

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Alabama Road, 500' E of
the c/l of Dixie Drive
(421 Alabama Road)
9th Election District
4th Councilmanic District

Eric A. Fondersmith, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-283-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 421 Alabama Road, located in the vicinity of Bosley Avenue in Towson. The Petition was filed by the owners of the property, Eric A. and May Ellen Fondersmith. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side property line setback of 5 feet in lieu of the minimum required 10 feet for a proposed two-story addition to the rear of the dwelling with an attached open porch on the affected side, in accordance with the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits

ORDER RECEIVED FOR FILING

Date

By

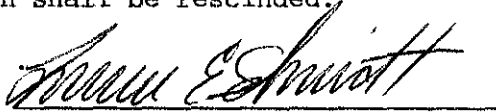
MICROFILMED

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of March, 1996 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side property line setback of 5 feet in lieu of the minimum required 10 feet for a proposed two-story addition to the rear of the dwelling with an attached open porch on the affected side, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, 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 this 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

LES:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 13, 1996

Mr. & Mrs. Eric Fondersmith
421 Alabama Road
Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Alabama Road, 500' E of the c/l of Dixie Drive
(421 Alabama Road)
9th Election District - 4th Councilmanic District
Eric A. Fondersmith, et ux - Petitioners
Case No. 96-283-A

Dear Mr. & Mrs. Fondersmith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 421 Alabama Road

which is presently zoned DR-5.5

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) 1802.3 C.1 (CHART.) To Allow: A 5 FT. SET BACK FROM PROPERTY LINE IN LIEU OF THE REQUIRED 10 FT. IN A DR. 5.5. ZONE

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

SEE BACK SHEET

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/Lessee.

Legal Owner(s)

(Type or Print Name)

ERIC A. FONDERSMITH
(Type or Print Name)

Signature

Signature

Address

MARY ELLEN FONDERSMITH
(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner.

(H) 410-583-1893
421 Alabama Road (U) 410-727-0410
Address Phone No

(Type or Print Name)

Towson, Md. 21204
City State Zipcode

Name, Address and phone number of representative to be contacted

Signature

Name

Address Phone No.

Address Phone No

City State Zipcode

Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of ___, 19___, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: SDA DATE: 1-30-96

Printed with Soybean Ink
on Recycled Paper

MICROFILMED ITEM #: 290

ESTIMATED POSTING DATE: _____

ORDER RECEIVED FOR FILING

Date 3/13/96

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 421 Alabama Road
address

Towson Md 21204
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Our house has three bedrooms and contains approximately 1,600 sq.ft. of
finished living area. We are a family of four. An addition would provide
for a wheel-chair accessible first-floor living quarters for my elderly
mother-in-law who will be moving in with us upon completion of the addition.
Our house does not have enough room presently to accommodate all of us
comfortably not to mention any out of town guests who might want to visit.
Side porch enclosures and additions are common in our neighborhood and,
in our case, would enable us to meet the needs of our expanding family.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Eric Fondersmith
(signature)

ERIC A. FONDERSMITH
(type or print name)



Mary Ellen Fondersmith
(signature)

MARY ELLEN FONDERSMITH
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29 day of January, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Eric Fondersmith + Mary Ellen Fondersmith

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

1/29/96
date

Christyl Ziegler
NOTARY PUBLIC

My Commission Expires:

CHRISTOPHER ZEIGLER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 18, 1999

ZONING DESCRIPTION FOR 421 ALABAMA ROAD

Beginning at a point on the south side of Alabama Road which is 50 feet wide at the distance of 500 feet east of the centerline of the nearest improved intersecting street Dixie Drive which is 50 feet wide. Being Lot #8 Block 5 in the subdivision of Southland Hills as recorded in Baltimore County Plat Book #12 , Folio # 30 containing 7,517 square feet. Also known as 421 Alabama Road and located in the 9th Election District, 4th Councilmanic District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-283

District _____

Date of Posting 2/2/96

Posted for: _____

Petitioner: Eric & Mary Fordsmith

Location of property: 421 Highborn Rd

Location of Signs: Along roadway on property being zoned

Remarks: _____

Posted by M. Kelly

Signature

Date of return: 2/9/99

Number of Signs: 1





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

No. 093700
96-283-A

DATE 1-30-96 ACCOUNT RECEIVED

Cash on hand from
4211 N. B. R. D.
Cross N 21204

AMOUNT \$ 5.00

RECEIVED
FROM:

010 \$50.00
050 \$35.15

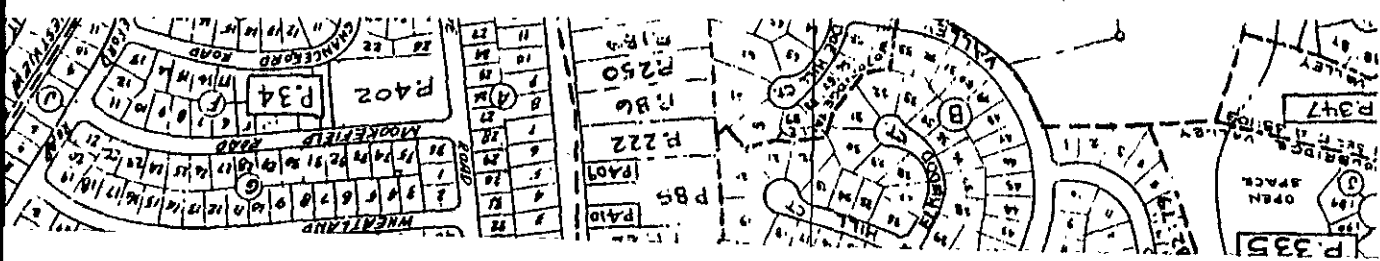
FOR:

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

7/1/96

CURFEW



7

7



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

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.: _____ Petitioner: Mary & Eric Fondersmith
Location: 421 Alabama Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Eric & Mary Fondersmith
ADDRESS: 421 Alabama Rd.
Towson, Md. 21204
PHONE NUMBER: (410)-583-1893



Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book# _____, folio# _____, lot# _____, section# _____

OWNER: _____



North

date: _____
prepared by: _____

Scale of Drawing: 1"= _____



Vicinity Map
North
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____

acreage _____ square feet _____

SEWER: ☐ public ☐ private

WATER: ☐ ☐

Chesapeake Bay Critical Area: ☐ yes ☐ no

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

Andrew Var.
3/4/96

February 8, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-283-A (Item 290)
421 Alabama Road
S/S Alabama Road, 500' E of c/l Dixie Drive
9th Election District - 4th Councilmanic
Legal Owner: Eric A. Fondersmith & Mary Ellen Fondersmith

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before February 11, 1996. The closing date (March 4, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Eric and Mary Ellen Fondersmith





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 26, 1996

Eric A. Fondersmith
Mary Ellen Fondersmith
421 Alabama Road
Towson MD 21204

RE: Item No.: 290
Case No.: 96-283-A
Petitioner: E. Fondersmith, et ux

Dear Mr. and Mrs. Fondersmith:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 30, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Feb. 20, 1996
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for February 20, 1996
Items 253 (revised), 269 (revised), 286, 287, 290, 292 and 293 ⁶

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/14/96

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 FEB. 12, 1996.

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: 286, 287, 288, 289, 290, 292 AND 293.

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

cc: File

MICROFILMED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

2-14-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 290 (JRA)

Dear Ms. Watson:

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 affected by any State Highway Administration projects.

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

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

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

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 12, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item Nos. 287, 288, and (290) 3

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:

Pat L. Keller

PK/JL

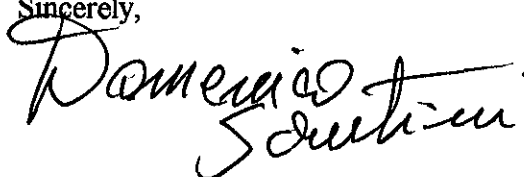
January 25, 1996

Development Control
Office of Zoning Administration
and Development Management
111 West Chesapeake Ave.
Towson, Md. 21204

Dear Sir or Madam:

Please be advised that we have reviewed the plans and support the addition proposed by the Fondersmiths at 421 Alabama Road.

Sincerely,

A handwritten signature in black ink that reads "Domenico Santini". The signature is written in a cursive style with a large, stylized 'D' and a long, sweeping underline.

Mr. and Mrs. Dominic Santini
419 Alabama Road

MICROFILMED

290

Development Control
Office of Zoning Administration
and Development Management
111 West Chesapeake Ave.
Towson, Maryland 21204

January 30, 1996

Dear Sir or Madam:

Please be advised that we have reviewed the plans and support the addition proposed by the Fondersmiths at 421 Alabama Road.

Sincerely,



Mr. and Mrs. Eugene Kibbe III
423 Alabama Road

RECEIVED

Development Control
Office of Zoning Administration
and Development Management
111 West Chesapeake Ave.
Towson, Maryland 21204

January 30, 1996

Dear Sir or Madam,

Please be advised that we have reviewed the plans and support the addition proposed by the Fondersmiths at 421 Alabama Road.

Sincerely,

Kristin I. Nesline

Mr. and Mrs. Vince Nesline
406 Alabama Road

RECEIVED

290

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 421 Alabama Road

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Southland Hills

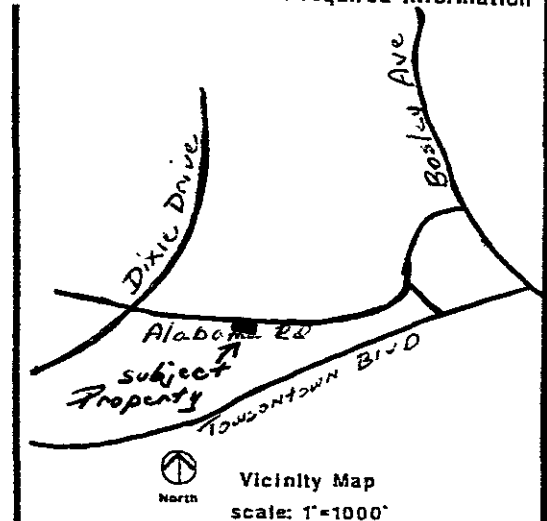
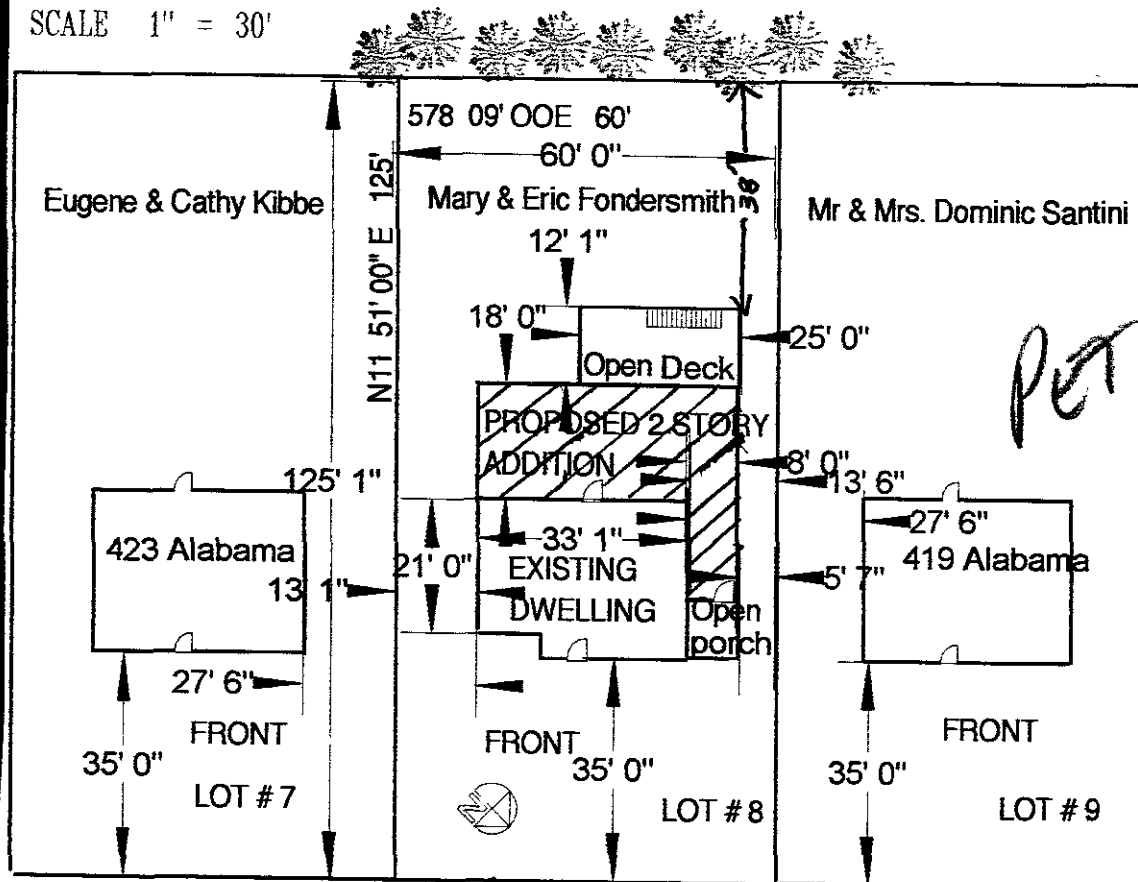
plat book # 12, folio # 30, lot # 8, section # --

96-283-A

OWNER: Eric & Mary Fondersmith

419, 421, 423 Alabama Rd. Towson Md. 21204

SCALE 1" = 30'



LOCATION INFORMATION

Election District: 9

Councilmanic District: 4

1"-200' scale map #: NE-10A

Zoning: DR-5.5

Lot size: .17 acreage 7,517 square feet

SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private
Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings:

NONE

ALABAMA RD 50 FT. WIDE

500 ft. East of center Line of Dixie Drive

date: 1/26/96
prepared by: EAF

Scale of Drawing: 1" = 30'

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

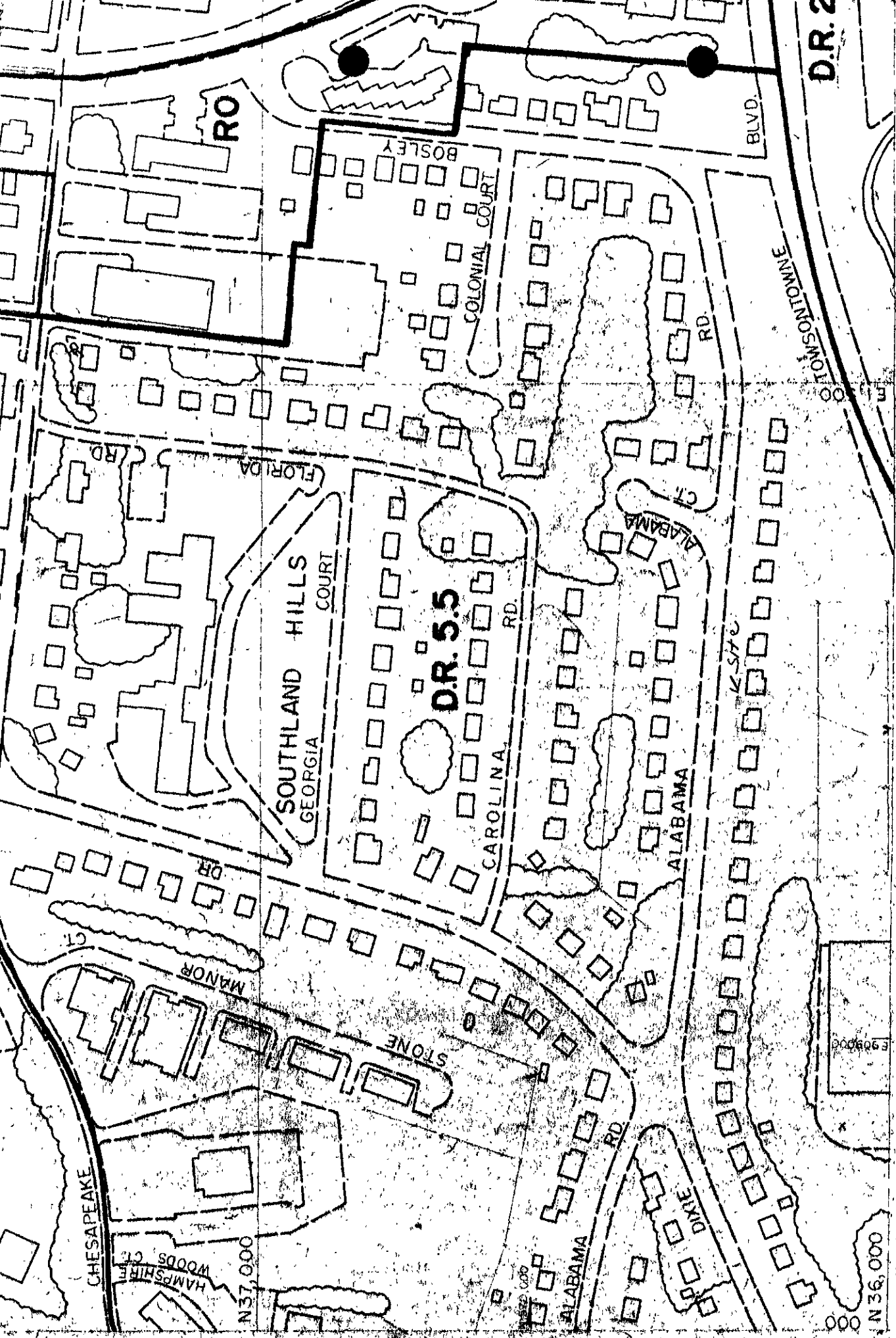
SM

290



96-283-A 290

OFF



O-NE N-NW
S-SE R-SW

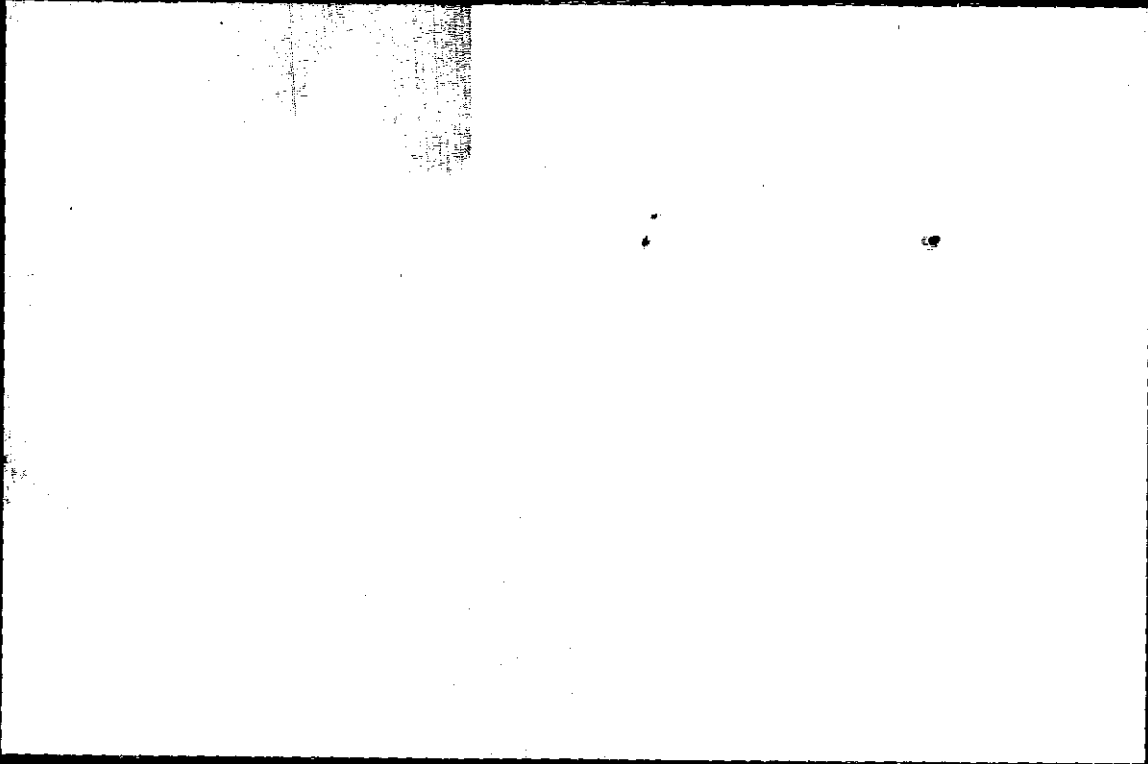
96-283-A

200

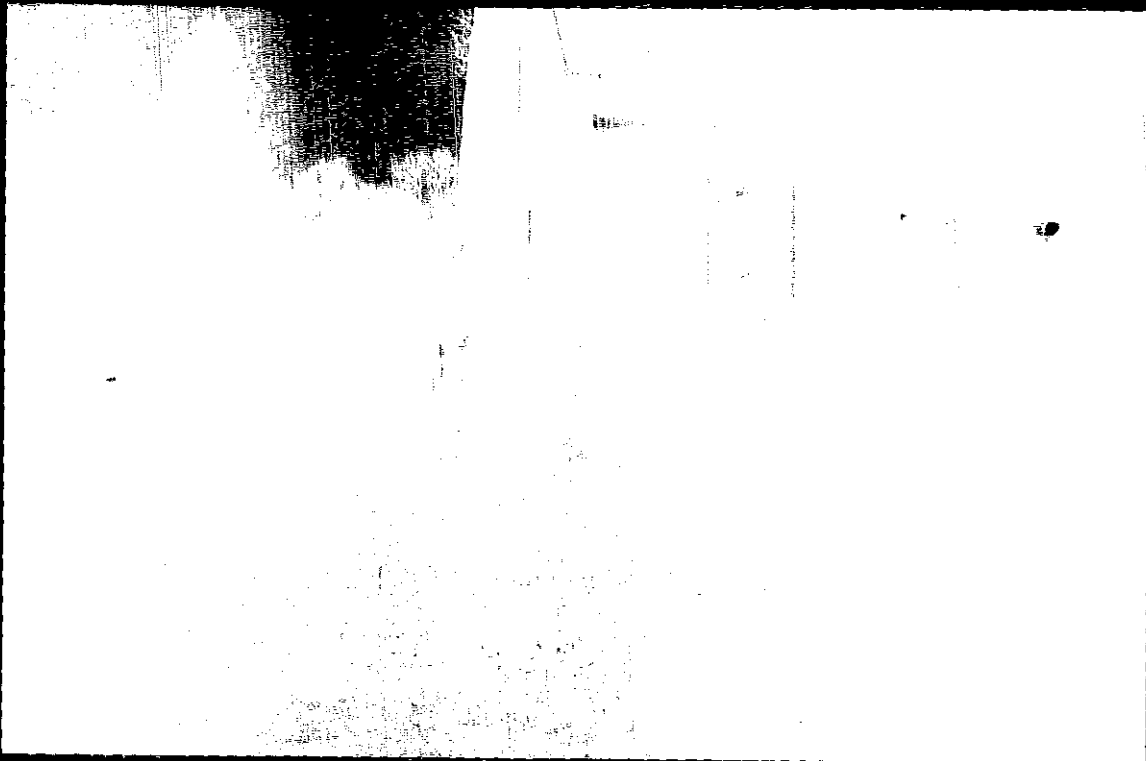
WILSON

D.R. 2

These pictures show outline of proposed
addition with orange tape 96-283-A



Rear View of 421 Alabama



96-283-f



(Above) 2-story addition at 414 Alabama Rd.
Also has side porch addition over
garage



Side addition at ↑
404 Alabama

2-story addition 290
at 406 Alabama
Also has side porch
enclosed



↗ 419 Alabama

↑ 421 Alabama Rd

This picture shows side yard allowance
between 421 and 419 Alabama

MICROFILMED

290

96-283-f



Side addition at 433 Alabama Rd.



Side addition at 411 Alabama Rd. 290

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Alabama Road, 500' E of
the c/l of Dixie Drive
(421 Alabama Road)
9th Election District
4th Councilmanic District
Eric A. Fondersmith, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-283-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 421 Alabama Road, located in the vicinity of Bosley Avenue in Towson. The Petition was filed by the owners of the property, Eric A. and May Ellen Fondersmith. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side property line setback of 5 feet in lieu of the minimum required 10 feet for a proposed two-story addition to the rear of the dwelling with an attached open porch on the affected side, in accordance with the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of March, 1996 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side property line setback of 5 feet in lieu of the minimum required 10 feet for a proposed two-story addition to the rear of the dwelling with an attached open porch on the affected side, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, 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 this 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
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 13, 1996

Mr. & Mrs. Eric Fondersmith
421 Alabama Road
Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Alabama Road, 500' E of the c/l of Dixie Drive
(421 Alabama Road)
9th Election District - 4th Councilmanic District
Eric A. Fondersmith, et ux - Petitioners
Case No. 96-283-A

Dear Mr. & Mrs. Fondersmith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 421 Alabama Road
96-283-A which is presently zoned DR-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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) 1B02.3.C.1 (Current). "to allow a 5 ft Set Back from Property Line in lieu of the Required 10 ft. as per D.R. 5.5. Zone

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

SEE BACK SHEET

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.

Contact Purchaser/Lessee		Legal Owner(s)							
(Type or Print Name)		ERIC A. FONDERSMITH							
Signature		<i>Eric A. Fondersmith</i>							
Address		MARY ELLEN FONDERSMITH							
(Type or Print Name)		<i>Mary Ellen Fondersmith</i>							
City		State		Zipcode					
Attorney for Petitioner		421 Alabama Road		(H) 410-583-1893					
(Type or Print Name)		Towson, Md.		(O) 410-727-0410					
Signature		City		State		Zipcode			
Address		Name		Phone No.					
City		State		Zipcode		Address		Phone No.	

ORDER RECEIVED FOR FILING
Date 3/13/96
By [Signature]

ESTIMATED POSTING DATE: 3/13/96
ITEM #: 290

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto

That the Affiant(s) do(es) presently reside at: 421 Alabama Road

TOWSON MD 21204

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Our house has three bedrooms and contains approximately 1,600 sq.ft. or finished living area. We are a family of four. An addition would provide for a wheel-chair accessible first-floor living quarters for my elderly mother-in-law who will be moving in with us upon completion of the addition. Our house does not have enough room presently to accommodate all of us comfortably not to mention any out of town guests who might want to visit. Side porch enclosures and additions are common in our neighborhood and, in our case, would enable us to meet the needs of our expanding family.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information

Eric A. Fondersmith
ERIC A. FONDERSMITH
(Type or print name)

Mary Ellen Fondersmith
MARY ELLEN FONDERSMITH
(Type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29 day of January, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Eric A. Fondersmith + Mary Ellen Fondersmith

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

1/29/96

My Commission Expires

CHRISTOPHER ZOCCHI
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 18, 1999

ZONING DESCRIPTION FOR 421 ALABAMA ROAD

Beginning at a point on the south side of Alabama Road which is 50 feet wide at the distance of 500 feet east of the centerline of the nearest improved intersecting street Dixie Drive which is 50 feet wide. Being Lot #8 Block 5 in the subdivision of Southland Hills as recorded in Baltimore County Plat Book #12, Folio #30 containing 7,517 square feet. Also known as 421 Alabama Road and located in the 9th Election District, 4th Councilmanic District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: Date of Posting: 3/13/96
Posted for: Eric + Mary Fondersmith
Location of property: 421 Alabama Rd
Location of Signs: Signs were placed on property during 3/13/96
Remarks:
Posted by: [Signature] Date of return: 3/14/96
Number of Signs: 1

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

DATE: 1-30-96 ACCOUNT: 96-283-A
Eric A. Fondersmith
421 Alabama Rd
Towson 21204 AMOUNT: \$ 8.00

RECEIVED FROM: 010 30 R.D.M.
050 35 1 Sign
FOR: 1212 165

VALIDATION OR SIGNATURE OF CASHIER



was no evidence that the adverse impact was unique or different in that locale.

A contrary result, wherein the special exception was denied, was reached in Mangione, infra. The same standard, however, was applied. As noted above, this Zoning Commissioner participated in that case while a member of the Board of Appeals and authored the Board's opinion. That opinion was affirmed by the Circuit Court and on appeal by the Court of Special Appeals.

The salient facts in that case related to the Petitioner's proposed construction of a nursing home in Towson. It was determined that the use would clearly generate adverse impacts, including traffic, storm water runoff, etc. Although these impacts were not in and of themselves sufficient to warrant a denial, a denial was warranted because of the unique effect of those factors on the subject locale. The Board and Courts on appeal noted that the traffic which would be generated would overload the small interior community road system which had been designed to accommodate residential traffic in the neighborhood. Moreover, the project would exacerbate an already difficult storm water runoff situation and constitute the deepest commercial/office intrusion into the residential community.

Both Anderson and Mangione were cited in Mossberg v. Montgomery County, 107 Md. App. 1 (1995). This most recent case reiterated the prior holdings in stating "Moreover, it is not whether a use permitted by way of a special exception will have adverse effects (adverse effects are implied in the first instance by making such uses conditional uses or special exceptions rather than permitted uses), it is whether the adverse effects in a particular location would be greater than the adverse effects ordinarily associated with a particular use that is to be considered by the agency." (pg.5) Clearly then, the responsibility of the Zoning Commissioner is to

determine whether the impacts of the proposed use, as quantified in Section 502.1 create any unique or different impact here.

CONSIDERATION OF THE DEVELOPMENT PLAN

Unlike special exceptions, the standard of review of the development plan by the Hearing Officer does not enjoy a rich history of examination by the higher courts. The current development review process in Baltimore County is quite new and came into being in 1992. There have been few cases before the Hearing Officer which have been appealed to the Board of Appeals and fewer still which have been appealed further to the Circuit Court for Baltimore County or Courts of Appeal in Annapolis.

However, one case involving the development process which has made its way to the jurists on Rowe Boulevard is Monkton Preservation Association v. Gaylord Brooks, 107 Md. App. 573 (1996). In commenting on the development process, the Court of Special Appeals did recognize that the hearing before the Hearing Officer is indeed the end of "Phase 1" of the development review process rather than an end all/be all of development review. The Court noted that "The development process is indeed an 'ongoing process', and the Hearing Officer's affirmation of the plan is just the first step." Monkton Preservation, supra, page 585.

Similar holdings have come from the Circuit Court. In the matter of the review of the Loch Raven Congregation of Jehovah's Witnesses (Case No. 03-C-95-7040), the Circuit Court for Baltimore County commented that "Clearly, the Code does not require that a detailed plan be presented before the Hearing Officer." These cases collectively, as well as the language employed in the development regulations, are persuasive that the Hearing Officer's hearing and development plan review leading up to that hearing is the first step of the process. That is, the Hearing Officer must review a plan to determine whether a proposed project is in compliance with the development regulations. Further detailed plans will follow and there will

be further reviews. In fact, Section 26-206(1) of the Code requires that further plans must be consistent with the development plan. This language suggests that detailed plans will be submitted further on in the process.

Notwithstanding the evolutionary nature of the process, however, the development plan must contain a certain degree of detail. A plan must be specific enough to enable the Hearing Officer to make a reasonably informed decision. Also, section 26-203 of the Code defines those elements which must appear on a development plan. That section contains a lengthy list of items. Thus, although the plan not need be fully engineered, it must be prepared in a manner so as to comply with Section 26-203 and permit the Hearing Officer to make an intelligent decision as to the propriety of the proposed development.

In my judgment, this issue represents, in a nutshell, the greatest divergence of opinion between the parties here. The Developer and his consultants, for their part, have seemingly adopted a "trust us, it will be worked out" approach. The Developer contends that many of the issues raised as objectionable by the Protestants will be resolved later. Such items include the potential outfall for storm water, preservation of trees on site, and the traffic generated by the use. All are handled by the Developer with the promise that compliance with the regulations is possible and that the precise means of compliance will be identified later.

For their part, the Protestants disagree. They believe that the plan is incomplete and insufficient in these areas and not sufficiently detailed to persuade them or, more importantly, the Hearing Officer, that the plan is in compliance with all development regulations. As discussed within the Protestant's memorandum submitted by counsel, the Protestants seek assurance that the solutions proposed by the Developer to their concerns are practical and possible; whereas the Petitioner avers that mere assurance that the plan is technically feasible is sufficient.

STORM WATER MANAGEMENT

In my judgment, the most significant issue raised by the Protestants relates to the storm water management plan for the proposed development. This issue bears on the validity of both the Petition for Special Exception and the Development Plan. As to the Petition for Special Exception, among the criteria required to be evaluated are the items listed in Section 502.1(e). This section mandates that the Zoning Commissioner consider whether the proposed use would "interfere with adequate provisions for schools, parks, water, sewage, transportation or other public requirements, conveniences, or improvements." (emphasis added) Moreover, the catch all portion of Section 502.1; namely, 502.1.a, requires an evaluation of the impacts of the proposed special exception use on the overall health, safety or general welfare of the locale. Surely these two sections mandate that the issue of storm water management must be considered in evaluating a Petition for Special Exception.

The issue also bears on the development plan approval. Section 26-203 of the Code describes, in detail, those items which must appear on the development plan. In Section 26-203(d)(10), it is provided that the plan shall contain, "storm water management areas supported by preliminary hydrology computations, and proposed existing storm drainage systems and verification of suitable outfall." Moreover, in discussing the Hearing Officer's responsibilities, the development regulations provide in Section 26-206(b) that the Hearing Officer shall grant approval, after evaluation, of a plan which complies with ". . . these development regulations and applicable policies, rules and regulations . . ." (emphasis added) Thus, the storm water management issue identified in Section 26-203(d)(10) is a mandated part of the development plan and consideration thereof by the Hearing Officer is required.

A significant volume of testimony was offered by the Developer, the Protestants and representatives of the reviewing County agencies regarding this issue. I will not endeavor herein to summarize all of that testimony which is contained within the record or the case. However, suffice it to say that the proposed development, with 11 new single family houses, a large nursing home building, a supporting macadam parking area, and new driveways and streets will cause there to be created large areas of impervious surface on the site which are not presently there. As noted above, the site at present, is largely unimproved, but for the Mansion.

Recognizing that storm water management is necessary, the Developer has proposed a storm water management system. As shown on the development plan (Developer's Exhibit No. 1A), the storm water management plan centers around the proposed construction of a storm water management pond in the southeast corner of the site. The pond will be located immediately next to the intersection of Mt. Wilson Lane and Iron Horse Lane. The topography of the site mandates that location in that the property generally falls in a southeasterly direction.

Essentially, the rainwater which falls and drains onto the site will be collected through a series of inlets and piped to the storm water management pond. There, it will be held and slowly disbursed, so as not to cause off site flooding.

There was significant testimony from the Protestants regarding the present situation in the area. A video tape was presented which shows conditions during storms. This tape, plus uncontradicted testimony of residents in the locale, was persuasive that the vicinity is prone to flooding at the present time. Thus, the Developer must pay particular attention to this issue, to ensure that an already difficult situation is not aggravated.

Once the storm water is collected within the storm water management pond, same must be disbursed to a suitable outfall. Verification of the existence of a suitable outfall is specifically required under the development plan regulations. The term "suitable outfall" is undefined in the development regulations. Moreover, an examination of Article 14 of the Baltimore County Code, which regulates environmental protection and resource management, shows no definition of the term within Section 14-152, which defines terms used in the storm water management regulations.

The BCZR requires that a reader consult Webster's Third New International Dictionary of the English Language, Unabridged when a term used within the BCZR is undefined. Such an approach is appropriate here, notwithstanding that phrase "suitable outfall" is not found within the zoning regulations but the development regulations. The word "suitable" is defined, as something "appropriate from the viewpoint of propriety, convenience or fitness." Webster's also defines the term as "having the necessary qualifications". The word "outfall" is defined as "the vent of a drain or sewer" or "the lower end of a water course or body of water where it drops away into a larger body". Using these definitions, as well as the commonly accepted definition of the term as employed in the development regulations, it is clear that the Developer must show that the water which leaves the storm water management pond must be discharged into a channel, conduit or body of water capable of receiving this flow, without detriment to downstream properties. Thus, proof that there will be no adverse impact on adjacent properties not only is required under the development regulations, but under the special exception test.

I am persuaded that the Developer's proposed collection and management of the storm water on site is altogether appropriate and proper. The Baltimore County's Department of Environmental Protection and Resource Management (DEPRM) has required "over management" of the storm water which

is received by this site and the plans for the collection and retaineage of same are satisfactory. It is the ultimate destination of this water, the "outfall", which is called into question. More particularly, is there a suitable place for this storm water to be directed and discharged?

The development plan shows four alternatives for the proposed outfall. All call for the water to be collected at the above described storm water management pond and piped down Mt. Wilson Lane into an existing stream. This stream presently generates from the north and the Cobblestone development, then runs under Mt. Wilson Lane through a 24" culvert and continues its flow through the residential community known as Pikesville Farms. On the south side of Mt. Wilson Lane, the culvert discharges into a stream which initially crosses the property owned by Milo and Otalia Hekler.

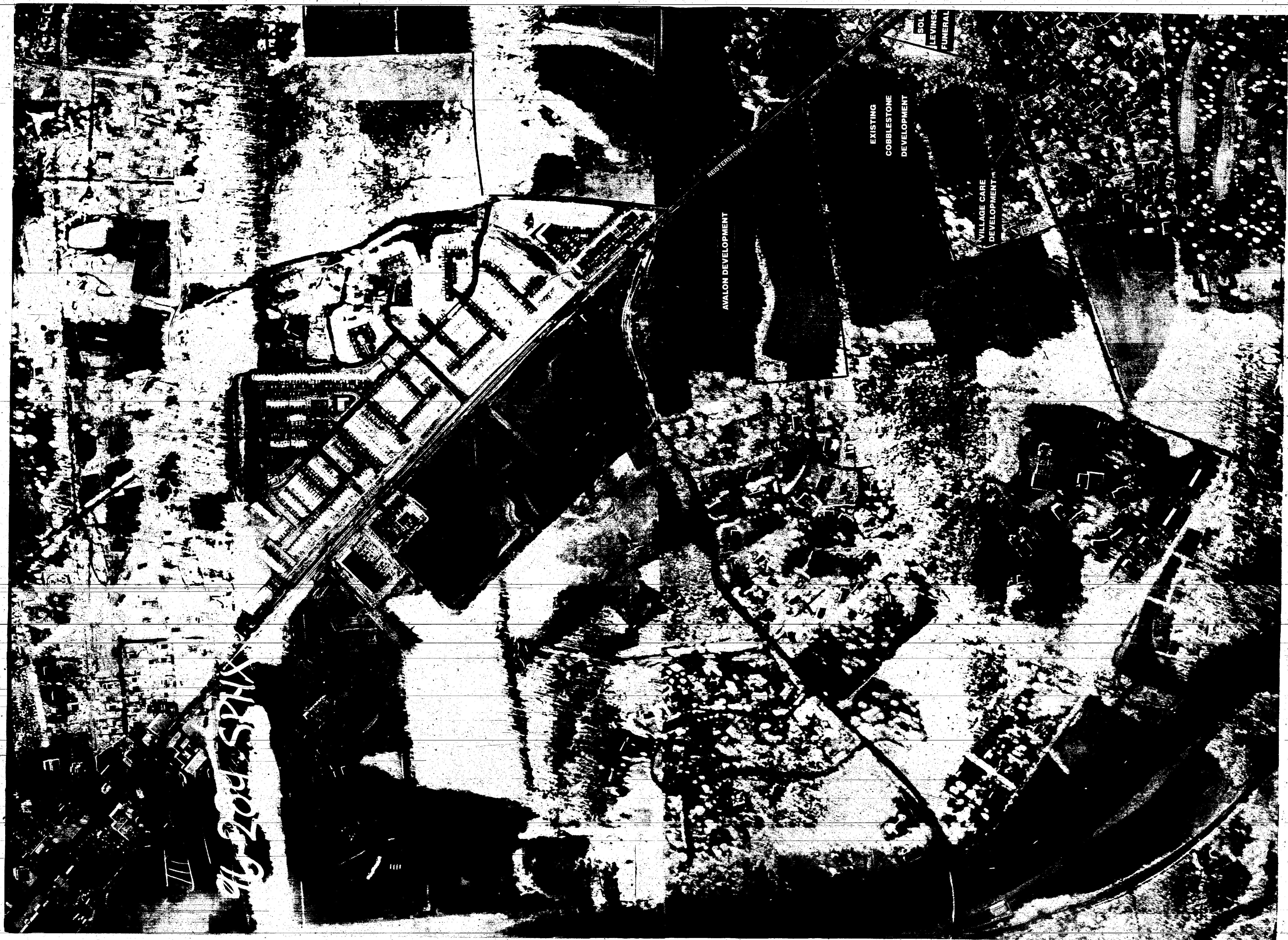
The Developer proposes four alternatives for its proposed outfall. Alternative No. 1 is to pipe the water directly into the 24" culvert. Alternative No. 2 requires a connection into potential improvements to the culvert presently under consideration. It is clear that a 24" culvert presently under Mt. Wilson Lane is insufficient for present conditions. The Cobblestone development immediately to the north has aggravated this situation. Testimony was offered that the developers of Cobblestone, through their engineer, D.S. Thaler and Associates, are proposing improvements to the existing culvert. The County is requiring 50% of the cost for these improvements to be paid by the Cobblestone developers, plus the providing of related engineering work to design the upgrade. Alternative No. 2 by the Village Care Developer suggests a tie-in to that upgrade when completed. Alternatives Nos. 3 and 4 are similar. No. 3 mandates a direct connection into the stream on the Hekler property which will require an easement from Mr. Hekler for the pipe to cross his property. Alternative No. 4 is nearly identical to No. 3 except would require Baltimore County to acquire and utilize an expanded right of way for Mt. Wilson Lane. This expanded right

of way would then house the pipe from the storm water management pond and allow discharge of same into the stream.

Testimony offered from the Developer's consultants was that any of the four (4) alternatives described above are technically feasible. Here the Developer adopts the "trust me" approach discussed hereinabove. The Developer contends that any of the four alternatives can work, from an engineering standpoint, and that such assurance is all that is necessary in order for this Hearing Officer to approve the plan.

The Protestants' testimony, largely through Ernest Shepp, an engineer with D.S. Thaler, was that none of the four (4) alternatives are practical. As to alternative No. 1, Mr. Shepp noted that the 24" culvert is already over capacity and that it cannot accept any additional water. This conclusion was buttressed by testimony from nearby residents and acknowledged by the Developer. As to alternative No. 2, Mr. Shepp noted that the design of his company's work on behalf of Cobblestone was not finalized and even when completed there is no assurance that those plans will be realized and construction will occur. Alternative No. 3 was rejected in view of Mr. Hekler's unequivocal testimony that he will not grant an easement and allow access for the pipe to cross his property to discharge the water. Alternative No. 4 was similarly rejected because the County has not moved to acquire any right of way or rights, the uncertainty associated with the County's plans, and the County's ultimate ability to acquire the right of way.

Testimony was also received from Robert Wood, on behalf of DEPRM. Perhaps it is best to describe Mr. Wood's testimony by saying that the record of this case will show that it speaks for itself. Quite frankly, this Hearing officer was troubled by his opinions largely because of the inconsistencies in his statements made during his examination and cross examination. Moreover, the contradictions from DEPRM were not limited to Mr. Wood's testimony, but are also contained within its development plan com-



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ments. In his initial development comments, authored on September 9, 1996 (Protestants' Exhibit No. 7), Mr. Wood opines that all site runoff must be conveyed to a suitable outfall and that the proposed connection to the existing 24" pipe is "unsuitable". Without explanation, the development plan comments issued by Mr. Wood two weeks later on September 20, 1996 removed this objection.

In any event, it is my judgment that the Developer's engineers have failed to comply with the specific requirements of Section 26-203-(d)(10) of the Code and, additionally, have failed to meet the burden on this issue as to the special exception. As to the development plan requirement, it is clear that the development regulations require verification of suitable outfall. Quite frankly, suitable outfall has not been verified in this case. The Developer's "trust us," "we will later work out the details" scatter shot approach is inappropriate and unacceptable.

I recognize that the Hearing Officer's approval is but the conclusion of Phase 1 of the development process; that additional plans need be submitted and that significant engineering remains to be done. However, it must be recognized that Phase 1 of the process is the public's only real opportunity for input and the only time when a plan is evaluated through the public hearing process. Thus, the Hearing Officer, and to a lesser extent the public, must have a reasonable assurance that the Developer's plans are workable. The plan before me does not provide such assurance. The competent experts' opinion was that alternative No. 1 is not practical. Moreover, it does not take an expert to conclude that a 24" pipe already over capacity should not receive additional water. I agree with Mr. Wood's initial opinion that the 24" existing culvert is unsuitable and see no reason to alter this initial conclusion. As to alternative No. 2, D.S. Thaler's engineering work has not been completed, much less is there any guarantee when and how proposed improvements to the culvert will be accom-

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plished. Mr. Nekler's unequivocal testimony eliminates alternative No. 3, and alternative No. 4 is but a possibility and a remote one at that.

In my judgment, the County Council, in enacting the development regulations, recognized that the review development should proceed by way of an orderly process which ensures public participation and input. Again, this is not to say that the plans must be finitely engineered up front, however, certain requirements and features must be shown on the plan. Verification of suitable outfall is one such requirement. The Hearing Officer must be given some reasonable assurance that the plan is workable, not only from an engineering standpoint, but that same is practical and possible based upon existing field and site conditions.

Based upon the testimony and evidence offered in this issue, I easily find that the Developer has not met its burden. The testimony offered by the Developer's team was not persuasive that any of the four (4) alternatives can be achieved. Mr. Wood's testimony was likewise not persuasive. I am convinced by the testimony offered by Mr. Shepp and the actual experiences of the residents of the area. Storm water drainage in the vicinity is problematic and plans for development of the site should not be approved until realistic and workable management is shown. Not only is the plan before me not in compliance with the development regulations, but the Petitioner's inability to show a practical means of outfall constitutes a failure to comply with the special exception tests. In this regard, the discharge of storm water from the proposed development causes a unique and different adverse effect in this locale, owing to the existing problems with drainage in this area.

FOREST CONSERVATION PLAN

A second issue raised by the Protestants in support of their contention that the development plan should not be approved was that the Developer failed to provide to DEPRM, as part of its submission, a preliminary forest

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conservation plan. The Protestants argue that this failure prohibits approval of the development plan. In opposition, the Developer essentially contends that the spirit of the requirement has been observed.

That a plan was not submitted is undisputed. The Developer admitted during the presentation of its case that a preliminary forest conservation plan was not submitted. Moreover, testimony was received from Valerie Klein, the DEPRM employee responsible for reviewing this issue. Her testimony was that no plan had been submitted. She candidly testified that if she had the opportunity to review and comment upon the submission again, she would require that a preliminary forest conservation plan be submitted. However, the tenor of her testimony was in agreement with the Developer's position; that DEPRM was able to review the development plan as it relates to the forest conservation issue based on the information submitted. Specifically, her testimony was that a site constraints map was submitted and that she was familiar with the property by virtue of a previously proposed project (she was last at the site in 1992 as part of her review of that project). Based on this site constraints map and her familiarity with the property, she concluded that the site did not have any areas of forest worth preserving and that the Developer's preliminary plans to comply with the Forest Conservation Act through reforestation off site were appropriate.

That such a preliminary forest conservation plan must be submitted with the development plan is manifest. Section 26-203(d)(12) specifically identifies those items which shall be submitted with the development plan, including "A preliminary forest conservation plan in accordance with Section 14-408". Section 14-408(b) states, in part, "A preliminary forest conservation plan shall: (1) be submitted and reviewed with the development plan pursuant and subject to Sections 26-204 and 26-205 of this Code; . . .". (Emphasis added)

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The cardinal rule of statutory construction is to ascertain and carry out the intent of the legislature. Stapleford v. Hyatt, 330 Md. 388 (1993). To do so, one must consider the language of an enactment and give that language its natural and ordinary meaning. Harford County v. University, 318 Md. 525 (1990). When there is no ambiguity or obscurity in the language of the statute, there is no need to look elsewhere to ascertain the intent of the legislative body. Montgomery County v. Buckman, 333 Md. 516 (1994).

In ordinary usage, the use of the word "shall" connotes a command, meaning that such action must be taken. Hyatt v. Johnson 103 Md. App. 250 (1994). Although on occasions the word can be construed as merely permissive or directory, "shall" is most often inconsistent with the exercise of discretion.

As shown above, "shall" is used twice (Sections 26-203 and 14-408 of the Code) in describing what must be included with the plan. These sections mandate that a preliminary forest conservation plan be submitted. To me, it seems evident that the Council intended that this twice listed requirement be followed.

I find nothing in the regulations which allows an exception or waiver of this requirement. Even if it can be waived, no formal waiver was requested or obtained here. Undoubtedly, the requirement was adopted by the County Council to allow DEPRM to make a knowing and intelligent assessment of conditions on site, what steps should be taken to comply with the Forest Conservation Act, etc. There was conflicting testimony offered on this issue. Although my site visits to the property convinced me that there is no large area of quality forest on site, there are clearly a number of mature trees which may be worth saving. Testimony about the value of these trees was offered by the Protestants, through Wolfgang Oehme, a well known Landscape Architect and Calvin Blukema, an Arborist and Registered Profes-

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sional Forester. These witnesses testified that these trees should be preserved.

Particularly with this testimony, coupled with the clear intent of the Council, it is, in my judgment, incumbent on the Developer to submit a preliminary forest conservation plan. Failure to follow this requirement renders the plan unapprovable.

Some question may be raised as to the identity of the party responsible for compliance with the regulations. Clearly, DEPRM erred in not insisting on a preliminary forest conservation plan. That agency's failure to insist upon the submission of a plan, within its development plan comment dated 9/11/96, constitutes a breach of its responsibilities. It is to be noted that DEPRM required a preliminary forest conservation plan within its initial concept plan comment.

The ultimate responsibility for compliance falls on the Developer. The Developer is charged with the responsibility of knowing the development regulations and submitting a development plan in compliance therewith. Baltimore County and its agencies do not act as quality control for the Developer, its consultants and/or plans. The regulations provide, in two places, that a preliminary forest conservation plan must be submitted with the development plan. When such a forest conservation plan is not so submitted, this Hearing Officer cannot grant approval of the plan in that same clearly fails to comply ". . . with these development regulations and applicable policies, rules and regulations promulgated pursuant to Section 2-416, et seq. of the Code, . . ." (See Section 26-206(b)). For this reason, approval of the development plan cannot be given.

FAILURE TO AMEND THE FINAL DEVELOPMENT PLAN OF COBBLESTONE

An issue which generated significant testimony related to the Final Development Plan (hereinafter, "FDP") for the abutting residential community known as Cobblestone and the alleged failure of Village Care, Inc. to amend

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same. The Protestants offered testimony about this issue through David S. Thaler, the engineer who prepared the Cobblestone FDP, and Norman Gerber, a Land Planner and former Director of the Baltimore County Office of Planning. Additionally, a number of individual residents of Cobblestone also testified about representations made to them at the time of their purchase of homes in that community. On behalf of the Developer, the most valuable testimony on this issue came from Mitch Kellman of the Office of Permits and Development Management (PDW).

The facts leading to this issue are not in dispute. The BCZR, specifically, Section 1B01.3.A., et seq., requires that an FDP be filed for each development with the Office of Permits and Development Management. This regulation was enacted so as to provide for the disclosure of development plans to perspective residents and to protect those who have made decisions based on those plans from inappropriate changes therein and, also, to provide for review of residential development plans to determine whether they comply with the BCZR and the development regulations. (See 1B01.3.A.1(a) & (b)). In this case, Mr. Thaler was the engineer who shepherded the Cobblestone development. The FDP for that project was filed by his office. At the time the Cobblestone FDP was submitted, (Protestant's Exhibit No. 12) the owners/developers of the Cobblestone property owned a small strip (shown on the FDP as parcel A) located on the west side of Iron Horse Lane. At that time, that parcel fell within the metes and bounds description of the Cobblestone property and was identified as part and parcel of the Cobblestone development on the FDP.

Additionally, the Office of Planning, in a not so sly effort to manage development in the area, required that a note be added to the Cobblestone FDP reflecting its request that any access drive to the Tastet property be closed at such a time as the commercial portion of that property was devel-

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oped, for commercial use. Mr. Thaler testified that he added this note specifically at the direction of the Office of Planning.

The addition of this note is manifestly improper. There is no legal basis upon which the Office of Planning can rely to support its attempt to control or guide development on the Tastet property during the approval phase of the Cobblestone project. Not only is the Office of Planning without legal justification for its attempt, but its attempt is simply inappropriate. The addition of such a note is misleading to the public and potential purchasers of Cobblestone. The Office of Planning should not have required the addition of such a note by Mr. Thaler and, in my judgment, the note is void ab initio.

Subsequent to the filing of the FDP for Cobblestone, Mr. Tastet and the developers of Cobblestone reached an agreement as to a land swap. The Cobblestone developers needed some additional land owned by Mr. Tastet immediately adjacent to the proposed intersection of Iron Horse Lane and Mt. Wilson Lane. This small acreage was required so as to complete the intersection in the manner satisfactory to the Bureau of Traffic Engineering. In order to acquire this acreage, the Developers of Cobblestone exchanged parcel A to Mr. Tastet. Thus, at the present time, parcel A is owned by Mr. Tastet and represents the eastern sliver of the proposed Village Care development. In that the development plan under consideration provides for the installation of roads and utilities across parcel A, to the nursing home and residences, the Protestants claim that the FDP for Cobblestone must be amended.

The Protestants' analysis of this issue, as set forth during the testimony of Messrs. Thaler and Gerber and recounted within their memorandum is essentially accurate from both a factual and legal standpoint. Clearly, parcel A is part of the Cobblestone FDP and the use of that parcel under the proposed development is different from what was previously shown. There

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unmistakably should be an amendment to the Cobblestone FDP. However, I believe that the Protestants err when they insist that the proposed development plan and zoning Petitions cannot be granted without such an amendment. Could the present owner of parcel A or developer of the property amend the Cobblestone FDP? The answer is no doubt "yes". Should the plan be denied if they fail to do so? The answer, clearly, is "no".

In reaching this conclusion, I rely upon a principle too often ignored in interpreting statutes and regulations; namely, common sense. As noted above, the cardinal rule of statutory construction is to ascertain and carry out the intent of the legislature. In this situation, I cannot accept the Protestants' proposition that it is the responsibility of Mr. Tastet, or Village Care, Inc., to amend their neighbors' FDP. Cobblestone is not, as yet, a built out development, and is still being constructed and marketed. A fair reading of the language in Section 1B01.3.A is persuasive that it should be the Cobblestone developer's responsibility to amend their own FDP, rather than an adjacent tract owner. Although a blindly obedient reading of the precise words of the regulations might compel a different conclusion, it seems apparent that the County Council did not intend such a consequence. The Developers of Cobblestone were equal parties to the land swap, which was done for legitimate and valid purposes. To use the effect of that swap as a shield to frustrate the development on the Tastet property is illogical and contrary to the spirit of the regulation and intent of the legislature. I will not follow such a path.

LOCATION OF STORM WATER MANAGEMENT FACILITY WITHIN THE R.T.A.

The Protestants also object to the location of the storm water management pond, claiming that same is in violation of the Residential Transition Area (RTA) requirements found within Section 1B01.1.B of the BCZR. The Protestants note that the RTA is defined as a 100 ft. area, including any public road or public right of way, extending from a D.R. zone tract bounda-

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ry into the site to be developed. (See 1B01.1.B.1.a(1). Moreover, the purpose of the RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screenings are provided between similar housing types. (See 1B01.1.B.1.a(2) Relying on these sections, as well as Section 1B01.1.B.1.e(5), the Protestants claim that the location of the storm water management pond is violative of the RTA requirements. Specifically, the Protestants claim that the BCZR prohibits parking lots or structures within the RTA, claiming that same require a 50 ft. buffer and 75 ft. setback. The Protestants contend that the storm water management pond is a structure.

The Petitioners disagree. They contend that the storm water management pond is not a structure and that there is no violation of the RTA requirements.

The parties have briefed the issue fully and their arguments will not be repeated herein. I have considered this issue and reviewed again the testimony offered, the relevant portion of the BCZR and the definition of the word "structure" in Webster's. That source has been consulted in that the word is not defined within the BCZR within Section 101.

After all is considered and evaluated, I must conclude that the proposed storm water management pond is not a structure, at least so far as the word is intended to be interpreted in Section 1B01.1.B.1.e(5). Mr. Lewis' testimony, from the office of Permits and Development Management (PDM), was particularly persuasive in this regard. He stated that his agency's long standing procedure was to treat storm water management ponds as landscape devices and not as structures. It is also of note, in my judgment, that 1B01.1.B.1.e(5) references structures, either as principal or accessory uses, whether permitted by right, special exception or pursuant to Section 409.8.B. A review of the uses permitted by right or special exception, as

well as the parking regulations contained in Section 409.8.B, is persuasive that the types of uses generally described are above ground improvements.

Arguably, almost anything not in its natural state could be considered a structure. I refuse to go that far and adopt the Protestants' arguments. Berms and trenches, even children's sand castles, are not, in my judgment, structures. Neither is the storm water management pond proposed here, at least, in the context of the RTA requirements.

COMPATIBILITY

The Protestants also take issue with the compatibility recommendation offered in this case from the Office of Planning, pursuant to Section 26-282(2) of the Baltimore County Code. A compatibility recommendation is required due to the length of the nursing home building.

That recommendation was submitted (Developer's Exhibit No. 10) and testimony was offered from Carol McEvoy, the Project Planner assigned to this proposal by the Office of Planning. The recommendation and Ms. McEvoy's testimony fully explained the Office of Planning's approach in formulating its conclusions.

The Protestants object to the approach employed by the Office of Planning. I, likewise, share their concern. The requirements of the compatibility recommendation are fully detailed in Section 26-282(b) of the Code. The recommendation must consider the proposed project in connection with its impact on the neighborhood. Section 282(c) specifically defines "neighborhood". That definition indicates that the term is deemed to mean land uses adjacent to and extending from the proposed site to a definable boundary, such as a primary collector or arterial road, a significant change in character or land use or a major natural feature.

Ms. McEvoy candidly testified that her agency did not adopt this definition when formulating its report. Rather, she admitted that she considered the impact of the proposal only on those land uses immediately abutting the

perimeter of the Tastet property. Although understandable, this approach is not what the Code requires. When the Council, through the Code, directs the Office of Planning to prepare its recommendation in context with the existing neighborhood, and then goes so far as to define that neighborhood, the Office of Planning is remiss in not following that directive. The validity of the compatibility report is, thus, questionable.

In a broader sense of the word, the issue of compatibility is also presented within the Petition for Special Exception. As Zoning Commissioner, I must determine whether the proposed use would be detrimental to the health, safety or general welfare of the locale or, otherwise stated, incompatible with the neighborhood. In this sense, it is my judgment that a nursing home use at this site is not inherently incompatible. I do not view this as a Mangione, supra, type case, notwithstanding the fact that the proposed use is identical. This is not an instance of a large nursing home building being placed in the midst of a long established, exclusively residential neighborhood. Under the neighborhood definition contained within the Code, a reasonable assumption of that area would include, to the east, to Reisterstown Road, and to the west, to the Ner Israel Rabbinical College. That geographic area, it is clear, contains a number of institutional type uses, similar in character to the proposed nursing home. The Sol Levinson Funeral Home is located within that neighborhood. A large area of recreational open space/potential school site sits immediately next to the Tastet property, and the aforementioned college is not far away. Clearly, a nursing home use is compatible with those type uses.

In that I feel compelled to deny the Petition for Special Exception and development plan for reasons related to the storm water management facility and lack of forest conservation plan as aforesaid, I need not conclusively decide this issue. The Zoning Commissioner has the authority to condition and restrict special exception approvals. (Sec. 502.2) In accordance with

that, I would modify the proposal, by perhaps reducing the size of the structure.

The Office of Planning's compatibility recommendation is improper, because it failed to premise its conclusions upon the definition of neighborhood. Nonetheless, many of the remarks therein are valid. The Developer has obviously undertaken to design a quality building with amenities to reduce its impact on the immediately surrounding properties. These efforts are applauded and are appropriate. A nursing home type use is not out of character. My restriction, were it required to be implemented, in the event of approval of the plan, would be to reduce the scale and massing of the building. Although the use is proper, the size of the structure, indeed, is overwhelming, particularly when compared to the residences immediately abutting.

MIXED USED ON ONE PROPERTY/ACCESS FOR HEAVIER USES THROUGH LIGHTER ZONES

The Protestants, particularly the Cobblestone community, object to the proposed means of access to both the residential community and nursing home. As shown on the development plan, the proposed residences will be accessed by a road (Renata Court) and the nursing home by a driveway leading to the macadam parking area. Both Renata Court and the driveway access Iron Horse Lane.

The Protestants contend that the access is improper. They note the unusual split zoning of the property which is, as described heretofore, both B.L. and D.R.3.5. In that a portion of the nursing home is located in that part of the site zoned B.L., and the access crosses the lands zoned D.R.3.5, the Protestants contend that the project violates the provisions of the Zoning Commissioner's Policy Manual, Sections 102.2 and 102.6. I disagree. Section 102.2 specifically allows the provisions therein to be interpreted at the discretion of the Zoning Commissioner. Section 102.6 specifically

permits access for heavier uses through light zones when, "... the land in issue is subject to other restrictions which prevents a residential use."

The proposed means of access here is entirely appropriate. To require access to the uses proposed on site from Mt. Wilson Lane and the "neck" of the portion of the tract zoned B.L. is illogical. The Protestants' suggestion, in this respect, is without regard to self evident traffic engineering principals. It is apparent to me that any access to the site should be from Iron Horse Lane. Sight distance, topography and similar factors are controlling in this regard. Thus, for these reasons, I find the existence of mitigating factors which justify a deviation from strict adherence to the provisions in Sections 102.2 and 102.6 of the Policy Manual.

The Protestants also cite Leinback Construction Co. v. Mayor and City Council of Baltimore, 257 Md. 635, (1970) in support for their position. The Court's holding in Leinback is not applicable here. The facts of that case are entirely different. That case arose when a property owner acquired adjacent properties in a domino fashion with the design to utilize an adjoining residential tract to support his business. That is clearly not the case here. Moreover, the Court's interpretation was of a Baltimore City Zoning Ordinance, the text of which is significantly different than that contained within the above cited Policy Manual sections. For these reasons, Leinback, infra, is not controlling.

LANDSCAPING

The Protestants also object to the landscaping proposed for the site. The landscaping is more particularly shown on Developer's Exhibits 1B and 1C. As set out in their memorandum, the Protestants specifically object to the landscaping proposed around the perimeter of the storm water management pond. The Protestants argue that the landscaping is insufficient, pursuant to the requirements of the Landscape Manual.

As the Protestants also point out, regulations regarding required landscaping around the pond are inconsistent. The State, through the Soil Conservation Service, prohibits certain heavy vegetation in close proximity to the storm water management pond embankment. The rationale behind this policy is to discourage the roots of trees and other heavy vegetation from infiltrating and weakening an earthen embankment. Baltimore County's Landscaping Manual requires what is known as a Class A screen for storm water management ponds with slopes equal to what is proposed in this case.

In my judgment, this is not an issue which warrants a denial of the development plan or the Petition for Special Exception. Given the competing statutory guidelines, the Developer's proposed screen is appropriate. Moreover, if the development plan were to be approved and special exception granted, the Zoning Commissioner/Hearing Officer could require supplemental landscaping to enhance what is shown on the Developer's plan. Specific comments as to what may be appropriate in this regard is unnecessary in view of the denial of the plan and Petition.

REQUIREMENTS FOR BUSINESS PARKING IN A RESIDENTIAL AREA

As with the landscaping around the storm water management pond discussed hereinabove, the Protestants also take issue with landscaping around the parking lot for the nursing home, as well as a claim that a use permit is required. Although this issue is identified by the Protestants, it needs no resolution by the Hearing Officer/Zoning Commissioner in view of the denial of the plan and special exception. I will comment, however, that the parking arrangement proposed generally appears acceptable and appropriately laid out. Additional landscaping could be ordered to buffer this use from adjacent residential communities.

CONCLUSION

The issues specifically identified and discussed above constitute the gravamen of this case. These issues were the subject of argument within the

Protestants' memorandum and were likewise addressed in the Developer's memorandum. There were other issues raised, owing to the complexity of this case. For example, both parties presented evidence and argument on subjects such as traffic, the potential overcrowding of the site by the use, the emanation of odors from the property and other areas of concern which arise from the list of criteria set forth in Section 502.1. A resolution of these issues is unnecessary, in that the Petition for Special Exception and Development Plan will be disapproved based upon the aforesaid. Likewise, the Petition for Special Hearing and request for modification of standards is rendered moot by the ruling set forth above.

This is a difficult case. Significant consideration was given by this Hearing Officer to a possible remand of the plan, again, to the Development Plan Conference stage, to allow the Developer to cure the deficiencies cited above. Specifically, a remand would allow the Developer to prepare and submit a forest conservation plan and, perhaps, correct the storm water management outfall issue. In my judgment, the lack of suitable outfall was the single biggest downfall in the Developer's case.

In the end, however, an Order for Remand was rejected. The procedural history, as outlined above, is significant. The Concept Plan was initially filed on July 24, 1995 and refiled on October 23, 1995. Two Community Input Meetings were conducted, as well as Development Plan Conferences and the initial proceeding before this Hearing Officer in May of 1996. These proceedings should surely have alerted the Developer to the fact that the surrounding community was geared to oppose its plans. The Developer should have taken the appropriate steps to assure that its plan was in compliance with the regulations, rather than arguing that deficiencies therein would be addressed and resolved during Phase 2.

The Developer's memorandum bitterly complains about the opposition of the Protestants, their motives and their tireless efforts to defeat this

proposal. Perhaps, this is an indictment of the development process at large in Baltimore County. Whatever the case, the process is what it is. In my judgment, it works. It was enacted to provide for the implementation of an orderly development review process, ensuring citizen participation and providing the development community with a structured time line and a definitive set of standards for development. The County did not do itself proud in this case, often failing to follow the clear directives of the regulations. However, the ultimate burden is clearly on the Developer. The standards are clear. The Developer, in this case, is hard pressed to complain when it, without adequate explanation, failed to comply with an unmistakably clear requirement of the process (i.e., submission of a preliminary forest conservation plan) and provided no realistic and practical solution to a known storm water management outfall problem.

Although the community was unreasonable in some respects (e.g., claiming that the odors from the facility's kitchen would be obnoxious), I do not view their position with the scorn voiced by the Developer. In certain respects, particularly the storm water management outfall issue, the community was rightly concerned. In that instance, there is an existing problem and the residents were reasonable in their need for assurance that the proposal would not aggravate present conditions. Such assurance was not given.

For all of these reasons, the development plan (Developer's Exhibit 1A) must be denied. Likewise, the Petition for Special Exception shall be denied and the Petition for Special Hearing and request for modification dismissed as moot.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will deny the development plan consistent with the comments set forth above and shall so order.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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 assessed 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:

From No.: _____ Petitioner: Mary & Eric Fondersmith
Location: 421 Alabama Road
PLEASE FORWARD ADVERTISING BILL TO:
NAME: ERIC & MARY FONDERSMITH
ADDRESS: 421 Alabama Rd
Towson, Md. 21204
PHONE NUMBER: (410)-583-1813

290



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

February 8, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-283-A (Item 290)
421 Alabama Road
5/6 Alabama Road, 500' E of c/l Dixie Drive
9th Election District - 4th Councilmanic
Legal Owner: Eric A. Fondersmith & Mary Ellen Fondersmith

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before February 11, 1996. The closing date (March 4, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jablon
Arnold Jablon
Director

cc: Eric and Mary Ellen Fondersmith

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 26, 1996

Eric A. Fondersmith
Mary Ellen Fondersmith
421 Alabama Road
Towson MD 21204

Re: Item No.: 290
Case No.: 96-283-A
Petitioner: E. Fondersmith, et ux

Dear Mr. and Mrs. Fondersmith:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 30, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

XCR/jw
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Feb. 20, 1996
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for February 20, 1996
Items 253 (revised), 269 (revised), 286, 287, 290, 292 and 293

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4830

DATE: 02/14/96

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 FEB. 12, 1996.

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: 286, 287, 288, 289, 290, 292 AND 293.

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

cc: File

Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

2-14-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 290 (JRA)

Dear Ms. Watson:

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 affected by any State Highway Administration projects.

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 Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech

1-800-735-2256, Statewide Toll-Free

Mailing Address: P.O. Box 71728, Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 12, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item Nos. 287, 288, and 290 3

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: *Carol L. Long*

PK/JL

ITEM287/PZONE/ZAC1

January 25, 1996

Development Control
Office of Zoning Administration
and Development Management
111 West Chesapeake Ave.
Towson, Md. 21204

Dear Sir or Madam:

Please be advised that we have reviewed the plans and support the addition proposed by the Fondersmiths at 421 Alabama Road.

Sincerely,

Domenico Santini
Mr. and Mrs. Dominic Santini
419 Alabama Road

290

Development Control
Office of Zoning Administration
and Development Management
111 West Chesapeake Ave.
Towson, Maryland 21204

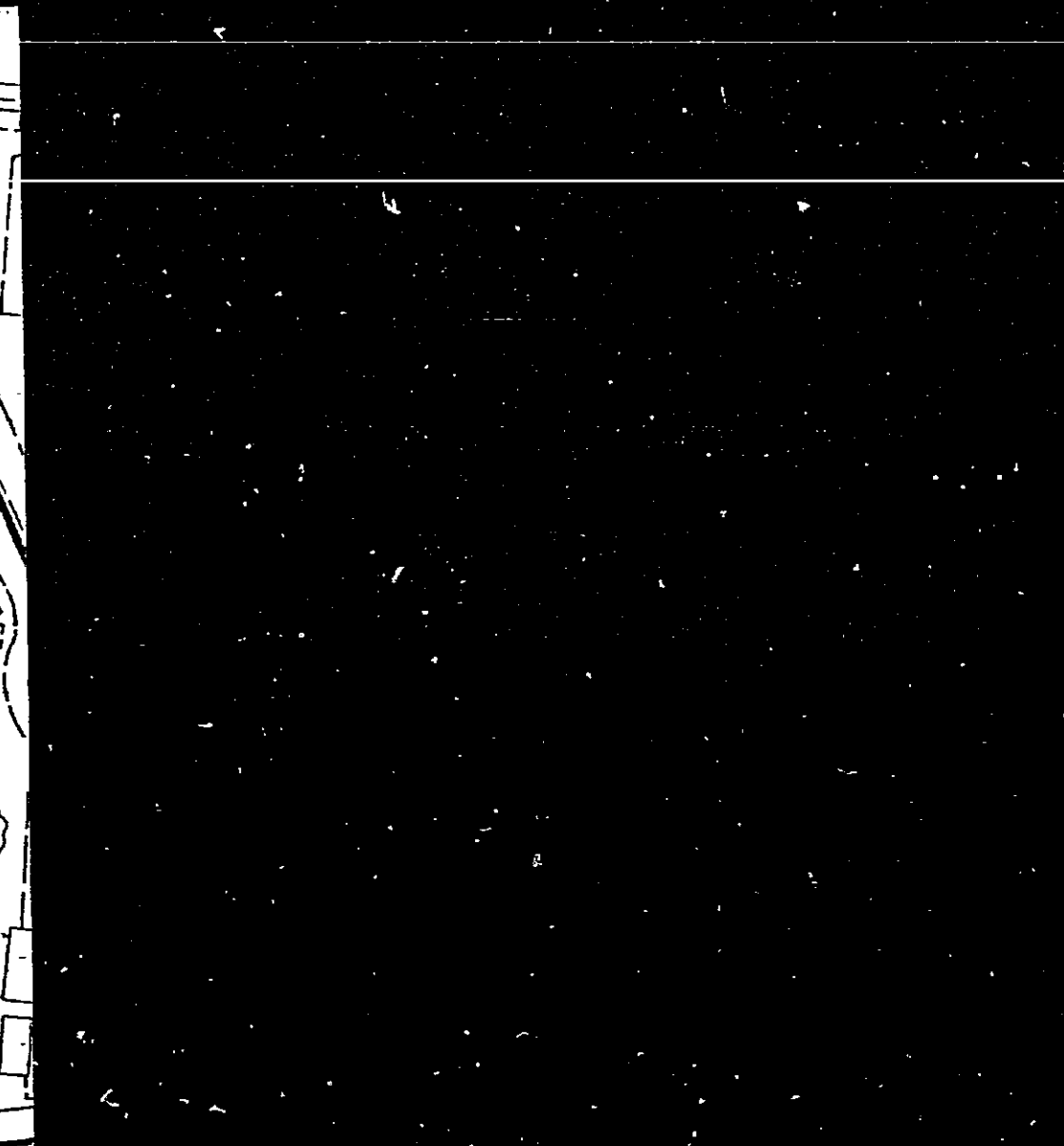
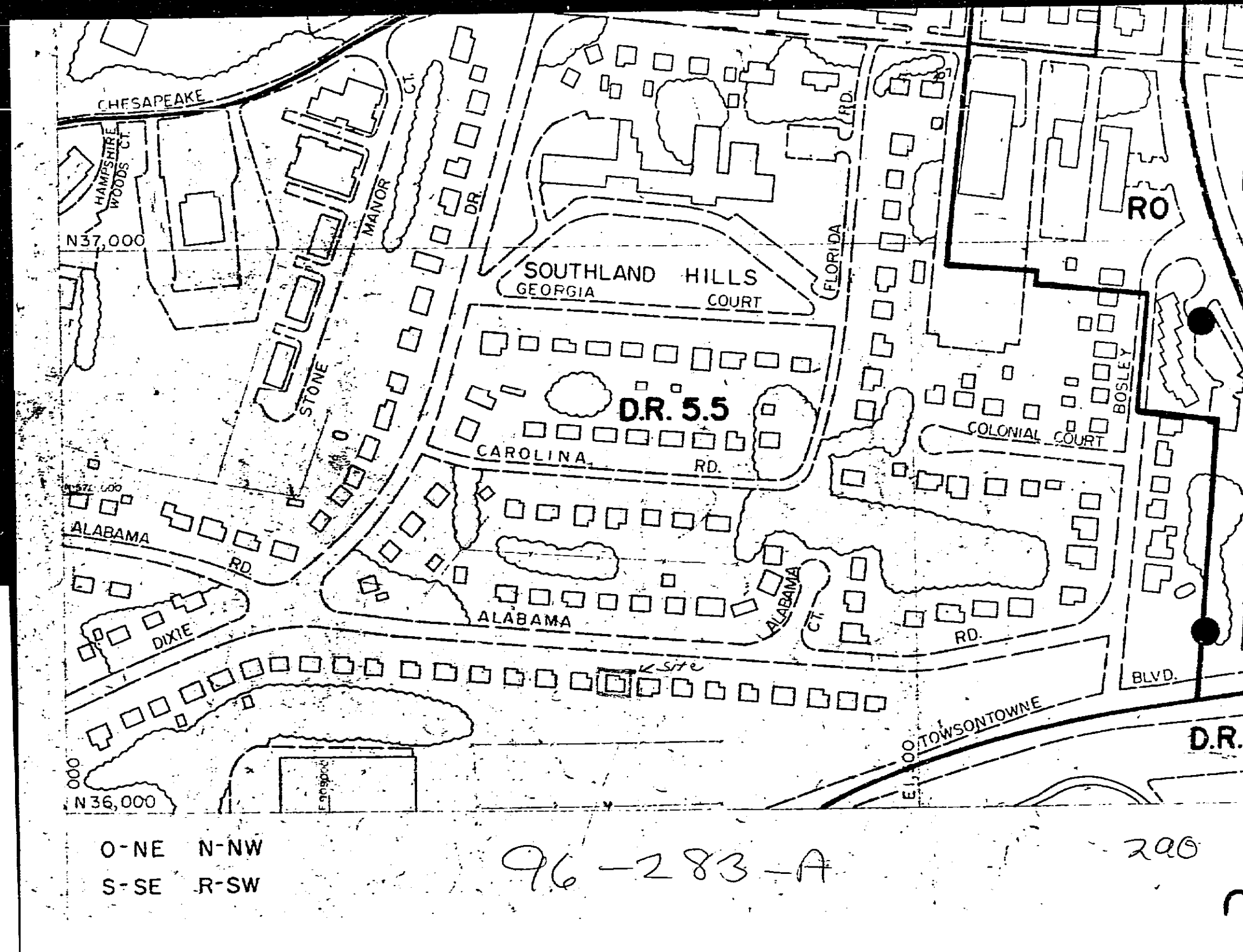
January 30, 1996

Dear Sir or Madam:

Please be advised that we have reviewed the plans and support the addition proposed by the Fondersmiths at 421 Alabama Road.

Sincerely,

Mr. and Mrs. Eugene Kibbe III
423 Alabama Road



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 421 Alabama Road see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Southland Hills 96-283-A

plat book # 12, folio 30, lot # 8

OWNER: Eric & Mary Fondersmith

419, 421, 423 Alabama Rd. Towson Md. 21204

SCALE 1" = 30'

ALABAMA RD 50 FT. WIDE

500 ft. East of center Line of Dixie Drive

date: 1/26/96

prepared by: EAF Scale of Drawing: 1" = 30'

LOCATION INFORMATION

Election District: 9

Councilmanic District: 4

1"=200' scale map: NE-10A

Zoning: DR-5.5

Lot size: 17,751.7 square feet

SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: SA ITEM #: 290 CASE #:

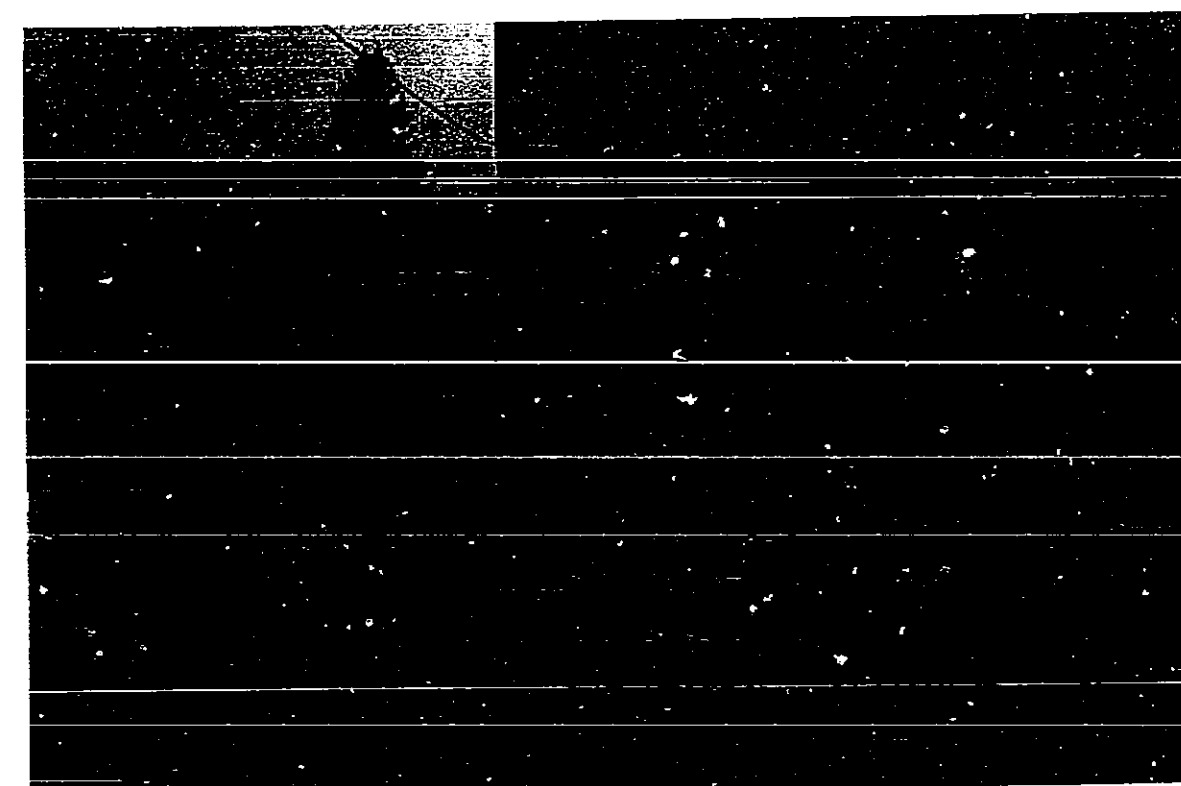
290

Sincerely,

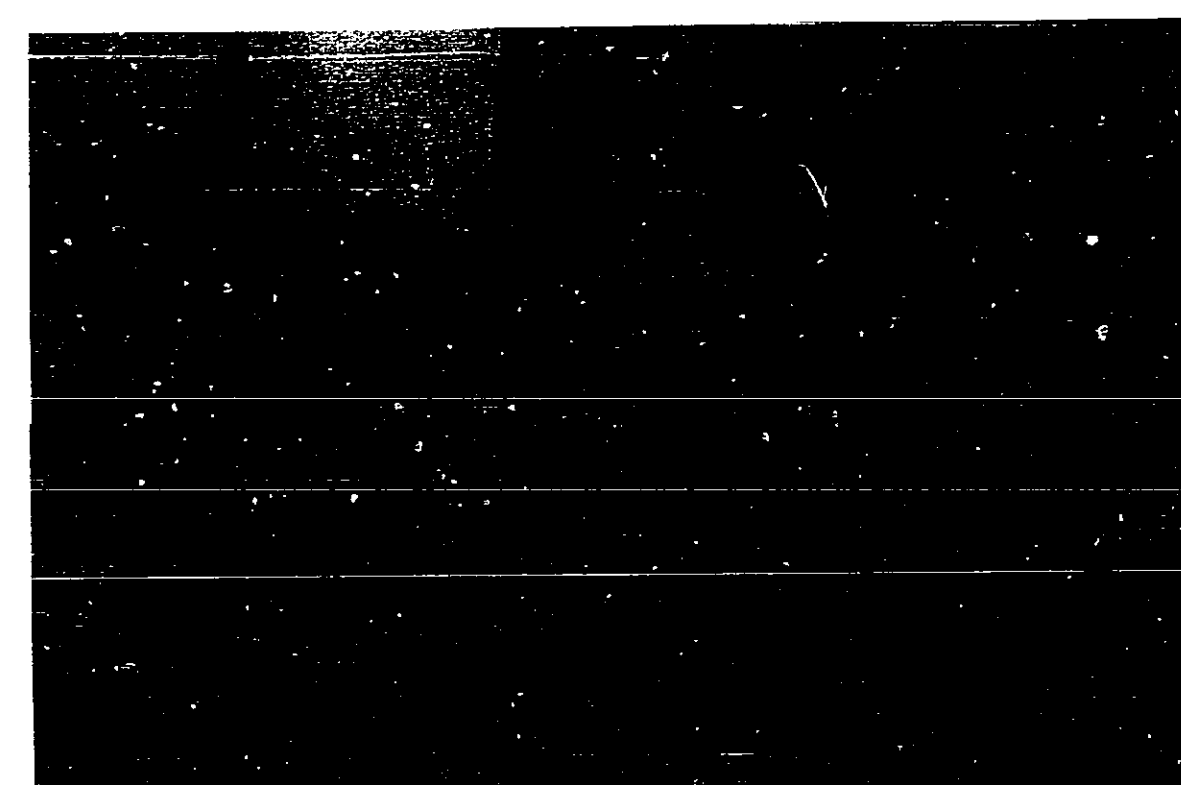
Justin I. Nesline

Mr. and Mrs. Vince Nesline
406 Alabama Road

These pictures show outline of proposed addition with orange tape 96-283-A



Real View of 421 Alabama



290



(Above) 2-story addition at 414 Alabama Rd.
Also has side porch addition over garage



Side addition at 404 Alabama

2-story addition 290 at 406 Alabama
Also has side porch addition



419 Alabama

421 Alabama Rd

This picture shows side yard allowance between 421 and 419 Alabama

290



Side addition at 433 Alabama Rd.



Side addition at 411 Alabama Rd. 290