

IN RE: DEVELOPMENT PLAN HEARING AND * BEFORE THE
 PETITION FOR VARIANCE
 E/S Hilton Avenue, N of White Oak * HEARING OFFICER/ZONING
 Ave. (607-609 Hilton Ave.); E/S Hilton
 Ave., N&SC Forest Glen Court * COMMISSIONER
 1st Election District
 1st Councilmanic District * FOR BALTIMORE COUNTY
 Francis B. Weiskopf, Developer
 Legal Owners: Valerie A. Helfrich * Case Nos. I-282 & 98-90-A
 et al. Contract Purchaser: Brian Macari

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND ORDER

This matter comes before the Zoning Commissioner/Hearing Officer for a public hearing, pursuant to Section 26-206.1 of the Baltimore County Code, which allows for a combined hearing for development plan approval and zoning relief, as requested by Valerie A. Helfrich, property owner and Brian Macari, Contract Purchaser. The Petitioner/Developer requests development plan approval for four single family dwellings on the subject property, two of which are already existing on the lots known as lots 1 and 2. As to the zoning relief, Petition for Variance is filed pursuant to Section 4A02.4.D&E of the Baltimore County Zoning Regulations (BCZR) to permit four lots as shown on the development plan, in lieu of the statutorily imposed prohibition of the development of any residential lots, occasioned by the public services maps and existence of a failing intersection in the locale.

As to the history of this project through the Development Review Process, an original Concept Plan Conference was conducted on October 28, 1996. Subsequently, a Community Input Meeting was held on November 26, 1996 at the Catonsville Library. Subsequently, a development plan was submitted and a conference thereon was held on October 8, 1997. The combined development plan hearing/Petition for Variance was conducted in its entirety on October 30, 1997.

11/10/97
 [Signature]
 Date

Appearing at the public hearing held for this case was Francis B. Weiskopf, co-Petitioner. Also present was Charles R. Crocken, the engineer who prepared the site plan. Others appearing in support of the development were Tom Kurlogon, Robert S. Benedik and Bryan Macari. The Petitioner/Developer was represented by Howard Alderman, Jr., Esquire. There were no Protestants present, however, testimony was received from the representatives of the various County agencies which reviewed the plan. These included Don Rascoe, the Project Manager, Dennis Kennedy from the Dept. of Permits and Development Management, (PDM) Development Plans Review Section, Kate Milton from PDM, Ron Goodwin from Bureau of Land Acquisition, R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM), and Ervin McDaniel, from the Office of Planning.

A brief description of the history of this site and the prior County reviews for development of same is appropriate. The subject property currently at issue was part of a larger tract, approximately 8 acres in area, zoned D.R.2. Originally, the larger tract was developed with two dwellings, which immediately abut Hilton Avenue and are known as 607 and 609 Hilton Avenue. As originally developed, these two dwellings featured large rear yards which contained the balance of the acreage of the tract.

The property at large was at one time owned by Mr. Weiskopf and his ex-wife, Ila G. Quinn. However, as a result of their divorce settlement, the property was subdivided in 1985. At that time, three lots were created. Two of the lots created by that minor subdivision process contained the existing dwellings described above, known as 607 and 609 Hilton Avenue. The third lot (known as lot No. 3) essentially contained a large amount of acreage which had originally been the backyards for those two dwellings. In case No. 94-456-SA, a Petition for a Special Variance was

considered for lot No. 3. Testimony and evidence offered at that time was that lot No. 3 was proposed for subdivision and a special variance was needed for this subdivision in a traffic moratorium area. That Petition for Special Variance was considered by this Zoning Commissioner and an opinion and Order was issued on June 29, 1994. Therein, I opined that the subdivision proposed would be expected to generate negligible and insignificant amounts of additional traffic and that the Petition for Special Variance should be granted.

Testimony and evidence offered in that case came from Stephen E. Weber, Chief of the Division of Traffic Engineering of Baltimore County. The details of Mr. Weber's opinion and the findings reached in that matter are fully contained within the opinion issued in that case and will not be repeated herein.

The matter came in for a second time for a public hearing for development plan case I-282 and zoning case No. 96-94-SA. Again, the portion of the property at issue was the "back yard tract." Within that case, a development plan prepared by Brian Macari was for the development of the site for 12 single family houses. This development is to be known as Oak Forest Glen. In an opinion issued by me on October 26, 1995, I approved the development plan and granted the Petition for Special Variance. Again, I found that the anticipated traffic to be generated would be minor and that special variance relief should be granted. I also found that the development plan met all County requirements under the development regulations.

The matter comes before me for a third time on the Petition and development plan presently at issue. In this case, lots No. 1 and 2 are proposed for subdivision. As observed above, lots Nos. 1 and 2 are those two lots which contain the original dwellings. The lots are being subdi-

vided so as to create two additional single family dwelling lots. Thus, the present plan requests approval of a four dwelling lot subdivision, two of which of the dwellings are existing.

Turning first to the Petition for Special Variance, I hereby incorporate the relevant findings and conclusions issued in the prior two cases. The actual issue under consideration in the case presently before me is whether the two new dwellings should be allowed. Obviously, traffic generated by the two existing dwellings is already part of the traffic in the area.

In considering the Petition for Special Variance, it is to be noted that the only opposition to same was voiced by the Office of Planning. In this regard, testimony was received from Mr. McDaniel. He candidly indicated that his department's position was adopted primarily as a policy statement. That is, Mr. McDaniel indicated that his office opposes the grant of any Petition for Special Variance, notwithstanding the specific circumstances which might exist in a given case.

It is difficult to imagine a case where there will be a lesser impact on existing traffic conditions and patterns than what is presented here. As noted in my prior opinions, the road network in this area is such that little traffic can be expected to be generated from this site which will directly impact the failing intersection located at Rolling Road and Valley Road. Instead, the traffic from this site will probably disperse to the intersection of Hilton Avenue and Rolling Road and, from that point, proceed towards the Baltimore Beltway. Thus, there can be expected to be virtually no impact on the failing intersection. Moreover, the traffic to be generated from two new houses, in the scheme of the numbers of vehicles in the area already, is virtually nil. For these reasons, I find that the Petition for Special Variance should be granted.

As to the review of the development plan, testimony was offered by a number of County witnesses, as well as members of the Applicant's development team. Some of the issues identified are relatively minor and it was indicated during the hearing that they could be easily resolved. For example, the Department of Environmental and Resource Management (DEPRM) wants assurance that the storm water management facility constructed by Mr. Macari for his twelve dwelling subdivision can be utilized by the proposed development. In this regard, it was indicated that the system had been designed to handle the four lots at issue and that an agreement had been reached between Mr. Macari and the property owners of the subject lots so as to tie their storm water discharge into Mr. Macari's system. Thus, this issue is resolved.

A second minor issue relates to the internal roadway to be known as Forest Glen Court. This road leads from Hilton Avenue to the interior of the site and provides access to the new 12 lot subdivision. As I noted during my site inspection, the 12 dwelling subdivision is presently under construction and not fully completed. The road has not, as of yet, been dedicated to Baltimore County, although Mr. Macari indicated that it would be upon completion of the development. Until then, the road is a private drive and thus there is no direct access to a public street from the two lots which are proposed to be created in the plan before me. This is largely a matter of timing in that Forest Glen Court will be a public road, as soon as the 12 lot subdivision is completed. Until that time, Mr. Macari is willing to allow access to the proposed two lots on that presently privately owned road. The two front lots already have access directly to Hilton Avenue. A denial of the plan based on this issue is not warranted in that this concern will be cured as the development of the tract at large is completed.

There were other minor issues which were discussed and resolved at the hearing. These included the Developer's agreement to delete Notes J and K from the development plan, as well as comments 4J and 4E. Several of these requests were generated by Bruce Seeley of DEPRM.

Although these issues were easily resolved, a significant issue was not resolved by agreement during the hearing. That issue relates to the request by the Development Plans Review Division (Mr. Kennedy) that approval of the development plan be conditioned upon the widening of Hilton Avenue.

In this regard, testimony was offered by Mr. Kennedy in support of his agency's position. He testified about the character and nature of Hilton Avenue and indicated that his department was requiring that Hilton Avenue be widened, on the developer's side of the street, as a condition of development plan approval. He specifically indicated that Hilton Avenue is approximately 40 ft. wide and features one lane in each direction. (i.e., one northbound and one southbound lane) He also indicated that

when the development plan for the property immediately to the south was approved, the County required improvements and widening to Hilton Avenue.

As disclosed during my site visit, Hilton Avenue is improved with curb and gutter to the south, adjacent to that recently constructed development known as Patapsco Woods.

Mr. Kennedy indicated that his office would like to continue those improvements in a northbound direction along the frontage of Hilton Avenue. As to the timing of this request, he indicated that his department

could not require these improvements in the prior case, when Mr. Macari's subdivision known as Oak Forest was approved. Specifically, it was indicated that Mr. Macari's subdivision did not include any property which had frontage on Hilton Avenue. Thus, road widening could not be imposed when

that proposed subdivision was under review. Mr. Kennedy also believes that the proposed improvements will create a safer environment, to allow a larger road to reduce traffic congestion in the area and prevent the County from incurring this expense in the future.

In opposition to this request, the Developer offered a number of arguments. First, the Developer noted that the development plan at issue proposes only two additional lots; which will create a minimal amount of new traffic in the area. Although recognizing Mr. Macari's subdivision presently under consideration, the Developer indicated that this development plan relates only to the four lots at issue, two of which were existing. More importantly, the Developer argued that the character, location and use of Hilton Avenue did not justify these improvements. Specifically, the Developer indicated that the construction of the improvements would result in a loss of a number of mature trees along the property's frontage and the displacement of a wall, which adds to the ambiance of the property and area.

As a result of these conflicting claims, I conducted a site visit to the property and carefully examined Hilton Avenue and its environs. It is to be noted that Hilton Avenue intersects Rolling Road north of the site. From that intersection, one has access to Frederick Road, "downtown" Catonsville, and ultimately the Baltimore Beltway (I-695). However, Hilton Avenue, in a southbound direction from Rolling Road is exclusively residential. As one travels south on Hilton Avenue from the Rolling Road intersection, one passes a number of attractively maintained older dwellings. These dwellings are an architectural character somewhat unique to the Catonsville area. There are no major intersections which exist on Hilton Avenue south of the Rolling Road intersection. Ultimately, the

road ends as an entrance to the Patapsco Valley State Park. The only intersections which exist are with small residential streets.

Absent a change in the character of this neighborhood, I do not believe that the road improvements which are sought are warranted. In reading this conclusion, I place great weight on the character of the neighborhood. Arguably, Patapsco Valley State Park could one day be developed, making Hilton Avenue an arterial road. However, that event is highly unlikely and until such time, it is inappropriate, in my judgment, to change the character of this residential roadway. I am appreciative of Mr. Kennedy's positions, and the sound fundamental reasons behind the County policy. However, Mr. Kennedy candidly testified that he had not been to this site in some time and my on-site examination of same was persuasive.

Having reached this conclusion, attention is then next turned as to how it may be legally implemented. Counsel for the Developer suggested two alternatives, as a waiver request pursuant to Section 26-172 or pursuant to the Hearing Officer's discretion to impose conditions of the grant of any relief under Section 26-206(o). I impose conditions contrary to County policy on the grant of development plan approval sparingly under Section 26-206(o); believing that great deference should be afforded the County. However, department requirements can be waived, pursuant to Section 26-172. Such a waiver can be granted only if recommended to the Hearing Officer by a Department Director.

In this regard, the Office of Planning has recommended such a waiver, albeit it hesitantly. Mr. McDaniel testified that his department believes that Hilton Avenue should not be widened, so as to preserve the existing trees and wall. Although he recognized Public Works' concerns and was willing to defer to same, I believe that the Office of Planning's position

sufficiently constitutes a "request" of its Department Director for a waiver. Moreover, I find that a waiver is supported and meets the requirements set forth in Section 26-172(a)(1). Surely, the minor size scope and nature of the proposed development does not justify strict compliance with this regulation; the waiver will be within the scope, purpose and intent of these regulations and that compliance with these regulations would cause unnecessary hardship on the Developer. Thus, the waiver shall be granted.

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 approve the development plan consistent with the comments set forth above and shall so order; and the Petition for Zoning Variance shall also be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of November, 1997 that the development plan submitted in the within case as Developer/Petitioner's Exhibit No.1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that a variance Section 4A02.4.D.&E. of the Baltimore County Zoning Regulations (BCZR) to permit four lots as shown on the development plan, in lieu of the statutorily imposed prohibition of the development of any residential lots occasioned by the public services maps and existence of a failing intersection in the locale, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within thirty (30) days from the date of this Order, a development plan which reflects and incorporates the

terms, conditions, and restrictions, if any, of this opinion and Order and/or the development plan comments.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

11/14/97
Mr. Ghorah



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

November 14, 1997

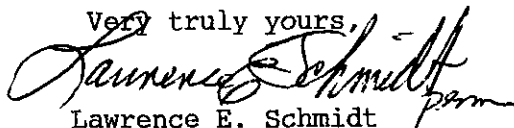
Howard Alderman, Jr., Esquire
Levin and Gann
Suite 113, 305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. I-282 & Case No. 98-90-A
Legal Owners; Valerie A. Helfrich, et al
Francis B. Weiskopf, Developer
Contract Purchaser: Bryan Macari

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above captioned case. The Development Plan and Petition for Variance have been approved.

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
encl.

c: Mr. Bryan Macari, 4 Basswood Court, Catonsville 21228
c: Mr. Robert S. Benedik, 607 Hilton Avenue, Catonsville, 21228
c: Mr. Donald T. Rascoe, Project Manager, Office of PDM
c: Other Reviewing County Agencies





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 607 & 609 Hilton Avenue

which is presently zoned DR 2

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)

SEE ATTACHED

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

SEE ATTACHED

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/Agent:

Brian Macari

(Type or Print Name)

Signature

Four Basswood Court

Address

Baltimore, MD

City

State

21228

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

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):

Valerie A. Helfrich

(Type or Print Name)

Signature

607 Hilton Avenue

Francis B. Weiskopf

(Type or Print Name)

Signature

609 Hilton Avenue

Address

Phone No

Baltimore

City

MD

State

21228

Zipcode

Name, Address and phone number of representative to be contacted.

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204
Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: MTA DATE 9/1/87

SPECIAL VARIANCE CONTINUATION SHEET

Address: 607; & 609 Hilton Avenue

Owner: Valerie A. Helfrich; & Francis B. Weiskopf

Zoning: DR-2

Variance Request:

From BCZR § 4A02.4D & E to permit four lots as shown on the attached Plat to Accompany this Petition and the Development Plan captioned as "Helfrich & Weiskopf Properties".

Justification:

1. Absent the relief requested, the owners and contract purchaser will be prohibited from using the subject property for a permitted purpose;
2. A prior Special Variance was granted for 12 lots for the subdivision known as Oak Forest Glen which is also served by Forest Glen Court; and
3. Such further reasons as will be presented at the time of the hearing held on this petition.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801

CHARLES R. CROCKEN & ASSOCIATES, INC.

Civil Engineering • Land Planning

P.O. BOX 307

WESTMINSTER, MARYLAND 21158

LEGAL DESCRIPTION TO ACCOMPANY PETITION FOR
SPECIAL VARIANCE FROM TRAFFIC MORATORIUM

98-90-A

A CONVEYANCE BY EDWARD G. MOLINARO AND VALERIE A. MOLINARO TO VALERIE A. MOLINARO BY A DEED DATED APRIL 4, 1994 AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER SM 10466 FOLIO 720.

ALL THAT PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND LOCATED ON THE EAST SIDE OF HILTON AVENUE BEING A PART OF THAT SAME LAND AS CONVEYED BY EDWARD G. MOLINARO AND VALERIE A. MOLINARO TO VALERIE A. MOLINARO BY A DEED DATED APRIL 4, 1994 AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER SM 10466 FOLIO 720, NOW BEING KNOWN AS THE VALARIE A. HELFRICH PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING FOR THE SAME AT A POINT IN HILTON AVENUE BEING 139 FT.± NORTH OF THE CENTERLINE INTERSECTION WITH FOREST GLEN COURT AT THE BEGINNING OF THE FIRST OR S 66°28'00" W - 408.08' LINE OF A CONVEYANCE BY EDWARD G. MOLINARO AND VALERIE A. MOLINARO TO VALERIE A. MOLINARO BY A DEED DATED APRIL 4, 1994 AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER SM 10466 , FOLIO 720 THENCE RUNNING WITH AND BINDING ON THE OUTLINE OF SAID CONVEYANCE RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER SM 10466, FOLIO 720
1.) S 71°25'01" E - 407.95' TO A POINT THENCE 2.) S 18°46'53" W 115.49' ON THE NORTHERN RIGHT OF WAY LINE OF FOREST GLEN COURT THENCE BINDING ON SAID RIGHT OF WAY LINE 3.) N 71°09'40" W - 410.13' TO A POINT IN HILTON AVENUE THENCE 4.) N 19° 52' 38" E - 113.69' TO THE POINT OF BEGINNING.
CONTAINING 1.0759 ACRES OF LAND MORE OR LESS.

HELFRV.DES

CHARLES R. CROCKEN & ASSOCIATES, INC.

Civil Engineering • Land Planning

P.O. BOX 307

WESTMINSTER, MARYLAND 21158

98-90-A

**LEGAL DESCRIPTION TO ACCOMPANY PETITION FOR
SPECIAL VARIANCE FROM TRAFFIC MORATORIUM**

A CONVEYANCE FROM FRANCIS B. WEISKOPF, JR. AND ILA G. WEISKOPF TO FRANCIS B. WEISKOPF, JR. AND ILA G. WEISKOPF BY A DEED DATED JULY 18, 1985 AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 6956, FOLIO 171

ALL THAT PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND LOCATED ON THE EAST SIDE OF HILTON AVENUE BEING A PART OF THAT SAME LAND AS CONVEYED BY FRANCIS B. WEISKOPF, JR. AND ILA G. WEISKOPF TO FRANCIS B. WEISKOPF, JR. AND ILA G. WEISKOPF BY A DEED DATED JULY 18, 1985 AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 6956, FOLIO 171 AND BEING KNOWN AS THE WEISKOPF PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING FOR THE SAME AT A POINT IN HILTON AVENUE BEING 139 FT. ± SOUTH OF THE CENTERLINE INTERSECTION WITH FOREST GLEN COURT AT THE BEGINNING OF THE FIRST OR N 24°45'00" E - 113.68' LINE OF A CONVEYANCE FROM FRANCIS B. WEISKOPF, JR. AND ILA G. WEISKOPF TO FRANCIS B. WEISKOPF, JR. AND ILA G. WEISKOPF BY A DEED DATED JULY 18, 1985 AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 6956, FOLIO 171 THENCE RUNNING WITH SAID HILTON AVENUE AND RUNNING WITH AND BINDING ON THE OUTLINE SAID CONVEYANCE RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 6956, FOLIO 171 1.) N 19°52'38" E - 113.65' TO A POINT THENCE LEAVING HILTON AVENUE AND RUNNING WITH AND BINDING ON THE SOUTHERN RIGHT OF WAY LINE OF FOREST GLEN COURT 2.) S 71°12'04" E - 411.06' TO A POINT, THENCE LEAVING SAID RIGHT OF WAY LINE 3.) S 18°50'26" W - 115.40' TO A POINT THENCE 4.) N 70°57'35" W - 413.12' TO THE POINT OF BEGINNING. CONTAINING 1.0835 ACRES OF LAND MORE OR LESS.

WEI-VDES

90



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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 90

Petitioner: Helfrich/Weiskopf/Macari

Location: 601 & 609 Hilton Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mr. Brian Macari

ADDRESS: Four Basswood Court

Baltimore, MD 21228

PHONE NUMBER: (410) 747-7144

AJ:ggs

(Revised 09/24/96)



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
SCCELLANEOUS RECEIPT

No.

042784

DATE 9/9/97 ACCOUNT 01-615

Item: 90
By: *MMK*

AMOUNT \$ 200.00

RECEIVED FROM: Levin + Gann, P.A. - 607 + 609 Hillman Ave

FOR: 010 - Specul Variance (4 lots at 50.00 each) - \$200.00

DISTRIBUTION

- CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
9/09/1997 9/09/1997 09:18:57

REG 0903 CASHIER UNIT VLM DRAWER
6 MISCELLANEOUS CASH RECEIPT

Receipt # 018172 OFLN
CR NO. 042784

200.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

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 in Towson, Maryland on the property identified herein as follows:

Case: #98-90-A
607 and 609 Hilton Avenue
E/S Hilton Avenue, N & SC
Forest Glen Court
1st Election District
1st Councilmanic

Legal Owner(s):
Valerie A. Hellich and
Francis B. Welskopf
Contract Purchaser(s):
Brian Macari

Special Variance to permit
four lots.

Hearing: Thursday, October
30, 1997 at 9:00 a.m., Room
407 Courts Bldg., 401 Bosley
Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3353.

(2) For information concern-
ing the File and/or Hearing,
Please Call (410) 887-3391.

10/034 Oct. 2 C177983

TOWSON, MD., October 2, 19 97

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 2, 19 97.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____ *

Format for Sign Printing, Black Letters on White Background:

Item # 90

ZONING NOTICE

Case No.: 98-90-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____ *

DATE AND TIME: _____ *

REQUEST: Special variance to permit four lots

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

EVENING NOTICE

October 30, 1997

FOR THE PUBLIC HEARING OF THE
TOWSON TOWNSHIP COMMISSION
ON OCTOBER 30, 1997

FOR THE PUBLIC HEARING OF THE
TOWSON TOWNSHIP COMMISSION

ON THE PROPOSED DEVELOPMENT
OF THE PROPERTY

LOCATED AT THE CORNER OF
BOSLEY AVE. AND TOWSON AVE.

THE PROPERTY IS CURRENTLY
ZONED RS-100

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

EXISTING LOTS INTO FOUR SINGLE FAMILY
RESIDENTIAL LOTS

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

EXISTING LOTS INTO FOUR SINGLE FAMILY
RESIDENTIAL LOTS

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

EXISTING LOTS INTO FOUR SINGLE FAMILY
RESIDENTIAL LOTS

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

EXISTING LOTS INTO FOUR SINGLE FAMILY
RESIDENTIAL LOTS

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

EXISTING LOTS INTO FOUR SINGLE FAMILY
RESIDENTIAL LOTS

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

EXISTING LOTS INTO FOUR SINGLE FAMILY
RESIDENTIAL LOTS

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

EXISTING LOTS INTO FOUR SINGLE FAMILY
RESIDENTIAL LOTS

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

EXISTING LOTS INTO FOUR SINGLE FAMILY
RESIDENTIAL LOTS

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

EXISTING LOTS INTO FOUR SINGLE FAMILY
RESIDENTIAL LOTS

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

EXISTING LOTS INTO FOUR SINGLE FAMILY
RESIDENTIAL LOTS

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

EXISTING LOTS INTO FOUR SINGLE FAMILY
RESIDENTIAL LOTS

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

EXISTING LOTS INTO FOUR SINGLE FAMILY
RESIDENTIAL LOTS

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

EXISTING LOTS INTO FOUR SINGLE FAMILY
RESIDENTIAL LOTS

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

EXISTING LOTS INTO FOUR SINGLE FAMILY
RESIDENTIAL LOTS

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

EXISTING LOTS INTO FOUR SINGLE FAMILY
RESIDENTIAL LOTS

THE PROPOSED DEVELOPMENT
IS A SUBDIVISION OF TWO

Notice of Community Input Meeting

(or Development Plan Meeting or County Review Group Meeting)

For

HELFRICH & WEISKOPF PROPERTIES
(Name of Development)

Date and Time: OCTOBER 30, 1997 AT 9:00 A.M.
ROOM 407, COURTS BLDG

Location: 401 BOSLEY AVE. TOWSON, MD.

Developer: VALERY HELFRICH AND
FRANK WEISKOPF

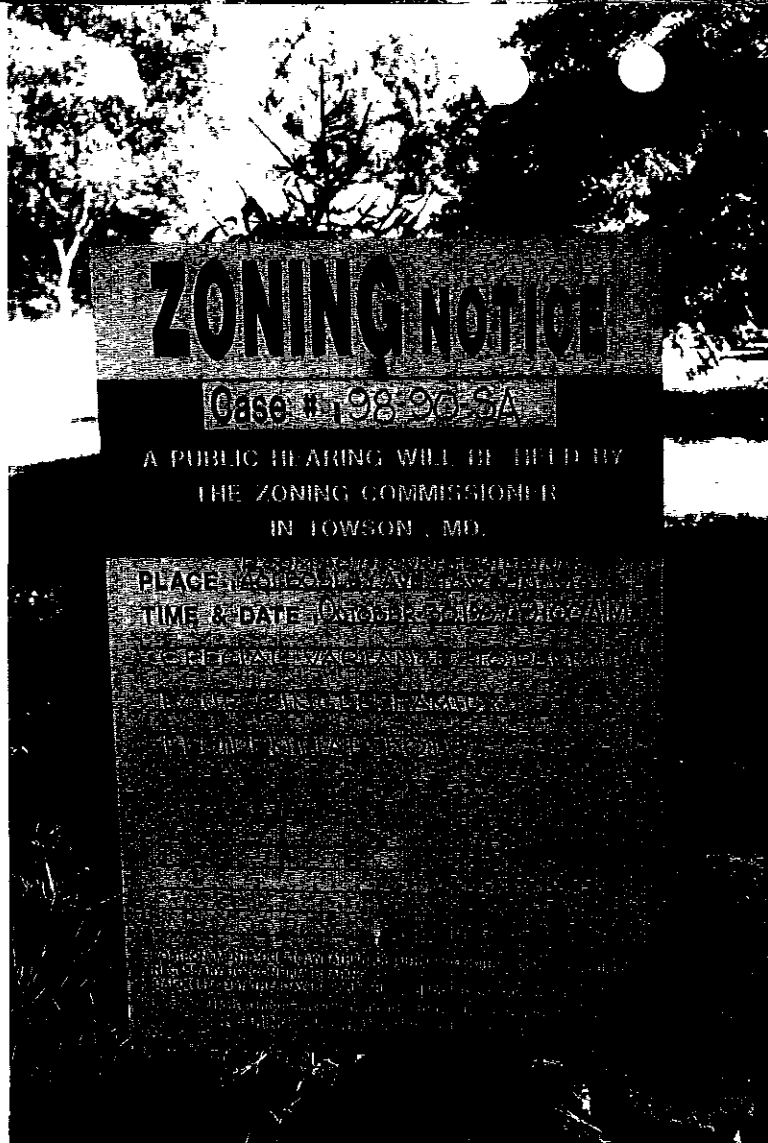
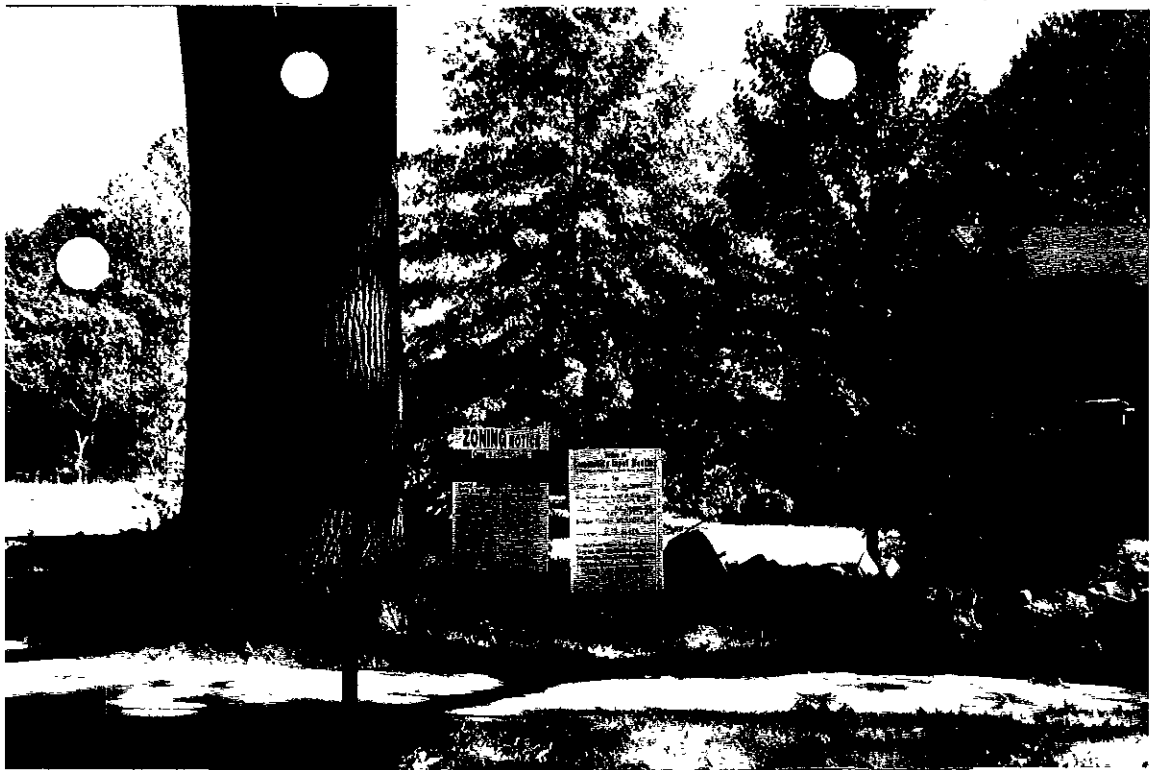
Property Address: 2.15 ACRES

Description of Proposed Development: SUBDIVIDE TWO
EXISTING LOTS INTO FOUR SINGLE FAMILY

RESIDENTIAL LOTS THREE BECOMING TWO
ADDITIONAL SINGLE & FAMILY LOTS

For any review the plan or obtain additional information at:
Department of Permit and Development Management
County Office Building, Room 127
111 West Chesapeake Avenue, Towson, MD 21204
(410) 587-1531

HANDICAPPED ACCESSIBLE



CERTIFICATE OF POSTING

(COMMUNITY INPUT HEARING)
DEVELOPMENT PLAN HEARINGS
RE: Case No.: AND 98-90-SA

Petitioner/Developer: _____

HELFRICH & WEISKOPF

Date of Hearing/Closing: OCT. 30, 1997

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

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

HILTON AVE, FOREST GLEN COURT
CATONSVILLE MD.

The sign(s) were posted on SEPT. 29, 1997
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

TO: PUTUXENT PUBLISHING COMPANY
October 2, 1997 Issue - Jeffersonian

Please forward billing to:

Brian Macari
Four Bassowod Court
Baltimore MD 21228
410-747-7144

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-90-A
607 and 609 Hilton Avenue
E/S Hilton Avenue, N & SC Forest Glen Court
1st Election District - 1st Councilmanic
Legal Owner(s): Valerie A. Helfrich and Francis B. Weiskopf
Contract Purchaser(s): Brian Macari

Special Variance to permit four lots.

HEARING: THURSDAY, OCTOBER 30, 1997 at 9:00 a.m. in Room 407 Courts Building, 401 Bosley Avenue.

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.



Baltimore County
Department of Permits and
Development Management

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

September 25, 1997

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 in Towson, Maryland on the property identified herein as follows:

DEVELOPMENT PLAN HEARING

Project Number: I-282

Project Name: Helfrich & Weiskopf Properties

Location: E/S Hilton Avenue, N of White Oak Avenue

Acres: 2.15

Developer: Francis B. Weiskopf

Proposal: 4 single family dwellings

and

CASE NUMBER: 98-90-A

607 and 609 Hilton Avenue

E/S Hilton Avenue, N & SC Forest Glen Court

1st Election District - 1st Councilmanic

Legal Owner(s): Valerie A. Helfrich and Francis B. Weiskopf

Contract Purchaser(s): Brian Macari

Special Variance to permit four lots.

HEARING: THURSDAY, OCTOBER 30, 1997 at 9:00 a.m. in Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Valerie Helfrich and Francis Weiskopf
Brian Macari
Howard Alderman, Jr., Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 1, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

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

October 22, 1997

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: Item No.: 90
Case No.: 98-90-A
Petitioner: Valerie Helfrich, et al

Dear Mr. Alderman:

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 September 8, 1997.

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 Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



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

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: September 26, 1997

FROM: Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for September 29, 1997
 Item No. 090

The Bureau of Developer's Plans Review has reviewed the subject zoning item. Hilton Avenue is an existing road which shall ultimately be improved as a 40-foot street cross section on a 60-foot right-of-way.

If the variance is granted, the developer will be required to improve Hilton Avenue along his existing frontage with concrete curb and gutter in its ultimate location and roadway widening along with a 4-foot-wide concrete sidewalk per Department of Public Works' standards.

RWB:HJO:jrb

cc: File

ZONE929.090



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 9.23.97
Item No. 090 MJK

Dear Ms. Eubanks:

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,


1- Ronald Burns, Chief
Engineering Access Permits
Division

LG

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



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

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 SEPTEMBER 22, 1997

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:

087, 088, 089, 090, 091, 092, 094, 095, AND 097

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



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 9/25/97

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Sep 22, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 88
89
90
91
92
95
96
98

RBS:sp

BRUCE2/DEPRM/TXTS8P

RE: DEVELOPMENT PLAN HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
<u>HELFRICH & WEISKOPF PROPERTIES</u> , E/S Hil-	*	ZONING COMMISSIONER
ton Avenue, N of White Oak Avenue,		
Proposed 4 single family dwellings on	*	OF BALTIMORE COUNTY
2.15 acres; 607 and 609 Hilton Avenue,		
E/S Hilton Ave, N & SC Forest Glen Ct	*	PROJECT NO. I-282
1st Election District, 1st Councilmanic		
	*	CASE NO. 98-90-A
Developer: Francius B. Weiskopf		
Legal Owners: Valerie A. Helfrich and	*	
Francis B. Weiskopf		
Contract Purchaser: Brian Macari	*	

* * * * *

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 6th day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Developer/Owners/Contract Purchaser.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

9/15/97
08

BAITIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
TWO HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELESCOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
SUITE 113
TOWSON, MARYLAND 21204
410-321-0600
TELESCOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.
hnlerna@conunsel.com

September 15, 1997

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME	TELEFAX NO.
Ms. Gwendolyn Stephens	410-887-5708

FROM: HOWARD L. ALDERMAN, JR., ESQUIRE

NUMBER OF PAGES [INCLUDING THIS COVER PAGE]: 1

CLIENT/MATTER: Helfrich/Weiskopf Properties

COMMENTS: Gwen: we filed a Petition for Special Variance for 607 & 609 (Item No. 90) last week. Please be advised that this should be scheduled with the Hearing Officer's hearing on the Development Plan for these properties; I have left a message with C. Rourke regarding this as well. As early a hearing as possible would be most appreciated given that my client has tight time frames in his contract of purchase. Thanks and please call me with any questions.

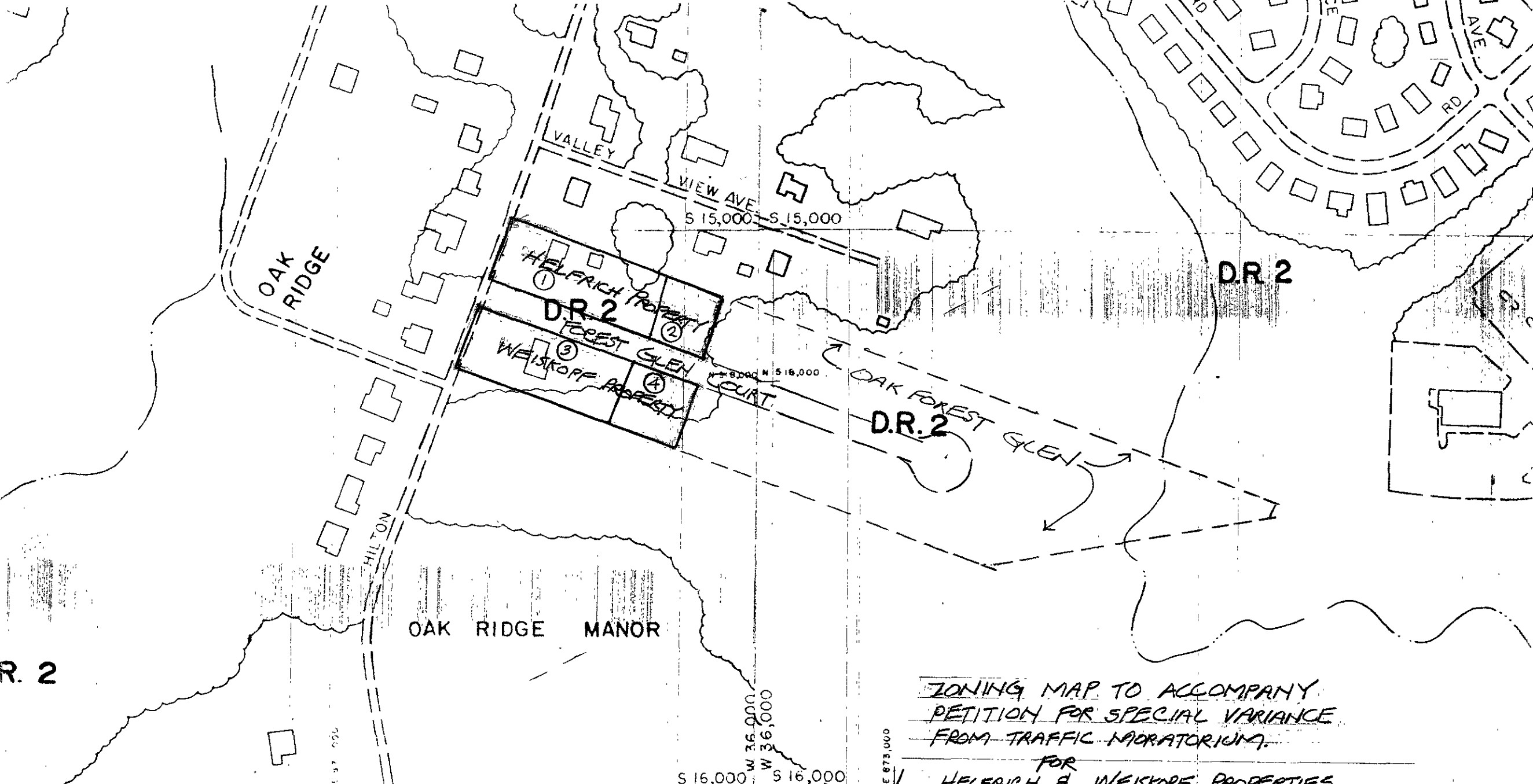
Hilton Ave

[x] ORIGINAL WILL NOT BE MAILED

If you do not receive all of the pages indicated above, please call 321-0600 as soon as possible.
My return FAX Number is (410) 296-2801.

WARNING: UNAUTHORIZED INTERCEPTION OF THIS TELEFAX COMMUNICATION
COULD BE A VIOLATION OF FEDERAL AND MARYLAND LAW.

The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the above address via the U.S. Postal Service. We will reimburse you for expenses. Thank You.



R. 2

SCALE
1" = 200' ±

DATE OF
PHOTOGRAPHY

LOCATION

CATONSVILLE

SHEET

S.W.
4-G

H-SE G-SW

98-90-A

#90

ZONING MAP TO ACCOMPANY
PETITION FOR SPECIAL VARIANCE
FROM TRAFFIC MORATORIUM.
FOR
HELFRICH & WEISKOPF PROPERTIES.

1996 COMPREH
AD
THE BALTIMOR
OCTO
Bills Nos. 129-96, 130-96, 131

Kevin
Chairman

BALTIMORE COUNTY
ZONING MAP.

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

CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21157
Tel. (301) 549-2706

THIS CASE IS SUBJECT TO REVISIONS TO BE FILED WITHIN 10
THE HEARING OFFICER'S ORDER AND ALL AGENCY COMMENTS

