

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Richfield Lane, 1750 ft. +/-
E of c/l Jarrettsville Pike * ZONING COMMISSIONER
3204 Richfield Lane
10th Election District * OF BALTIMORE COUNTY
6th Councilmanic District
Catherine C. Peddy * Case No. 98-216-A
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 3204 Richfield Lane in the rural community of Phoenix in northern Baltimore County. The Petitioner was filed by Catherine C. Peddy, property owner. Variance relief is requested from Section 1A03.4.A of the Baltimore County Zoning Regulations (BCZR) to permit a maximum building height of up to 44 ft. in lieu of the required 35 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case was Catherine C. Peddy, property owner/Petitioner. Also present was her son, Ted Peddy. There were no Protestants or other interested persons present. However, a letter questioning the propriety of the public notice given for this hearing was received from Hans R. Wilhelmsen, M.D. Dr. Wilhelmsen's letter was answered by correspondence from the undersigned dated January 23, 1998.

As to the requested Petition for Variance, testimony and evidence presented was that the Petitioner owns in excess of 30 acres adjacent to Richfield Lane, in northern Baltimore County near Jarrettsville Pike (State Route 146). Presently, Ms. Peddy's holdings are improved with a single family dwelling, in which she resides. Additionally, there are several outbuildings on the property. Ms. Peddy proposes subdividing the

UNRECORDED
Date 2/4/98
By M. Howard

property, so as to create a lot for her son, Ted Peddy. This lot will be 8.762 acres in area and is shown on the site plan as lot 1. The younger Mr. Peddy proposes constructing a single family dwelling thereon. Building elevation drawings were submitted at the hearing which show that the proposed structure will be 44 ft. in height at its highest point (roof line). The dwelling will be appropriate for the community and consistent with other single family houses in the area.

Mr. Peddy testified that the requested height was necessary because the dwelling will not have a basement. He indicated that a significant area of rock exists immediately under the surface of the ground, which limits the possibilities for construction. He also indicated that in order to have an architecturally compatible dwelling, a 12 times 12 roof pitch for the front gable is proposed. This increases the height of the structure at its highest point to 44 ft.

Pursuant to the testimony and evidence offered, all of which is uncontradicted, I am persuaded that the relief should be granted. In my judgment, the Petitioner has satisfied the requirements of Section 307 of the BCZR. That section sets out the requirements which must be satisfied in order for variance relief to be granted. In this case, I am persuaded that the property is unique by virtue of its topography and the sub-surface conditions. Additionally, I find that the Petitioner would suffer a practical difficulty if relief were denied, and that variance relief can be granted without adverse impact on surrounding properties. The relief granted herein is applicable only to the Petition for Variance and the property owners will be required to comply with all County regulations relating to the subdivision.

CERTIFIED TRUE AND CORRECT
2/4/98
DNC
BY M. Novak

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of February 1998, that a variance from Section 1A03.4.A of the Baltimore County Zoning Regulations (BCZR) to permit a maximum building height of up to 44 ft., in lieu of the required 35 ft., be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall comply with all recommendations and requirements of Baltimore County related to the subdivision of the property.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

COPIES OF THIS ORDERING
Date 2/4/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

February 3, 1998

Mr. Ted Peddy
3204 Richfield Lane
Phoenix, Maryland 21131

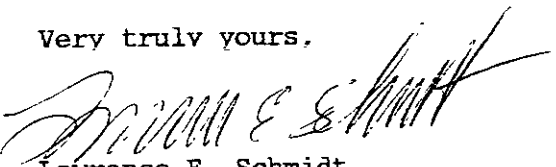
RE: Case No. 98-216-A
Petition for Variance
Property: 3204 Richfield Lane, Phoenix, Md.

Dear Mr. Peddy:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

att.

c: Mrs. Catherine C. Peddy
3230 Richfield Lane, Phoenix, Md. 21131

c: Dr. Hans Wilhelmsen
St. Joseph Professional Bldg.
Suite 208, 7401 Osler Drive
Baltimore, Maryland 21204





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3204 RICHFIELD LANE, PHOENIX, MD 21131
which is presently zoned RC-4

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) 1A03.4A of B.C.Z.R.

To permit a maximum building height of up to 44' in lieu of the required 35'

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

Bedrock conditions have limited the available house location relative to the approved septic reserve area. The shallow depth of bedrock also causes an undue hardship and practical difficulty when establishing the floor elevation of the residence. This further exacerbates the required height limitation of 35'. The owner desires a traditional "Farm House" architectural character consistent with the adjacent properties. As such this requested variance will not cause any adverse impacts to the adjoining properties and remain within the spirit and intent of the Baltimore County Zoning Regulations.

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:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

Catherine C. Peddy

Signature

(Type or Print Name)

Signature

3230 Richfield Lane 410-628-4938

Address

Phone No.

Phoenix, MD 21131

City

State

Zipcode

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

Ted Peddy (w-410-825-0400)

Name

3204 Richfield Lane, Phoenix, MD 21131

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE



Printed with Soybean Ink
on Recycled Paper

98-216-A

216

RE: PETITION FOR VARIANCE	*	BEFORE THE
3204 Richfield Lane, N/S Richfield Lane,		
1750' +/- E of c/l Jarrettsville Pike	*	ZONING COMMISSIONER
10th Election District, 6th Councilmanic		
	*	OF BALTIMORE COUNTY
Catherine C. Peddy		
Petitioner	*	CASE NO. 98-216-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of December, 1997, a copy of the foregoing Entry of Appearance was mailed to Ted Peddy, 3204 Richfield Lane, Phoenix, MD 21131, representative for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100 TOWSON, MARYLAND 21204

Zoning Description
November 12, 1997

Description to accompany an Administrative Variance Request
3204 Richfield Lane
Liber 46 Folio 81
Property of Catherine C. Peddy

Beginning for the same at a point at the intersection of Richfield Lane (Private Road) 20' wide and Jarrettsville Pike 120' wide at the said intersection, thence the following course:

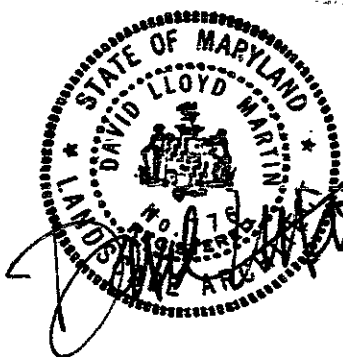
North 66 degrees 40 minutes 07" East, 2,347.71' to point number 10 of the "Final Subdivision Plat of the Scarfield Property" to include:

Lot 1

as recorded in the Baltimore County Land Records – Liber 46, Folio 81 containing 8.762 acres.

Note:

The above description is for zoning purposes only and is not to be used for property conveyances or agreements.



98-216-A

BALTIMORE COUNTY, MAF
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

AND

~~287~~ 2-16

No.

046700

DATE

11-26-97

ACCOUNT

2001-6150

RECEIVED
FROM:

C. Paddy

AMOUNT \$

50.00

FOR:

M1 402 (010)

3204 Paddy

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Jay

98-216-A

CASHIER'S VALIDATION

PAID RECEIPT

PREPARED

03/04

LINE

12/05/1997

12/05/1997

09:02:39

RE: 0501

CASHIER CLIM CAL. DROMER

1

5 MISCELLANEOUS CASH RECEIPT

03/04

RECEIPT #

030704

GTN

Baltimore County, Maryland

50.00 CHECK

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec. 26, 1977

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 Dec. 25, 1977.

THE JEFFERSONIAN,

A. H. Enidman
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission 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 #98-216-A
3204 Richfield Lane
NW Richfield Lane, 1750' +/-
of Seminary Jarrettville Pike
10th Election District
6th Councilmanic District
Legal Owners(s): Catherine C. Paddy

Variance: to permit a maximum building height of up to 44 feet in lieu of the required 35 feet.

Hearing: Wednesday, January 14, 1998 at 9:00 a.m., Room 407 County 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) 887-3333.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

12289 Dec. 25 C1975D0

CERTIFICATE OF POSTING

RE: Case No.: 98-216-A

Petitioner/Developer: _____

CATHERINE C. PEDDY

Date of Hearing/Closing: 1/14/98

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

Attention: Ms. Gwendolyn Stephens

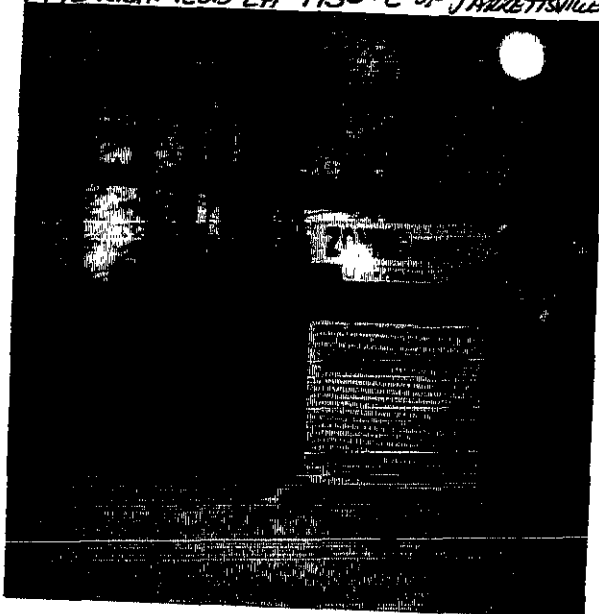
Ladies and Gentlemen:

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 _____

N/S RICHFIELD LA, 1750' ± E. OF CENTERLINE
JARRETTSVILLE PIKE

The sign(s) were posted on 12/30/97
(Month, Day, Year)

N/S RICHFIELD LA - 1750' ± E OF JARRETTSVILLE PK



Sincerely,

Richard E. Hoffman 12/30/97
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

CASE # 98-216-A

POSTED: DEC. 30, 1997

Richard E. Hoffman 12/30/97



Baltimore County
Department of Permits and
Development Management

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

December 12, 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:

CASE NUMBER: 98-216-A
3204 Richfield Lane
N/S Richfield Lane, 1750' +/- E of centerline Jarrettsville Pike
10th Election District - 6th Councilmanic District
Legal Owner: Catherine C. Peddy

Variance to permit a maximum building height of up to 44 feet in lieu of the required 35 feet.

HEARING: Wednesday, January 14, 1998 at 9:00 a.m. in Room 407, County Courts
Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Ted Peddy
Catherine C. Peddy

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 30, 1997.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
December 24, 1997 Issue - Jeffersonian

Please forward billing to:
Catherine Peddy 410-628-4938
3230 Richfield Lane
Phoenix, MD 21131

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: 98-216-A
3204 Richfield Lane
N/S Richfield Lane, 1750' +/- E of centerline Jarrettsville Pike
10th Election District - 6th Councilmanic District
Legal Owner: Catherine C. Peddy

Variance to permit a maximum building height of up to 44 feet in lieu of the required 35 feet.

HEARING: Wednesday, January 14, 1998 at 9:00 a.m. in Room 407, County Courts
Building, 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 CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.

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:

ZONING NOTICE

Case No.: 98-216-A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: A VARIANCE TO PERMIT A
DWELLING HEIGHT of 44ft. in Lieu
of The Prev Permitted 35ft.

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



Baltimore County
Department of Permits and
Development Management

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

January 7, 1998

Ms. Catherine C. Peddy
3230 Richfield Lane
Phoenix, MD 21131

RE: Item No.: 216
Case No.: 98-216-A
Petitioner: Catherine C. Peddy

Dear Ms. Peddy:

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 December 5, 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 black ink that reads "Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



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

DATE: December 22 1997

To: Arnold L. Jablon
From: Bruce Seeley
Subject: Zoning Item #216

Catherine Peddy

Zoning Advisory Committee Meeting of December 15, 1997

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code.)
- Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).
- Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X Groundwater Management;
- BK:sp The septic reserve area and well are improperly located. Please refer to the soil percolation test plan of 6/26/96 for correct locations.



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 12.12.97
Item No. 216 JCM

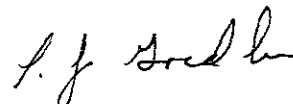
Dear Ms. Eubanks:

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,


for 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, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: December 17, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

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

Item Nos. 208, 209, 210, 212, 214, 215, 216, and 218

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Jeffrey M. Long

Division Chief:

Gary L. Kern

AFK/JL

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

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
 Department of Permits & Development
 Management

Date: December 22, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
 for December 22, 1997
 Item Nos. 209, 210, 213, 214, 215,
 216, 217, 218, and 220

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE1222.NOC

Baltimore County Government
Fire Department



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

(410) 887-4500

December 29, 1997

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 December 15, 1997

Item No.: See Below Zoning Agency:

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.

2. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

208, 209, 210, 211, 212, 213, 214, 215, 216, 218 and
use permit legal owner: Henry Reitberger (Golden Oaks
General Partnership)

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

cc: File



Ted Peddy
3204 Richfield Lane
Phoenix, Maryland 21131

February 18, 1998

Mr. Lawrence Schmidt
Baltimore County Director of Zoning
Baltimore County Zoning Office
Ste. 405, County Courts Building
401 Bosley Ave.
Towson, Maryland 21204

Re: Case # 98-216-A
3204 Richfield Lane
Phoenix, Maryland

Dear Mr. Schmidt,

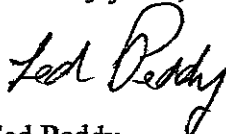
My family and I recently received your decision letter permitting us to build our residence up to a height of 44 feet in lieu of the required 35 foot restriction.

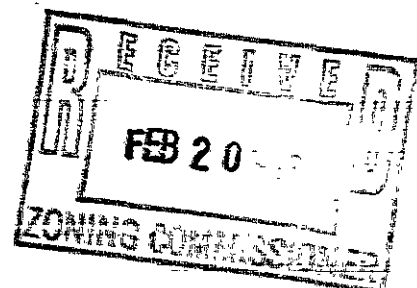
Digging septic test pits on the lot, as mentioned in the hearing, has led us to believe the depth of bedrock in this location to be as shallow as 3 feet. As we showed in the design of the house, the increased roof pitch will allow for more attic storage which may be necessary if we are unable to dig a basement. However improbable a basement may seem in this area, it is our intention to try to excavate, if not for a shallow basement/crawlspace, then perhaps for a partial 7 foot basement under the house, rock permitting.

We wanted to be sure you understood our intention to try to dig a basement, if possible. As evidenced in your decision letter, this point may not have been clearly conveyed during the hearing.

Barring any unforeseen problems, we hope to break ground in 30 days, and as always, we are available for questions. I remain,

Sincerely yours,


Ted Peddy



A

Duval
252-5820

Scarfield
1 sec. design. 10.18

August 6, 1979

Mr. Vincent Scarfield
C/O McKee and DuVal Associates
1717 York Road
Lutherville-Timonium, Maryland 21093

Re: North side of Richfield Lane
1800 ft. east of Jarretts-
ville Pike, Election District
10.

Dear Mr. Scarfield:

A representative of this office, Mr. Marvin H. Cook,
evaluated the soil on the subject property. The results are
as follows:

<u>TEST PIT</u>	<u>DRAWDOWN</u>	<u>DEPTH</u>	<u>SOIL</u>
A	3 minutes	3 feet	Clay C-1.5 ft., Loch Raven Schist, 1.5-10 ft., rock - 10 ft.
B	---	---	Clay C-1.5 ft., Loch Raven Schist, 1.5-5.5 ft., rock - 5.5 ft.
C	6 minutes	3 feet	Clay C-1.5 ft., Loch Raven Schist, 1.5-9 ft., rock - 9 ft.
D	5 minutes	3 feet	Clay C-1.5 ft., Loch Raven Schist, 1.5-7 ft., rock - 7 ft.

Based on the soil evaluations and the plot plan, approval
will be granted for the installation of a private sewage disposal
system. Soil evaluation results will be valid for a period of
three years. At the expiration of this period of time, the re-
sults will become void without notice to that effect having been
given by the approving authority.

It should be noted that 10,000 sq. ft. is reserved for
the sewage disposal system and area for expansion. Under no cir-
cumstances shall any permanent structures, above or below ground,
be permitted within this area. Also, no underground electric
lines, water pipes, gas line, etc., shall be permitted in the
disposal system area.

Very truly yours,

William M. Greenwalt, R.S.
Director
ENVIRONMENTAL SUPPORT SERVICES

WMG:MHC:ss



Baltimore County
Department of Environmental Protection
and Resource Management

BUREAU OF WATER QUALITY
AND RESOURCE MANAGEMENT
Ground Water Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21204
(410) 887-2762
Fax: (410) 887-4804

July 2, 1996

MR THOMAS PEDDY
10749 FALLS ROAD
LUTHERVILLE MD 21093



Re: 3204 Richfield Lane, Scarfield Property, D-10
TA # 21-00-005535

Dear Mr. Peddy:

A representative of this office, Ms. Susan S. Farinetti, R.S. conducted soil evaluations on June 26, 1996 regarding the above-referenced lot(s), the results of which are as follows:

TEST PIT	LOT #	DRAWDOWN IN MIN.	TEST DEPTH	SOIL DESCRIPTION AND DEPTH AT WHICH POROUS SOIL WAS ENCOUNTERED
A				Clay 0-1' LRS 1-9' Rock
B				Clay 0-2' LRS 2-11' Rock
C		4 min.	2 ft.	Clay 0-1' LRS 1-10' Rock

LRS = Loch Raven Schist

Based on the evaluations and the perc test plot plan dated June 26, 1996, **APPROVAL** will be granted for the installation of a private sewage disposal system. Soil percolation tests will be *valid for a period of five (5) years from the date of tests, approval letter or record plat, whichever is most recent.* At the expiration of this period of time, the results will become **VOID** without notice to that effect having been given by the Approving Authority.

It should be noted, there is an area designated on the site plan for the sewage disposal system and expansion thereof. Under no circumstances shall any permanent structures above or below ground, be permitted within this area. Also, no underground electric lines, water pipes, gas lines, etc., shall be permitted in the disposal system area.

The following are comments which concern persons developing property:

Post-It® Fax Note	7671	Date	11/12	# of pages	4
To	Ted Peddy		From	SUE FARINETTI	
Co./Dept.		Co.			

Mr. Thomas Peddy
page 2
July 2, 1996

There is an existing drilled water well on this property. A water well yield test must be performed prior to issuance of a building permit or conveyance of the property.

Water well yield test reports shall be valid for a period of three years from the date of the yield test. At the expiration of that period of time, a retest must be performed and a report submitted to this office prior to issuance of a building permit.

If you have any questions regarding this matter, please contact this office at (410) 887-2762 between 8:30 - 9:30 a.m.

Sincerely,



J. Robert Powell, R.S.
Soil Evaluation Program Supervisor
GROUND WATER MANAGEMENT

JRP:pj

s/d:richf

1-13-98

NOTE TO FILE:

DR. WILHEMSON (410-823-3885) CALLED REGARDING CASE NO. 98-216-A (RICHFIELD LANE + JARRETTVILLE PIKE). HE OWNS THE FARM NEXT DOOR. HE SAID THAT THE SIGN WAS NOT POSTED PROPERLY.

THE HEARING IS SCHEDULED FOR TOMORROW, 1-14-98, BEFORE LARRY. THE FILE IS ALREADY IN THE Z.C.'S OFFICE.

PER CARL, I CALLED DR. WILHEMSON AND LEFT A MESSAGE SUGGESTING THAT HE GO TO THE HEARING AND VOICE HIS CONCERNS REGARDING THE POSTING. I LEFT DATE, TIME + PLACE OF HEARING AS PART OF THE MESSAGE, AS WELL AS MY + CARL'S NAMES AND NUMBER IF HE HAD ANY QUESTIONS.

SOPHIA

98-216-A

DR. WILHELMSSEN & ASSOCIATES, P.A.

Plastic, Reconstructive and Hand Surgery

HANS R. WILHELMSSEN, D.D.S., M.D., F.A.C.S.

RUBEN F. BALLESTEROS, M.D., F.A.C.S.

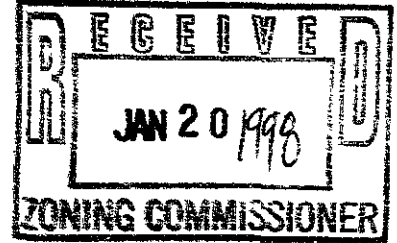
PAUL R. RINGELMAN, M.D.

DR. C. PARKE SCARBOROUGH 1912-1968

January 14, 1998

Mr. Larry Schmidt
Zoning Appeal Hearing Officer
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21286

RE: 98216 A Jarrettsville Pke.
Richfield Lane



Dear Mr. Schmidt:

As to the special exception of the above case, I have no objection. The property borders back on my farm.

The purpose of this letter is the ethics behind this zoning appeal which has me quite disturbed. As to the best of my knowledge, when a zoning hearing is to take place, a sign is posted at the property in a visible place so it can readily be seen by the surrounding property owners who may have an interest in the matter since it is a public hearing. In this case, I was informed by a patient, who was told by another person, that there was a sign for a hearing in the evening on 1/12/98.

The next day, I went to Richfield Lane and I was totally amazed. The sign for a public hearing was not at the entrance to the farm where a 7 acre lot had been subdivided many years ago. The entrance to the farm is at Jarrettsville Pike and Richfield Lane. There are two pillars at the entrance and there is a sign with the name of the farm and a sign indicating either private lane or private property. I took the liberty to trespass and continued back the lane for approximately 1/3rd of a mile. There was a sign posted on my property approximately 60 feet from the property involved. The back of the white hearing sign was to my property. I believe that it was actually posted within my property line. I was dumbfounded. This is an easy way to get a zoning approved when nobody can see the sign.

I called the owner and talked with him. I told him that I had no objection to the special exception and that was before I went to look where the sign was placed. I told him that I had heard that the sign was all the way down Richfield Lane and his comment was that

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SUITE 208 7401 OSLER DRIVE
BALTIMORE, MARYLAND 21204



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FAX 410-823-6888

Mr. Larry Schmidt
Balto. County Zoning Appeals Hearing Officer
Page 2
January 14, 1998

"my wife owns the farm, and my son is going to build a house and that is where the company that is contracted by Baltimore County placed the sign". The family who owns the property is a well respected developer in Baltimore County and I am sure that he has a lot of expertise in zoning matters.

I am amazed at how this could have occurred. I guess in medicine we think in an ethical manner. But, where the sign was placed, 1/3rd of a mile off the entrance to the property, not visible to the public, is beyond me. How does Baltimore County participate in such activity? The sign is posted, nobody sees it, especially myself, who the property up for special exception, is right adjacent to. Then to have the sign posted on my property and not on the property that is involved to me is very bad.

If you have a subcontractor who participates in unethical acts, I think their contract should be promptly terminated. If you should ask your subcontractor why the sign was placed there, his answer will be most likely that he made a mistake. However, can the county accept that type of excuse?

Since I took multiple photographs to demonstrate what has been described, after they are developed, the prints will be forwarded to your office and you will find that this is self explanatory.

Your comments are greatly appreciated.

Sincerely yours,



Hans R. Wilhelmsen, M.D.

HRW:nc

P.S. The reason that I did not come to the hearing is because I had surgeries that had been scheduled for several weeks in advance and I did not feel that it would be fair to the patients to postpone their dates.



Baltimore County
Zoning Commissioner
Office of Planning

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

March 9, 1998

Hans R. Wilhelmsen, M.D.
St. Joseph Professional Building
Suite 208, 7401 Osler Drive
Baltimore, Maryland 21204

RE: Case No. 98-216-A
Richfield Lane, Jarrettsville Pke.

Dear Dr. Wilhelmsen:

Thank you for your letter of February 2, 1998. My apologies for the delay in this response thereto.

I certainly understand your concerns and appreciate your comments. Both the letter and spirit of the law require that any property under consideration should be posted with the sign so as to provide public notice. Regrettably, the regulations are vague as to the details of the posting; other than to require that same must be "conspicuous".

I candidly do not find any intent to deceive or fraud associated with this case. The size, configuration and layout of the lot made posting difficult in this case. The fact that the property is also served with a lengthy panhandle drive is also a complicating factor. As I pointed out in my last letter, the posting of the sign at the intersection of the private drive and Jarrettsville Pike would not be near the site of the proposed house; whereas, the posting of the property near the location of the proposed dwelling would not be visible from the intersection. Perhaps, more than one sign should have been posted.

In any event, I again appreciate your thoughts and concerns. I am gratified that as an adjacent property owner, you did receive notice of the Petition for Variance prior to the date of the hearing. Moreover, the merits of the proposal are paramount and there has apparently been no objection to the proposal from any interested person.

Thank you again for your continued interest and input.

Very truly yours,

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

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm





Baltimore County
Zoning Commissioner
Office of Planning

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

January 23, 1998

Dr. Hans R. Wilhelmsen
St. Joseph Professional Building
Suite 208, 7401 Osler Drive
Baltimore, Maryland 21204

RE: Case No. 98-216-A
Property: Jarrettsville Pike, Richfield Lane

Dear Dr. Wilhelmsen:

Thank you for your letter of January 14, 1998 regarding the above matter. I will endeavor herein to address the many concerns which you have raised and correct the errors in your letter regarding the zoning process and this case, in particular.

I am the Zoning Commissioner for Baltimore County and not a Zoning Appeal Hearing Officer, and this matter came before me as a Petition for Zoning Variance, not a special exception. My consideration of the case is the initial quasi-judicial determination of the merits of the requested Petition; that is, there was no prior decision from which an appeal was filed.

In any event, the Petition for Variance was filed by Ms. Catherine C. Peddy, the owner of the subject property generally known as 3204 Richfield Lane in Phoenix, Baltimore County. The variance requested was for approval to permit a building (dwelling) with a height of up to 44 ft., in lieu of the maximum allowed 35 ft. The property is zoned R.C.4 and the zoning regulations for that zone permit a dwelling to be no higher than 35 ft. The zoning variance process is a procedure under which a property owner can ask to vary that regulation. When such a variance is requested, the matter comes in before the Zoning Commissioner or Deputy Zoning Commissioner for an administrative quasi-judicial hearing.

The Baltimore County Code provides that public notice be given of all zoning hearings. Notice is given in two ways; the publication of an advertisement in the newspaper and the posting of the sign on the property. In this case, the advertisement was duly published in the December 25 edition of The Jeffersonian. A copy of the Certificate of Publication and Advertisement are enclosed herewith.



As to the sign posting, Baltimore County maintains a list of approved "Sign Posters". The property owner/applicant pays for the sign posting and can retain any individual on the approved list to post the sign. After the sign is posted, a Certificate of Posting is forwarded by the sign poster, with a photograph of the sign, to the County for inclusion in the case file. A copy of the Certificate of Posting filed in this case, along with a copy of the photograph, is enclosed.

The Baltimore County Code further provides that the property must be "conspicuously" posted. Obviously, in the County's more urban areas, the sign is normally posted in the front yard of the lot adjacent to a public roadway.

Rural properties are more problematic. In this case, Ms. Peddy apparently owns in excess of 30 acres adjacent to Richfield Lane, near Jarrettsville Pike in Phoenix. According to information in the file, she proposes subdividing her holdings so as to create a lot for her son, Ted Peddy. The younger Mr. Peddy proposes constructing a single family dwelling on the lot, elevation drawings for which show same to be 44 ft. in height at the roof line. The proposed lot will be 8.762 acres in area.

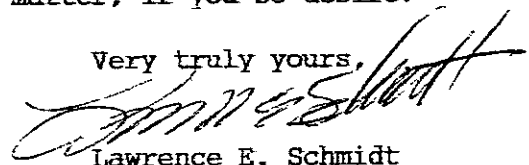
I suspect that when the sign poster went to the site, he determined that the sign should be posted near where the house would be constructed. Obviously, it was his intent to put the sign at that location so that those individuals who could see the house, should also see the sign. Posting of the sign adjacent to the intersection of Jarrettsville Pike and Richfield Lane would be improper in that the subject property under consideration is quite a distance down Richfield Lane and the proposed site of the house is not near that location. The regulations require that the sign be posted on the property, not at the nearest intersection.

My file also discloses that Sophia Jennings, an employee in the Office of Permits and Development Management, spoke with you on January 13, 1998 regarding this matter. Her note to the file indicates that she left a message urging you to attend the hearing and voice any concerns which you had regarding the sign posting. I understand that you had professional commitments that day and were not able to attend, however, efforts were made to advise you of the matter beforehand.

I trust that the above has explained the process and procedure employed. I understand your concerns and share your belief that adequate public notice is vital. However, in this case, it appears that the sign poster did use reasonable judgment in posting the sign at or near the site of the proposed dwelling. Although he may erroneously determined the location of the property line, there does not appear to be any willful disobedience of the regulations.

I trust that the above has addressed your concerns and would be more than happy to speak with you regarding this matter, if you so desire.

Very truly yours,



Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encls.



Baltimore County
Zoning Commissioner
Office of Planning

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

March 5, 1998

Mr. Ted Peddy
3204 Richfield Lane
Phoenix, Maryland 21131

RE: Case No. 98-216-A
Location: 3204 Richfield Lane, Phoenix

Dear Mr. Peddy:

This is to acknowledge receipt of your letter dated February 18, 1998.

The representations in your letter do not impact my decision. It appears that even if a shallow basement/crawl space can be dug; it would provide limited storage. I believe that the factors which you represented at the hearing are sufficient to justify the grant of the zoning variance. The proposed structure is appropriate for the community and consistent with other dwellings in the area.

I will insert your letter in the case file, as well as this response.

Please do not hesitate to contact me should you have any questions.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn



DR. WILHELMSSEN & ASSOCIATES, P.A.

Plastic, Reconstructive and Hand Surgery

HANS R. WILHELMSSEN, D.D.S., M.D., F.A.C.S.

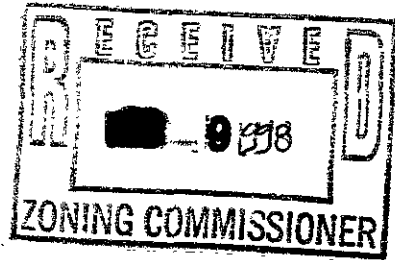
RUBEN F. BALLESTEROS, M.D., F.A.C.S.

PAUL R. RINGELMAN, M.D.

DR. C. PARKE SCARBOROUGH 1912-1968

February 2, 1998

Mr. Lawrence E. Schmidt
Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204



Dear Mr. Schmidt:

Thank you for your kind letter dated 1/23/98. I apologize for not addressing you as zoning commissioner, but I was informed by your office that you were the hearing officer in this case.

I have reviewed a copy of the photograph of the zoning notice. The note that the owner of the property shown in the picture belonged to Mr. Peddy, the picture is of Sunnybrook Farm.

In the first paragraph of the letter, may I quote, "this letter is to certify under penalty of perjury that the necessary signs required by law were posted conspicuously on the property located at". To me this is my point. Posted in an inconspicuous area on the wrong property.

I am enclosing photographs to demonstrate my concern, as the sign was hidden from the public.

Richfield Lane is a private lane, on private property. It is not a county road, as demonstrated in the entrance to the county road, you can see the discrepancy in maintenance between Jarrettsville Pike and the private road (picture #1).

On picture #2, Mr. Peddy has the nice sign "Richfield Farm", which clearly indicates that it is a private drive. He has constructed two pillars at the entrance. The sign in itself indicates it is a private property, and not for public use. Richfield Lane is a dead end.

On picture #3, you can see the extent of this private road.

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Lawrence E. Schmidt
Page 2

Picture #4 is similar to the one that you have on your picture, which is the back of my farm. I believe the sign is actually posted on my property.

I believe picture #5 might be where the area of variance is requested.

Again, I have no problem with what the neighbors are doing. But, in medicine, maybe we are a bit more geared to details. In my judgement this sign was posted off the beaten path, away from the public which is against the zoning procedure, and again posted on the wrong property. In essence isn't what I have pointed out just common sense? I am most anxious to have your honest comments.

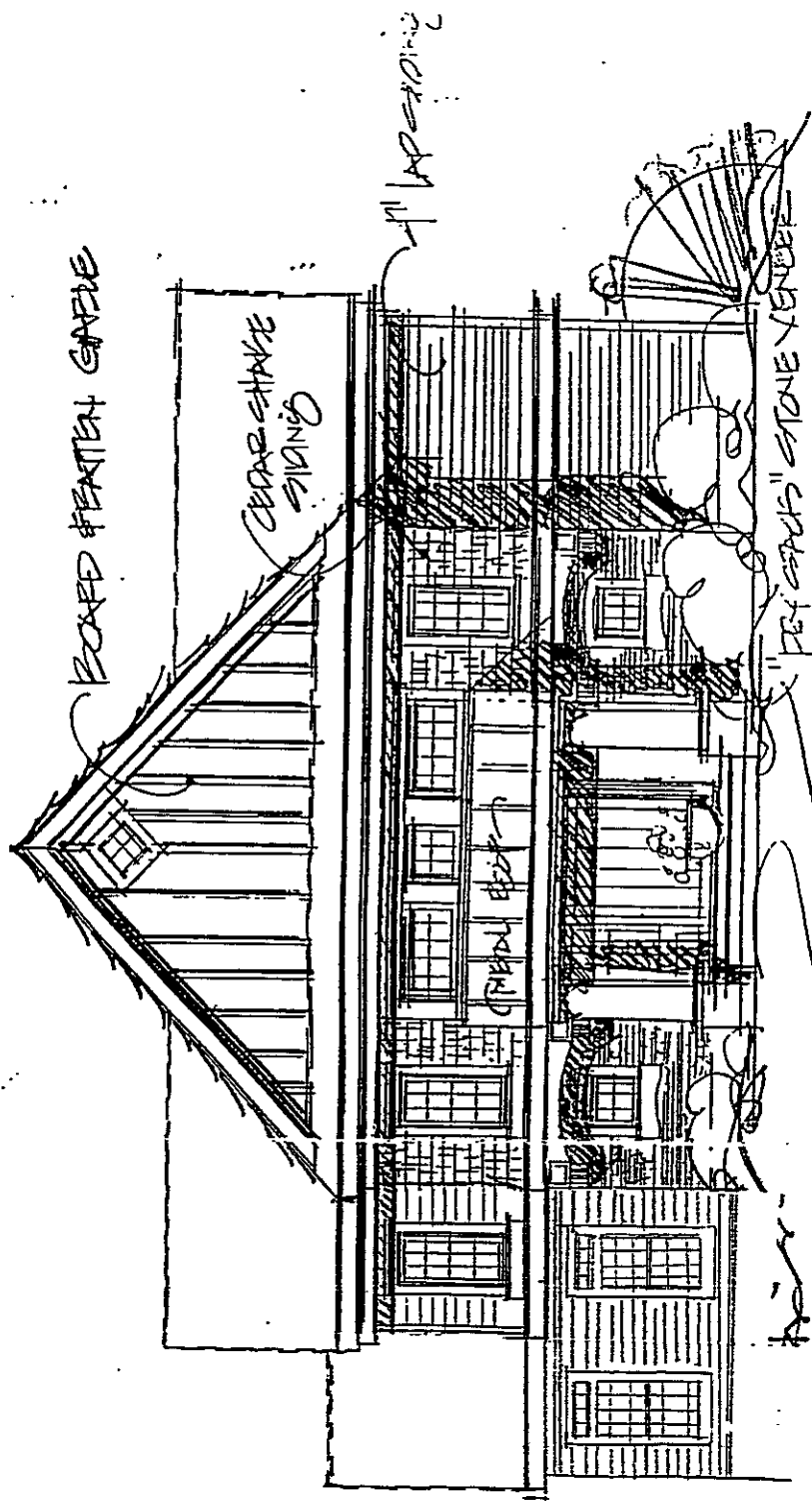
I hope I will be seeing you in about three weeks at "Dutch's" get-together at Martins West.

With best regards,



Hans R. Wilhelmsen, M.D.

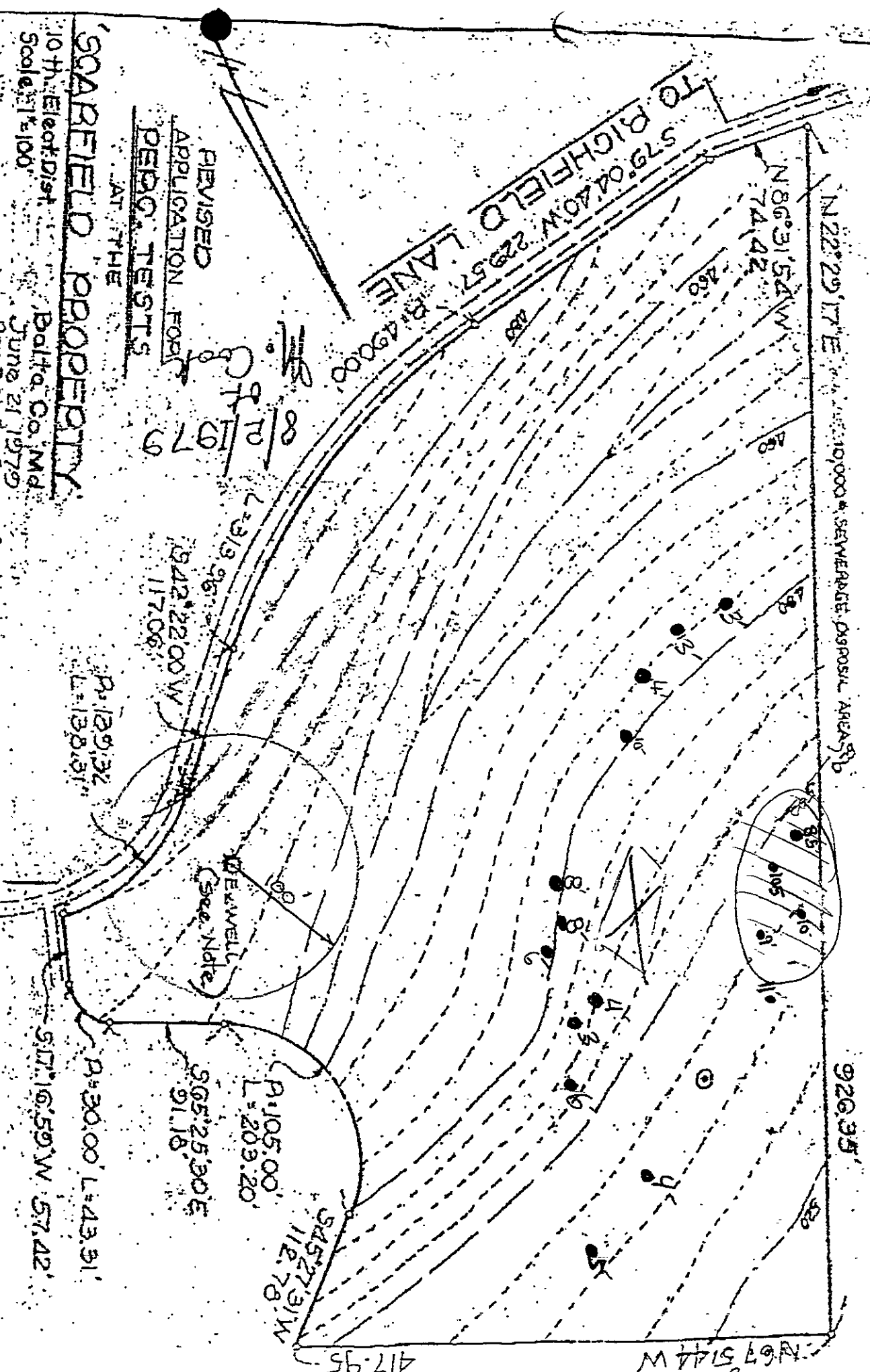
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FRONT ELEVATION

AP-10-10

General location of Test Pits.

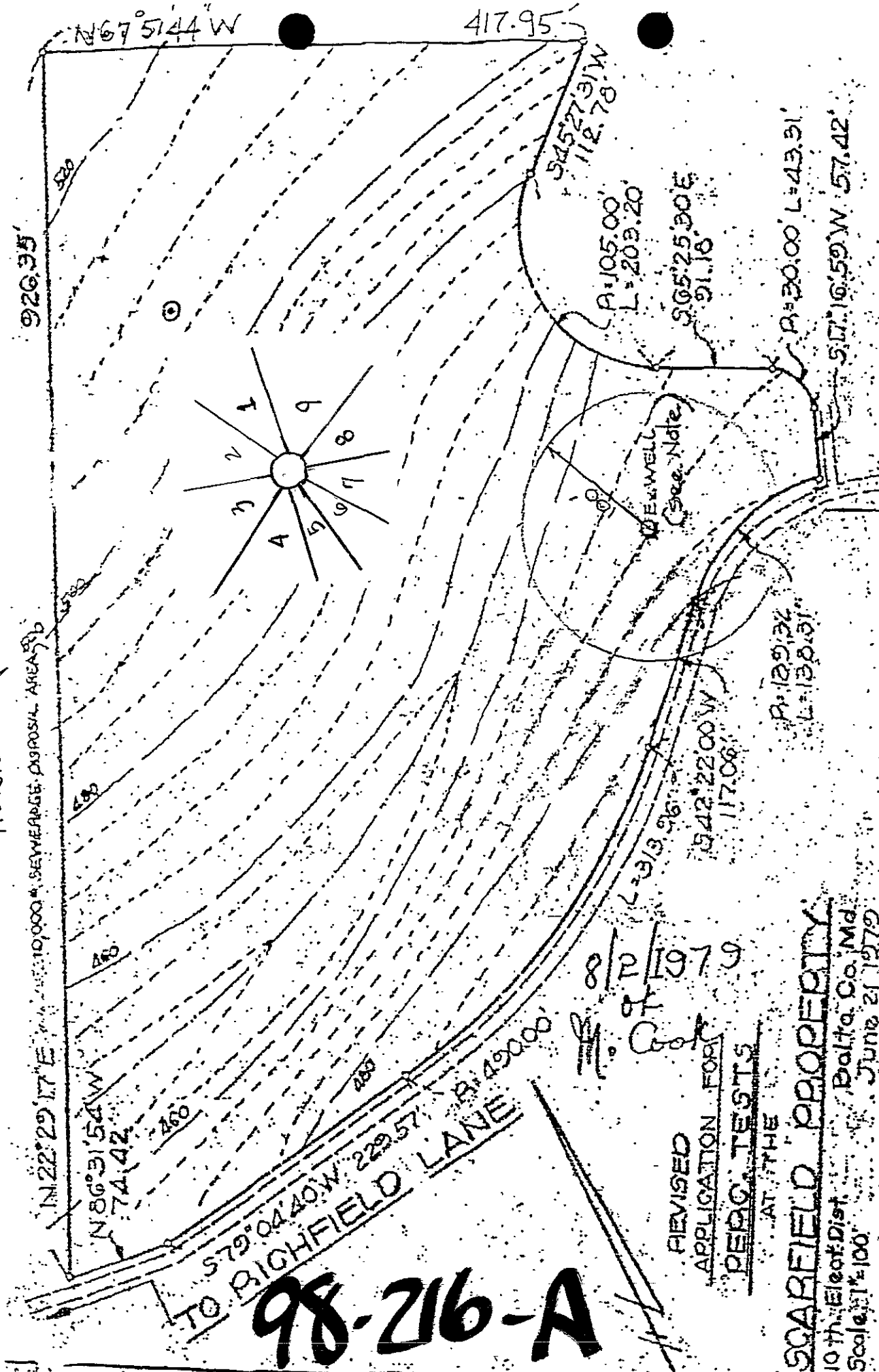


10th Elect Dist. Baltimore, Md.
 Scale 1" = 100'
 June 21, 1979
 REVISED APPLICATION FOR PERMITS
 AT THE
 SCARFIELD PROPERTY
 Notice: Ex. well owned & operated by Scarfield Property, Inc. for water rights. Not to be used Sept. 22, 1977.

MOORE DUVAL & ASSOCIATES, INC.
 Civil Engineers & Land Surveyors
 1717 York Rd. - Lan Lea Bldg. - Lutherville, Md. 21054

3204 Richfield Ln.

Picture Diagram



McKEE, DUVAL & ASSOCIATES, INC.
Civil Engineers & Land Surveyors
1717 York Rd. - Lan Lea Bldg. - Lutherville, Md. 2106

SCARFIELD PROPERTY
10th Elect Dist. - Balto. Co. Md.
Scale: 1" = 100'
June 21, 1979
Rev. 0-1-79 (as per field)

REVISED
APPLICATION FOR
PERMITS
AT THE

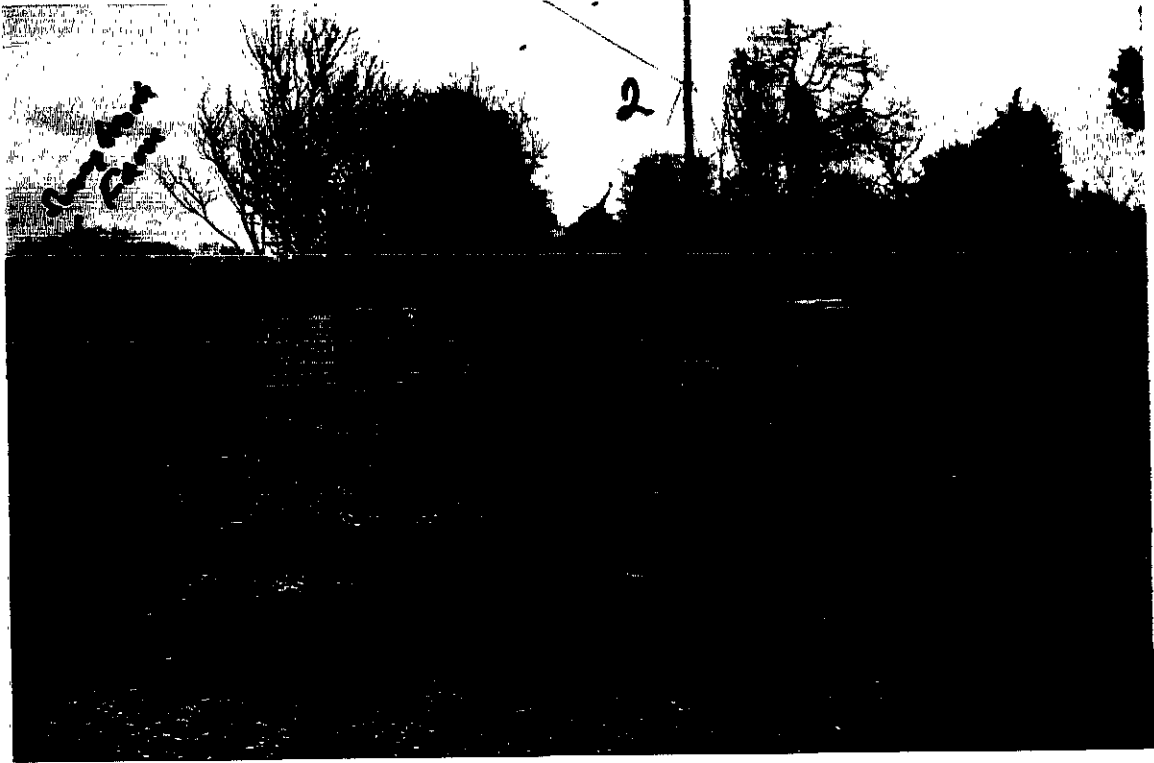
Notes: Ex. well owned & operated by
Tosco. Discontinued for water rights
as Dec. 22, 1977.
S. 17, 1977, 1978, 1979.

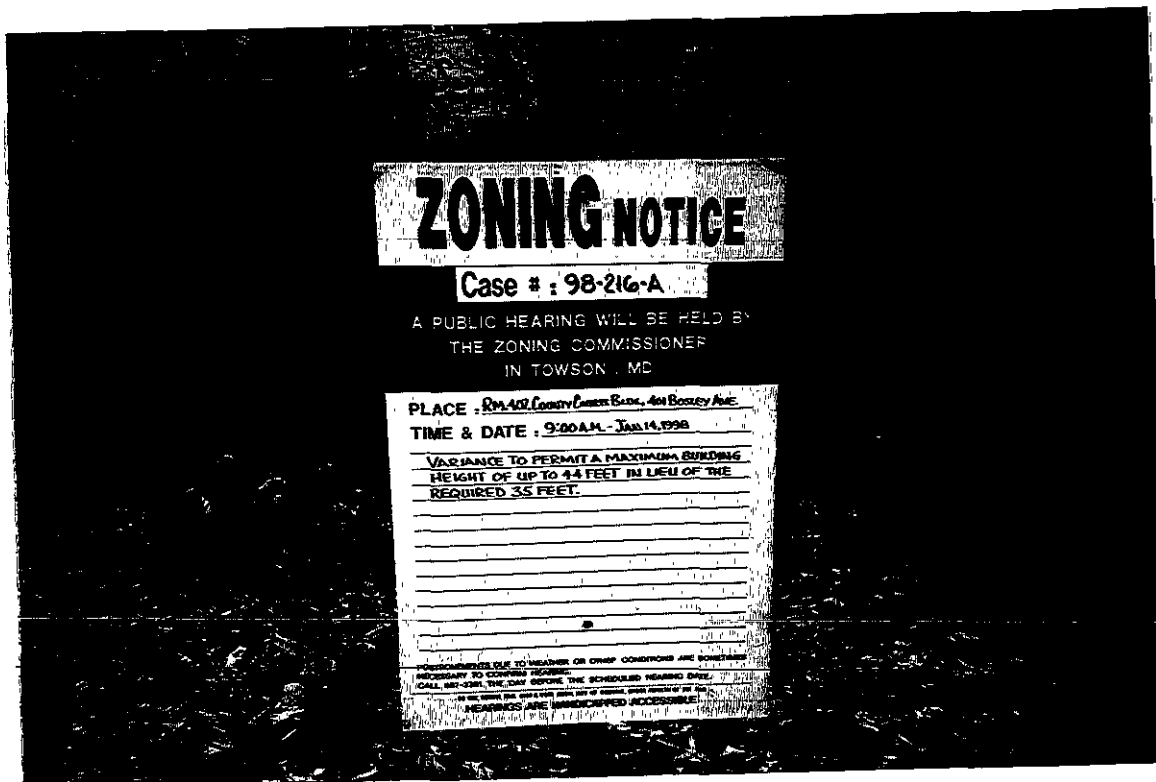
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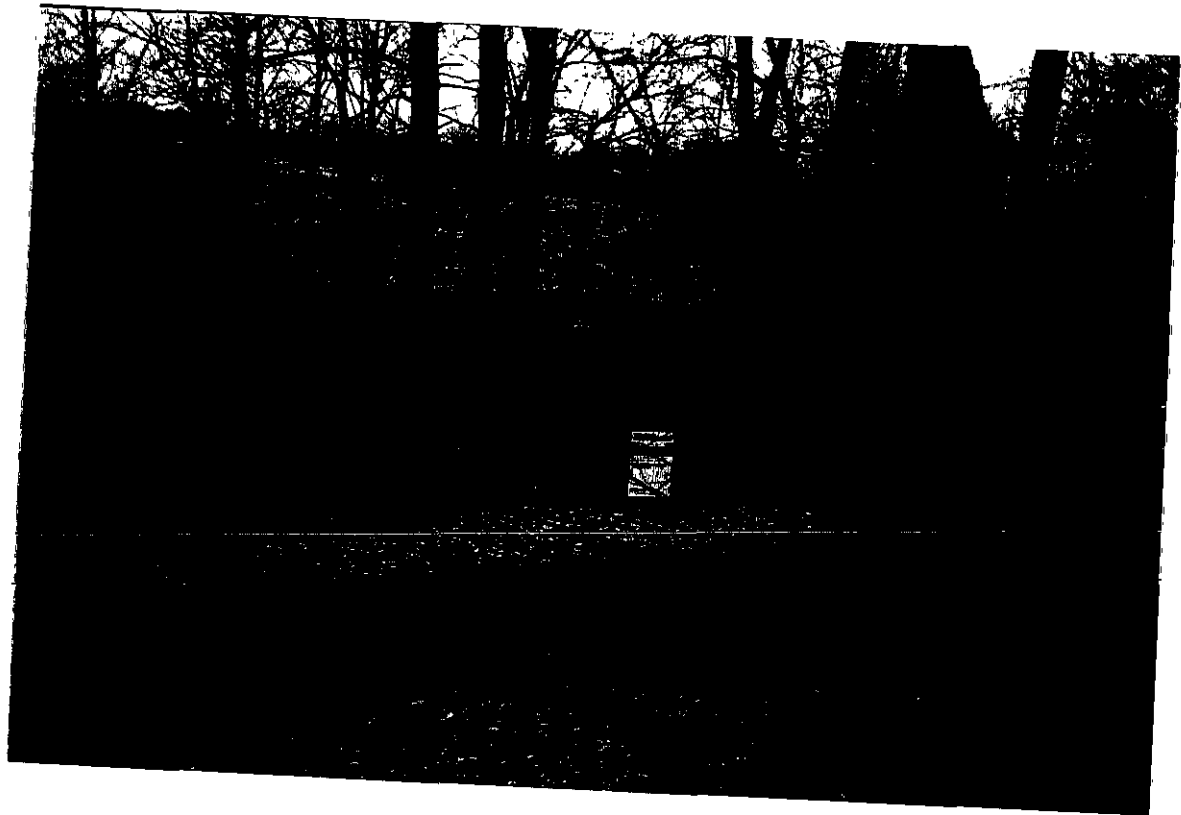
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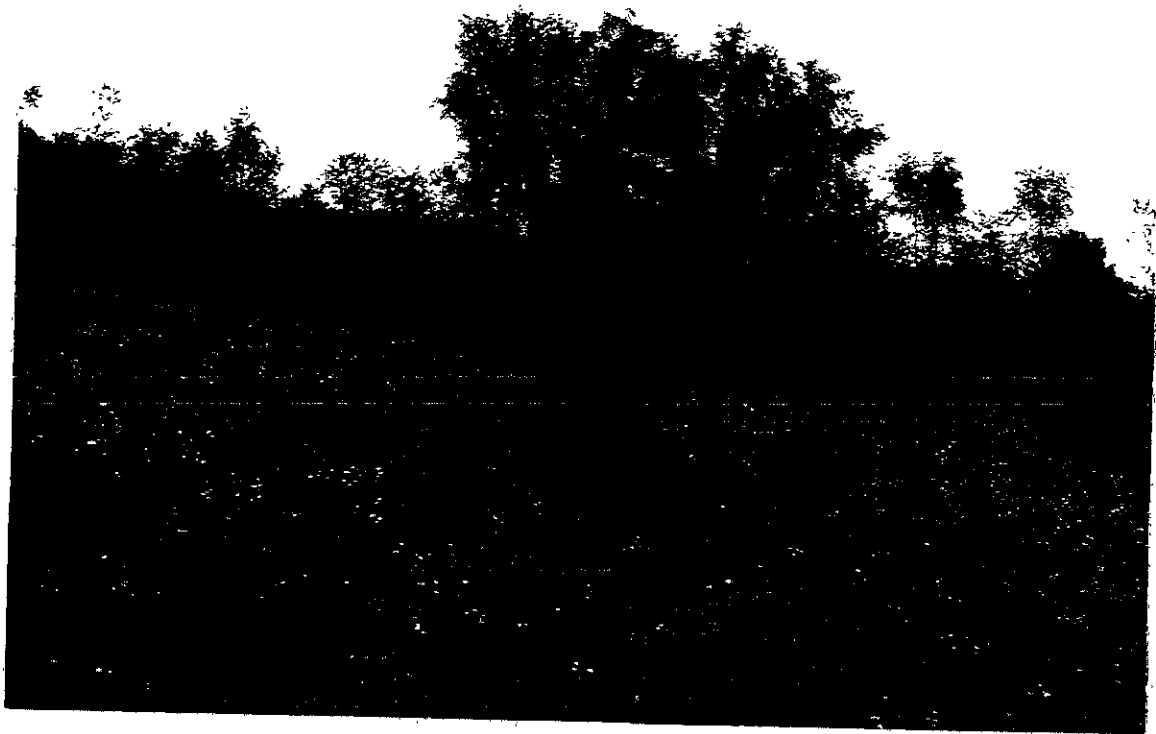
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