (Section 2, Lot 22)
3rd Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has not revealed any unaddressed zoning issues and/or incomplete information; however, it has been noted that there is an additional fee due for this petition. The attorney/petitioner did not pay the fee of $50.00 due to amend the Final Development Plan. This fee should be paid as soon as possible to avoid any delay in the hearing process.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Mitchell J. Kellman
Planner II

MJK:scj

Enclosure (receipt)

cc: Zoning Commissioner

5021-94
10/12/94
145

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

BALTIMORE, MD
WASHINGTON, D. C.
McLEAN, VA
ROCKVILLE, MD

RICHARD M. VENABLE (1839-1910)
EDWIN G. BAETJER (1868-1945)
CHARLES McH. HOWARD (1870-1942)

WRITER'S DIRECT NUMBER IS
(410) 494-6203

October 12, 1994

W. Carl Richards, Zoning Supervisor
Baltimore County Office of Zoning
Administration and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Michelle & Steven Blum - Anton North Subdivision
22 Merry Hill Court (Lot No. 22, Anton North)
Request for Variance

Dear Mr. Richards:

We are representing the Mr. and Mrs. Steven Blum, owners of the above-referenced property, with regard to their variance request attached hereto and containing the following:

(1) Variance Petitions (3);
(2) Zoning Descriptions (3);
(3) 200' Scale Zoning Map for the subject site (1);
(4) Plats to Accompany Petition for Zoning Variance (12);
(5) 2nd Amended Final Development Plan (1); and,
(6) a check in the amount of $85.00 to cover the requisite filing and posting fee.

We believe all the documents necessary to file this petition are attached. We would appreciate, however, if you or Sophie could give us a call as soon as possible to confirm that the package is complete and to provide us with the assigned item number. Of course, should anything be missing, please do not hesitate to give us a call.

Yours truly,

G. Page Wingert

G. Page Wingert

GPW/dok
enclosures

cc: Mr. and Mrs. Steven Blum
Robert A. Hoffman, Esq.

VENABLE, BAETJER AND HOWARD
A partnership including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Direct Dial No.
(410) 494-6203

November 17, 1994

Lawrence E. Schmidt,
Zoning Commissioner
First Floor, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Legal Owners: Steven and Michelle Blum
Zoning Case No. 95-147-A
Lot 22, Anton North Subdivision, Section II
Request for Variance and Amendment to First Amended FDP

Dear Mr. Schmidt:

Enclosed please find a copy of the draft Order which I have prepared with regard to the above-referenced case.

Please call if you have any questions.

Sincerely,

G. Paige Wingert

G. Paige Wingert

GPW/dok
enclosure

cc: Robert A. Hoffman, Esq.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
STEVEN GREENBERG	5 JENNY LN. 21208
Steven Blum	27 Evan Way 21208
JAY BROWN	15 GREENSPRING VALLEY RD. 21117
Scott Shanaberger	8726 Tamar Country Blvd., Ellicott City, 21043

ANTON NORTH ASSOCIATION

November 16, 1994

Lawrence E. Schmidt,
Zoning Comissioner
First Floor, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Legal Onwers: Steven and Michelle Blum
Lot 22, Anton North Subdivision, Section II
Request for Variance and Amendment to First Amended FDP

Dear Mr. Schmidt:

I am the president of the Anton North Association, a community association representing the Anton North residential community which is located just east of Park Heights Avenue approximately twothirds of a mile north of the Beltway in the heart of the Greenspring Valley. Our Association represents over 30 families who are all interested in preserving the quality of life and the character of our neighborhood.

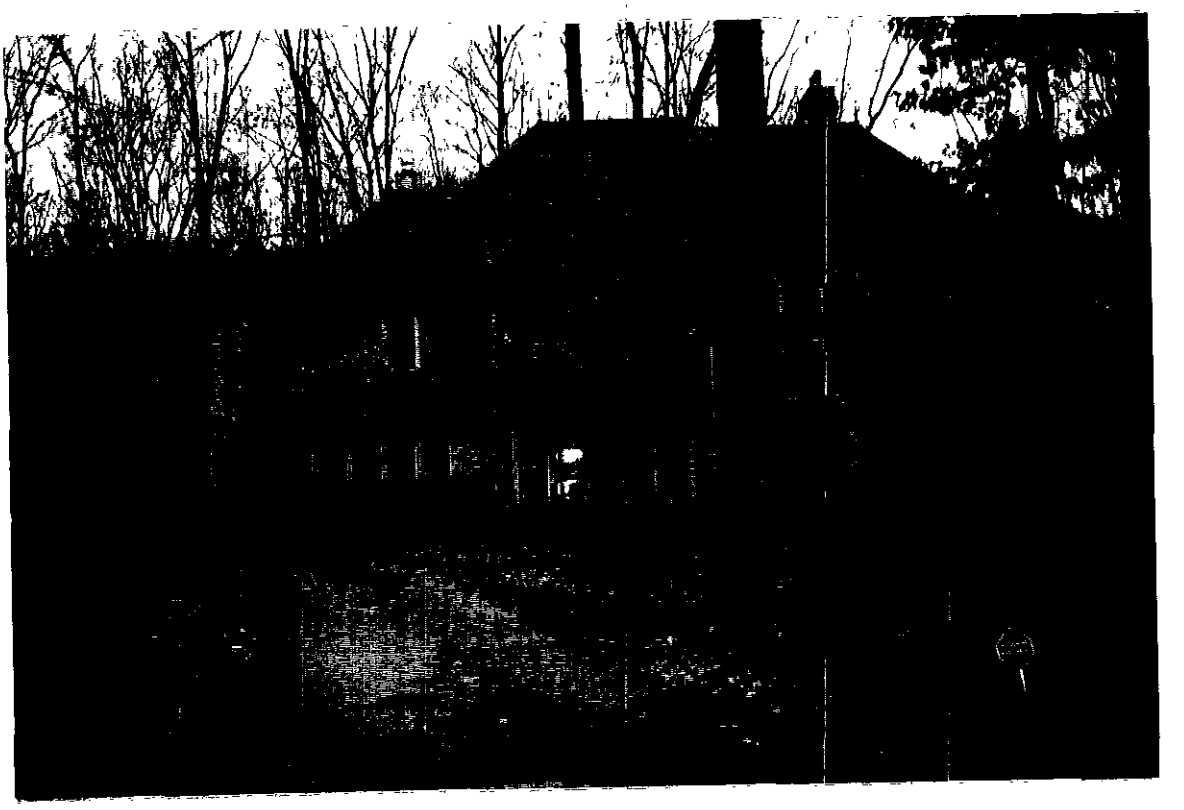
Our Association's Building Committee has discussed the Blums' proposed setback variance and PDP amendment. We believe the requested zoning relief will not have an adverse impact on the neighborhood, but rather will enhance the compatibility of the home to be built on Lot 22 with those homes already in existence.

Accordingly, the Anton North Association strongly supports the relief requested in this case, and we would respectfully request that you take our recommendation into account when making your decision.

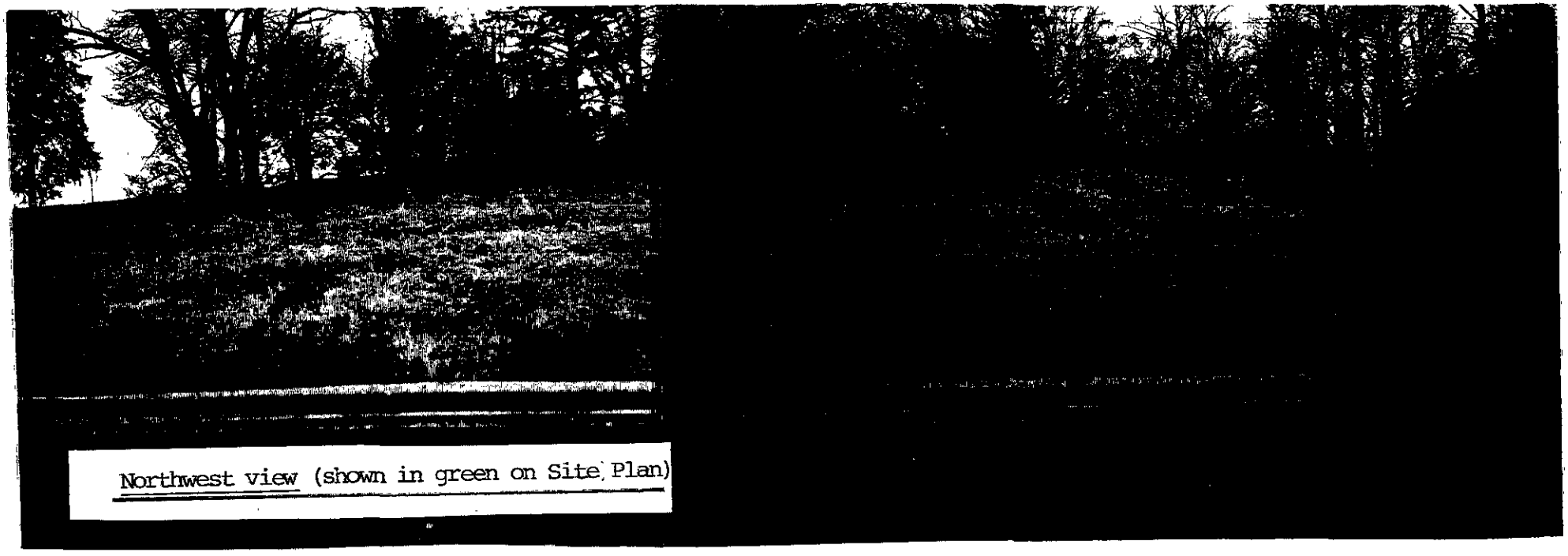
Sincerely,

Robert E. Frankel
President

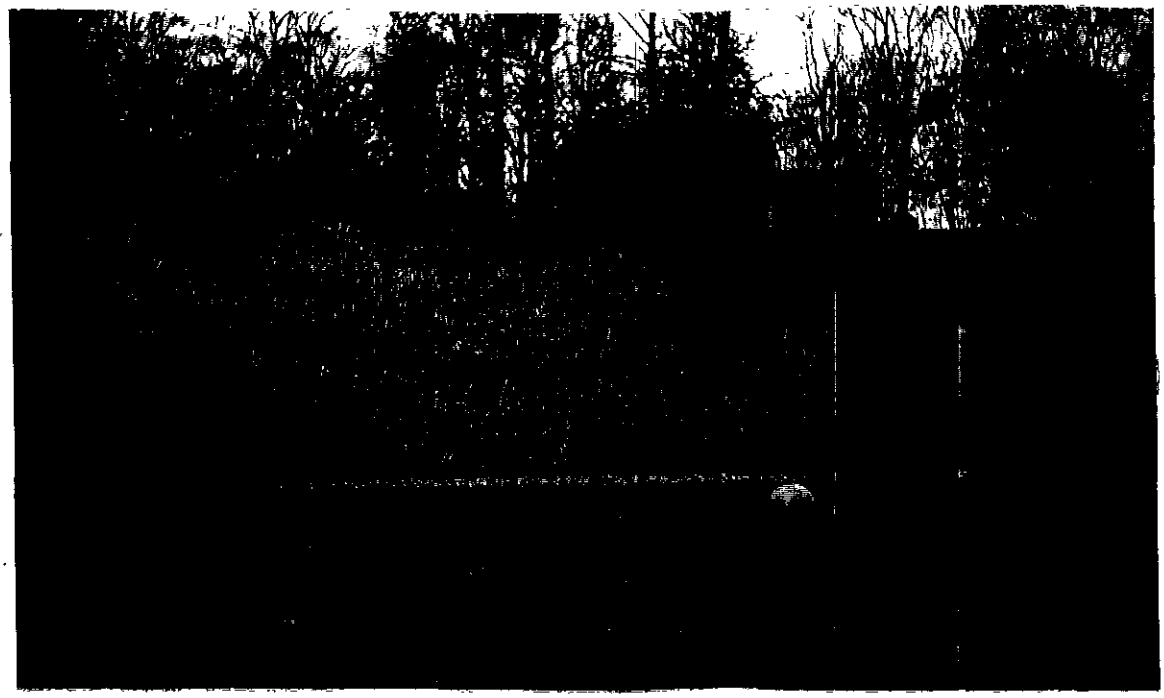
Pet No3

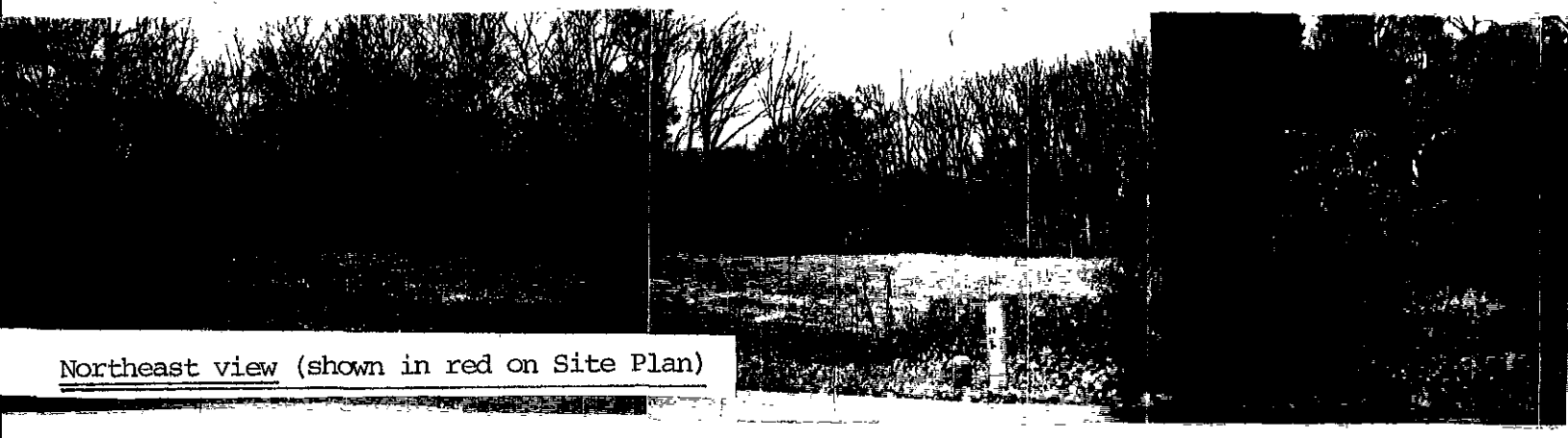


Southwest view (shown in blue on Site Plan)

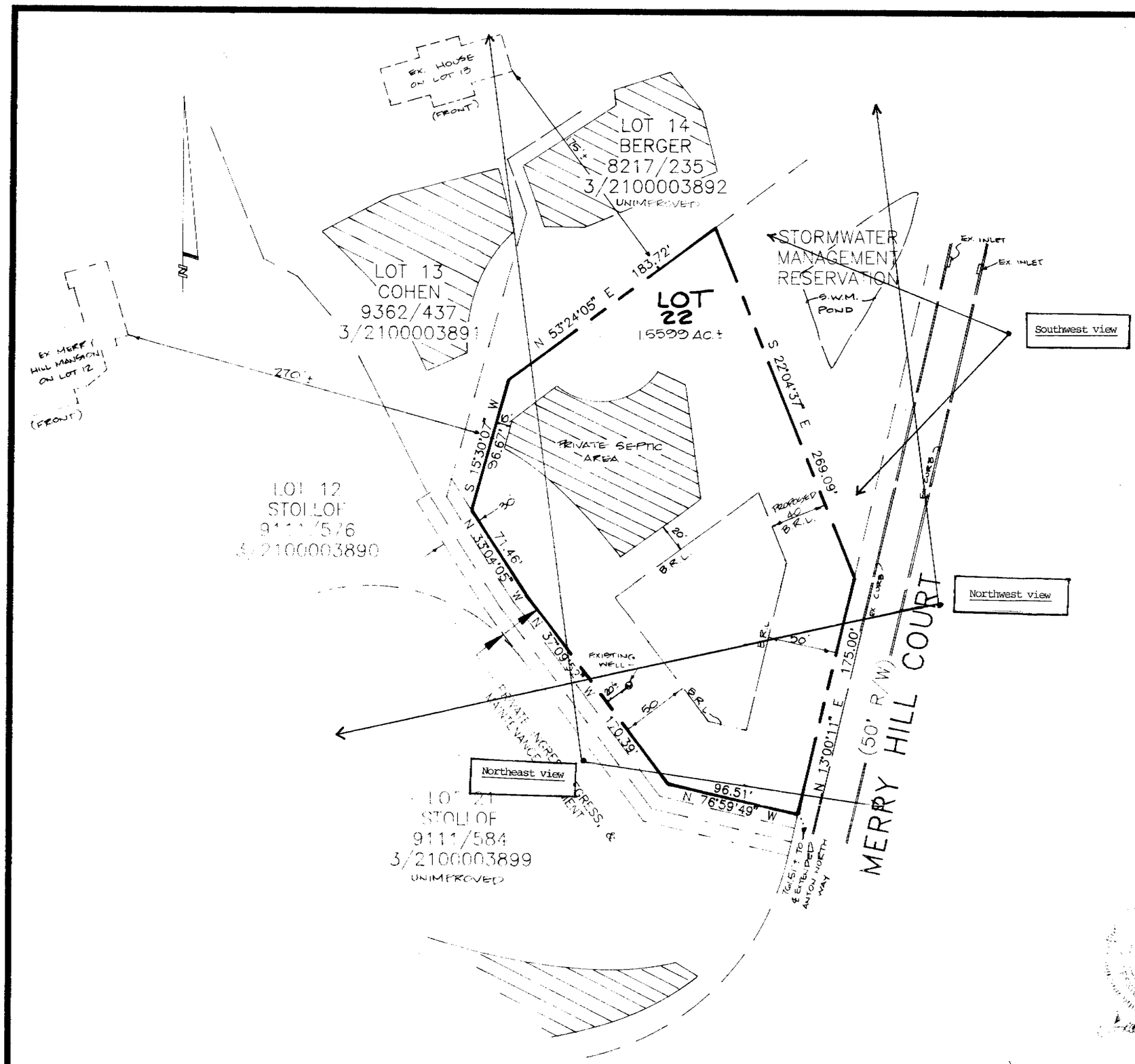


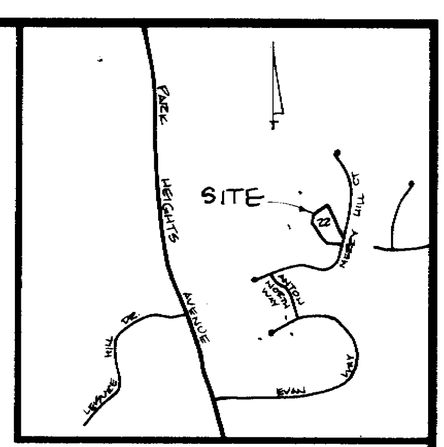
Northwest view (shown in green on Site Plan)





Northeast view (shown in red on Site Plan)





VICINITY MAP
SCALE: 1"=1000'

LOCATION INFORMATION

COUNCILMANIC DISTRICT: 3

ELECTION DISTRICT: 3

1"=200" SCALE MAP # N.W. 10F

ZONING: R.C. 5

LOT SIZE: 1.5599 ± (ACREAGE) 67949 (SQUARE FEET)

	PUBLIC	PRIVATE
SEWER:	☐	☒
WATER:	☐	☒

CHESAPEAKE BAY CRITICAL AREA: YES ☐ NO ☒

PRIOR ZONING HEARINGS: NONE

PROPERTY IS NOT IN A FLOODPLAIN.

OWNERS:
STEVEN BLUM & MICHELLE BLUM
27 EVAN WAY
BALTIMORE, MD 21208

SHANABERGER & LANE
8726 TOWN & COUNTRY BLVD.
SUITE 104
ELLICOTT CITY, MD. 21043
(410) 461-9563

PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCE

ANTON NORTH
SECTION 2, LOT 22

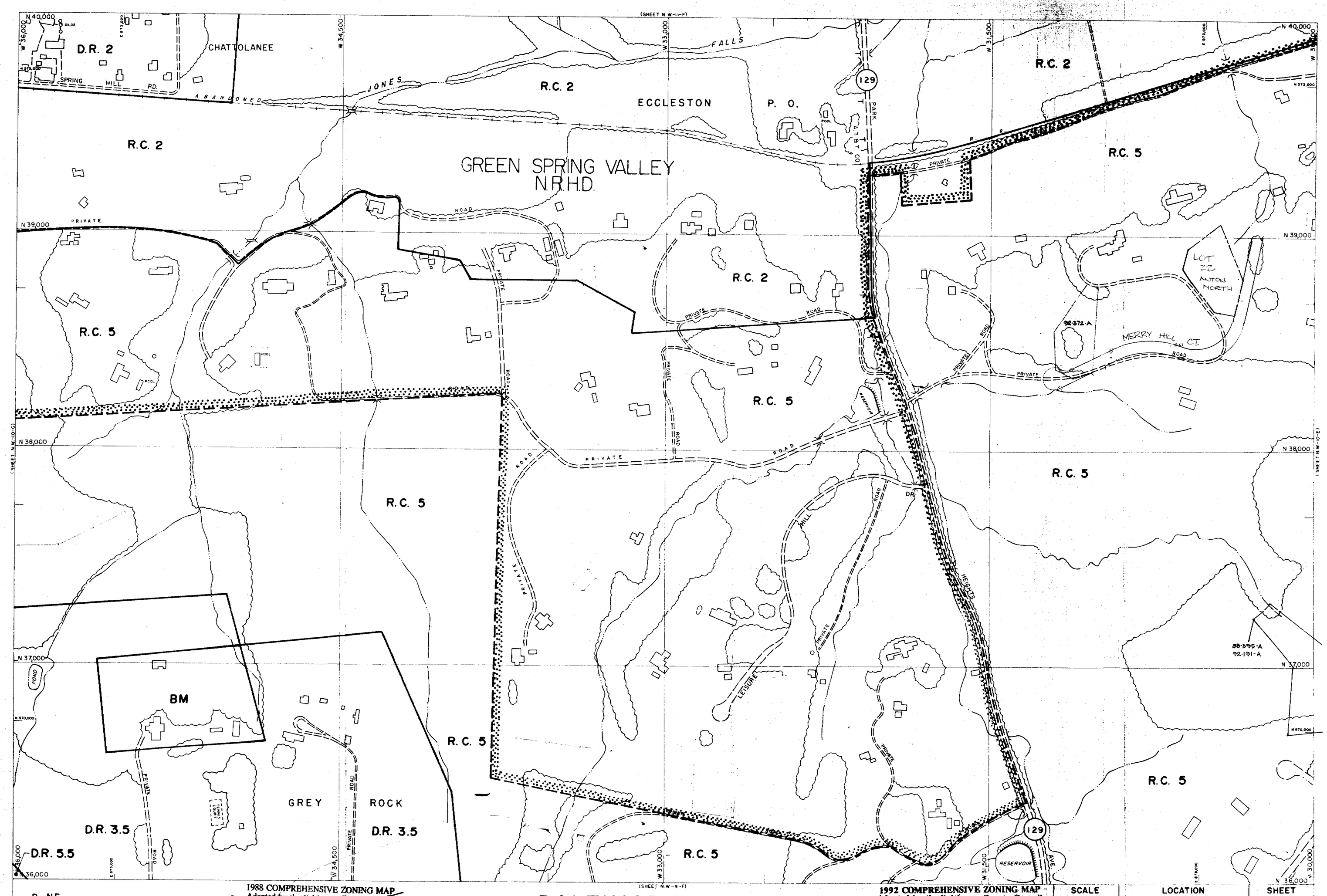
#22 MERRY HILL COURT

PLAT BOOK# 58, FOLIO# 27
SCALE: 1"=50'
DATE : OCTOBER 7, 1994
PREPARED BY: J.A.L.

MICROFILMED

ZONING OFFICE USE ONLY		
REVIEWED BY:	ITEM #	CASE #

Pet No 1



P - NE

T - SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 17, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 153-92, 154-92, 155-92, 156-92, 157-92, 158-92, 159-92
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'±	GREY ROCK	N. W.
DATE OF PHOTOGRAPHY JANUARY 1986	ECCLESTON P.O	10-F

145

95-147-A

MITIGATIVE MEASURES

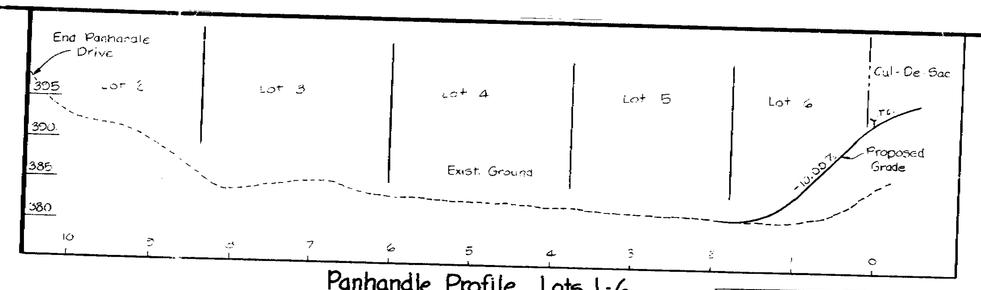
DEVELOPMENT IN STEEP SLOPE AREAS

Measures to prevent soil erosion or sloughing both during and following construction:

1. Maryland Department of Natural Resources and Baltimore County Soil Conservation District standards shall be adhered to in compliance with detailed grading and sediment control plans to be approved by the Baltimore County Soil Conservation District.
2. Sediment shall be contained at the edge of the disturbed area abutting the steep slopes by a double-staked silt fence.
3. Pending construction of dwellings, all disturbed areas adjacent to the steep slopes shall be seeded and mulched to produce a quick growing groundcover during the growing season, or mulched and tacked if not during the growing season, in accordance with Baltimore County Soil Conservation District specifications.
4. Grading and development adjacent to the steep slopes shall be done so as to sheet and not concentrate runoff flows. Splash blocks shall be provided at all gutter downspouts so as to begin sheeting close to the houses and to avoid concentrated flows at and onto the steep slopes.
5. All steep-sloped areas not disturbed will be maintained in present forested, vegetative cover.

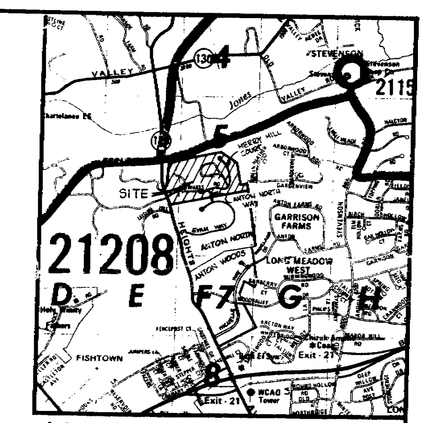
Restrictive measures to be imposed by developer.

1. The front or rear yards of houses located in the existing steep-sloped areas shall be restricted by binding covenants and the final development plan as follows:
   A. Dwellings permitting walkout to the surface at the lowest level shall be limited to a patio area not to exceed 15 feet from the building face. Such patio shall be constructed only with a semi-pervious surface in the nature of brick or decorative block set on a pervious base. The balance of the yard shall be limited to vegetative cover.
   B. Dwellings permitting only a walkout deck at the lowest level shall be limited to a deck not to exceed 15 feet from the building face. Such deck shall be constructed of redwood or treated lumber permitting water to drain through. The rear yard shall be limited to a stone or gravel area beneath the deck, and vegetative cover.
   C. Impervious additions to A or B above shall be prohibited.
   D. Above grade swimming pools, storage lockers or other impervious or unsightly accessory structures shall be prohibited.
   E. It is the intent of the developer to install all rear yard improvements as a component of original construction and as an element of its architectural scheme. These shall be restricted to prevent additions or alterations to the facade of the houses with particular emphasis on forbidding porches, decks, canopies and/or permanent roofing over the patios and decks. These restrictions shall apply to all upper levels as well as the lowest level. The developer reserves the right to include upper level open area appurtenant to the building as part of the oringinal architecture which may not be changed by future owners or occupants.
2. Storm drain outfalls discharging into wetlands shall be designed as follows:
   A. Minimize disturbance of the hydric soils and their vegetative cover by locating the outfall as close to the limit of grading as possible.
   B. Storm drain outfalls shall not discharge onto steep slopes. Where steep slopes abut wetlands, the outfall should be located as close to the toe of the steep slopes as possible to minimize wetland disturbance.
3. Road development on steep slopes shall be as follows:
   A. Where roadway embankments impact steep slopes, concentrated water shall be collected and discharged at the toe of the embankment.
   B. Disturbance to existing vegetation and the steep slopes shall be minimized as much as possible.



Panhandle Profile Lots 1-6

SOIL TYPE	AREA	SEWERAGE DISPOSAL FILTER FIELD	HOMESITES WITH BASEMENTS	STREETS & AND PARKING LOTS
Bw C2 Brandywine	1.5 Ac.	Moderate: Slope	Moderate: Slope	Severe: Slope
By D2 Brandywine	5.5 Ac.	Severe: Slope	Severe: Slope	Severe: Slope
By E Brandywine	1.8 Ac.	Severe: Slope	Severe: Slope	Severe: Slope
Gc B2 Chester	2.3 Ac.	Slight	Slight	Moderate: Slope
Gc B2 Glenelg	3.3 Ac.	Slight Slope	Slight 7-25 Loam, Silt	Moderate:
Gc C2 Glenelg	2.0 Ac.	Moderate: Slope	Moderate: Slope	Severe: Slope
(3) Gc D2 Glenelg	18.3 Ac.	Severe: Slope	Severe: Slope	Severe: Slope
Gn B Glenville	4.2 Ac.	Severe: High Water Table Moderately Slow Permeability	Severe: High Water Table	Severe: High Water Table
Ld Lindside	.8 Ac.	Severe: Moderately High Water Table; Moderate to Moderately Slow Permeability; Flooding Hazard	Severe: Flooding Hazard	Severe: Flooding Hazard
Md D2 Manor	1.8 Ac.	Severe: Slope	Severe: Slope	Severe: Slope
Mc B2 Manor Channery	9.8 Ac.	Slight	Slight	Moderate: Slope
Md E	12.5 Ac.	Severe: Slope	Severe: Slope	Severe: Slope



VICINITY MAP Scale: 1" 2000

GENERAL NOTES

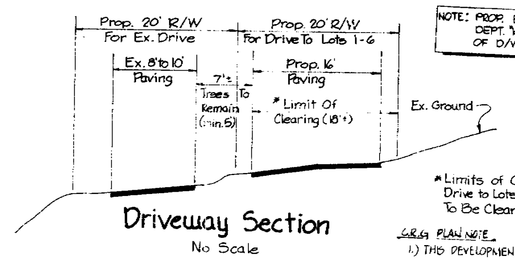
1. Applicant: BENJAMIN BLUM
   17 WARREN ROAD
   PIKESVILLE, MARYLAND 21208
   PHONE: 484-2419

   Owners: BENJAMIN H. BLUM
   17 WARREN ROAD
   PIKESVILLE, MARYLAND 21208
   DEED REFERENCE: SM. JR 7372/079 & 7372/086
   Property : p.13
   Tax Account : 0311000975

   Barbara K. Halle
   Park Heights Avenue
   Stevenson, Maryland 21153
   Deed Reference: 2934/92.
   Property : p.12
   Tax Account : 0306005175

   Robert Blue & Ms. Halle
   Park Heights Avenue
   Stevenson, Maryland 21153
   Deed Reference : 6793/361
   Property : p.514
   Tax Account : 1800014157

   Edward & Jeanne Wallach
   8601 Park Heights Avenue
   Stevenson, Maryland 21153
   Deed Referenced :6845/376
   Property : p.394
   Tax Account : 0308051200
2. Final Development Plan prepared by:
   W. Duvall & Associates, Inc.
   530 East Joppa Road
   Towson, Maryland 21204
   Attention: Leonard T. Bauger P.L.S. Phone: 583-9571
3. This property lies within Election District 3, Councilmanic District 3, and Census Tract 4038.02
4. This property lies within Watershed 24 and Subswershed 61.
5. SITE INFORMATION
   a. GROSS ACREAGE 64.665 AC
      NET ACREAGE 64.297 AC
   b. LOCAL OPEN SPACE REQUIRED
      NONE - RC ZONE
   c. PARKING REQUIREMENTS
      required: 2 spaces per unit - 29 x 2 = 58 spaces
      proposed: 2 spaces per unit - 29 x 2 = 58 spaces
   d. DENSITY CALCULATIONS
      density allowed: 65.94 acres .667 lots/acre = 43.98 lots
      DENSITY PROPOSED 29 LOTS
   e. All lots are for sale.
6. All existing vegetation to remain in areas not requiring construction or grading.
7. The existing use is residential and proposed use is residential.
8. Proposed lighting is shown as △ with a mounting height of 14'.
9. Panhandle driveways - see plan for location and width; see profiles for grades. Maintenance of panhandle driveways will be the responsibility of the individual lot owners. All panhandle lots will be provided with a 4' x 4' concrete pad adjacent to the curb at the intersection of the panhandle and the street right of way, except lots 7,8,9,10, & 26.
10. Average daily trips as calculated from the Baltimore County Comprehension Manual of Development policy:
    29 lots @ 12.4 = 360 ADT's
    ADT's are shown on the plan as
11. No structures or septic areas are proposed within 100 feet of any perennial stream.
12. There are no primary wetland soil types found on the site.
13. There are no known critical areas, endangered species habitats, hazardous materials or archeological sites on this site.
14. Site survey and topography from boundary and topography by Daft,Mcnne, & Walker, Inc. dated April 5, 1982.
15. Existing dry wells shown as ⊠ shall be abandoned and backfilled by a licensed contractor.
16. Existing wells shown as ● shall be abandoned and backfilled by a licensed well driller.
17. Grading shown is schematic only.
18. The existing septic tanks & dry wells at the carriage house on lot 13 will be pumped, removed & 2' around perimeter will be excavated & the Ex. plumbing will be disconnected prior to record plan.
19. Per zoning ordinance 1A04.3 no more than 15% of any lot may be covered by buildings.
20. The Ex. house on lot 12 is the Mercy Hill House, Maryland Historic District Site BA2293.
21. Planting Required 29 units @ 1 tree/unit 29 trees
    Planting Provided 18 major Deciduous
    25 Evergreen
22. There will be no grading in 10,000 S.F. sewage disposal areas.
23. Access to Park Heights Avenue via the exist. private road which lies within a 25' R/W @ the southwest corner of the site, will be strictly limited to lots 7,8,9,10 & 26. All others are to use public roads only.
24. A waiver to allow 6 lots (7,8,9,10,13, & 26) to use the private drive out to Park Heights Avenue will be applied for.
25. Septic systems to be installed between existing trees so as not to require additional clearing.
26. Well areas are labeled as existing or proposed; see plan and key.
27. Proposed septic areas are shown and labeled on plan; see key and plan for location.
28. All existing vegetation to remain in areas not requiring construction or grading.
29. Slopes greater than 25% are indicated in areas of proposed lots only.
30. Stormwater Management waiver has been approved for the Western and Southeastern drainage areas of the site. S.W.M. basins will be provided for the Northeast portion of the site. Waiver approved June 25, 1987.
31. Ex. outbuilding on lot 8 ~~must meet~~ S-400 (B.C.Z.R.). If not the building must be razed or obtain a variance.
32. The Ex. house on lot 13 must comply with the B.C.Z.R. if its going to remain and be used as a dwelling.
33. Refuse to be collected by Baltimore County at curb or designated collection points.



Driveway Section
No Scale

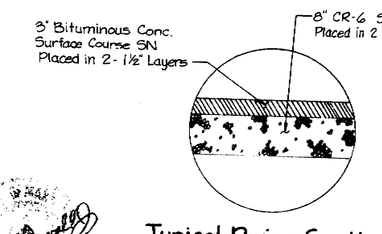
SOIL & GEOL. STRUCTURE NOTE
1) PANHANDLES SHOWN HEREON ARE FOR THE LAYOUT OF ALL PROPOSED DWELLINGS ONLY. BUT THE SHAPES, SIZES AND PROJECTIONS MAY VARY BASED UPON ACTUAL SOIL CONDITIONS (BEARING PRESSURE, ETC.) AND MAY BE CONSTRUCTED BEYOND THE PANHANDLES (SHOWN) ZONING REGULATIONS (SUBJECT TO CONFORMANCE WITH APPLICABLE BUILDING CODES).
2) ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.

AREA PLAN NOTE
1) THIS DEVELOPMENT PLAN COMPLIES WITH THE CRG PLAN AND ALL CRG COMMENTS.

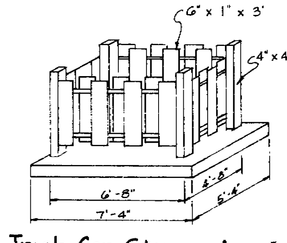
ZONING ENFORCEMENT NOTE
1) THE DEVELOPMENT PLAN IS APPROVED BY THE ZONING COMMISSIONER BASED ON AN INTERPRETATION OF THE ZONING REGULATIONS THAT IT COMPLIES WITH PERMANENT HEIGHT, DENSITY AND BULK CONTROLS. IN THEY ARE ENUMERATED IN THE REGULATIONS, BUT THE SHAPES, SIZES AND PROJECTIONS MAY VARY BASED UPON ACTUAL SOIL CONDITIONS (BEARING PRESSURE, ETC.) AND MAY BE CONSTRUCTED BEYOND THE PANHANDLES (SHOWN) ZONING REGULATIONS (SUBJECT TO CONFORMANCE WITH APPLICABLE BUILDING CODES).
2) THE EXACT LOCATION OF CURB CUTS FOR DRIVEWAYS OR PARKING AND ENTRANCES IS TO BE DETERMINED BY OWNER, WHICH EXACT BUILDING MODELS BECOME AVAILABLE BUT PRIOR TO INSTALLATION OF STREET CURBS.

LANDSCAPE PLAN NOTE
1) A LANDSCAPE PLAN MUST BE APPROVED BY THE OFFICE OF PLANNING PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

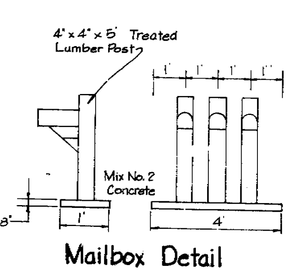
* Storage Area Shall Provide a Minimum Of 16 S.F. Area For Each Residence Served.



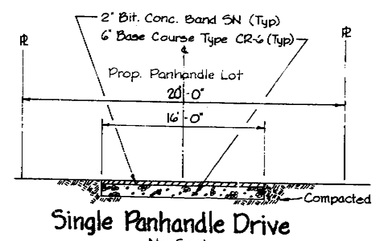
Typical Paving Section
Scale: 3/4" = 1'-0"



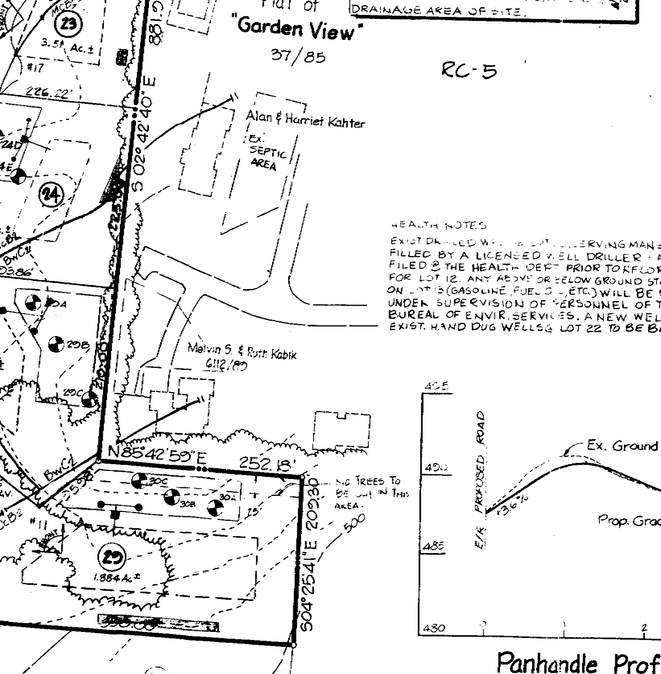
Trash Can Storage Area*
No Scale



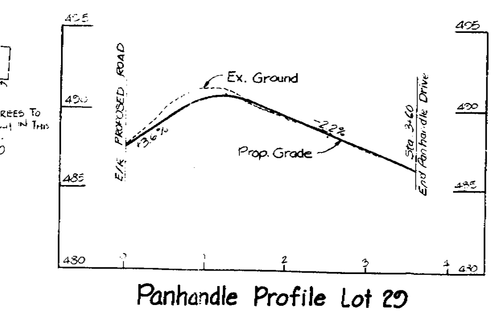
Mailbox Detail
No Scale



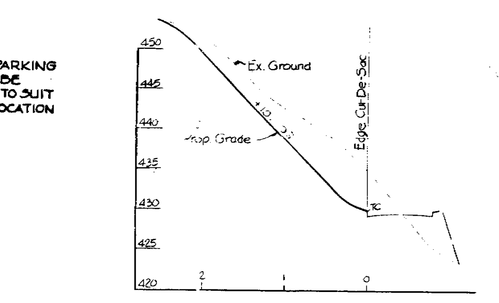
Single Panhandle Drive
No Scale



Typical Parking Detail
No Scale



Panhandle Profile Lot 29
Scale: Hor 1"=100' Ver 1"=5'



Panhandle Profile Lots 11 & 16
Scale: Hor 1"=100' Ver 1"=10'

Engineers · Surveyors · Land Planners
W. Duvall & Associates Inc.
530 E. Joppa Road
Towson Maryland 21204
(301) 583-9571

OWNER / DEVELOPER
BENJAMIN H. BLUM
17 WARREN ROAD
PIKESVILLE, MD.
(301) 484-2419

1ST AMENDED
FINAL DEVELOPMENT PLAN OF
Anton North Section Two

3rd Election District Baltimore Co.Md.
Scale: 1"=100' July 14, 1987
REV. 11/5/87
REV. 1/3/86
DATE OF REVISED C.R.G. PLAN: 9/28/87
DATE OF 1ST AMENDMENT 9/13/86

REASON FOR 1ST AMENDMENT: REVISE BUILDING ENVELOPES FOR LOTS 5 & 6
REVISE BUILDING ENVELOPES FOR LOT 22.

MICROFILMED

Office of Planning & Zoning
Approved
Director of Planning & Zoning Commissioner — Date 7/22/87

145

95-147-A