

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
S/S Silver Spring Road, 200' W * ZONING COMMISSIONER
of Yvonne Road * OF BALTIMORE COUNTY
(4425 Silver Spring Road) * Case No. 98-278-SPH
11th Election District
5th Councilmanic District
Edgell L. Stark, et ux, Owners;
Gamma Construction Co., Contract Purchasers

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Edgell L. and Grace P. Stark, and the Contract Purchasers, Gamma Construction Company, by Uri Ben-Or, through their attorney, Julius W. Lichter, Esquire. The Petitioners seek approval of a waiver of Department of Public Works' (DPW) Standards, including road standards, pursuant to Section 26-172 of the Baltimore County Code (B.C.C.) as follows: 1) to permit a 30-foot wide road on a 40-foot right-of-way; 2) an 83-foot center-line radius for a horizontal curve in lieu of the required 100 feet (as amended); 3) to permit sidewalks on one side only, from Silver Spring Road to the beginning of Lot 16; 4) to permit an offset road inside the right-of-way up to Lot 16; 5) to permit grading in the right-of-way at a 2 to 1 slope; and 6) to permit a retaining wall to meet Department of Public Works' standards. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Uri Ben-Or, Co-Petitioner and principal of Gamma Construction Company, Sandra A. Hart, who appeared on behalf of Mr. & Mrs. Stark, the owners of the subject property, Frederick M. Chadsey, the engineer who prepared the site plan

ORDER RECEIVED FOR FILING
Date 3/17/98
By [Signature]

for this project, and Julius W. Lichter, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the property which is the subject of this request, consists of 3.93 acres, zoned D.R. 5.5, and is improved with a single family dwelling known as 4425 Silver Spring Road. The property was at one time part of a larger tract, containing a gross area of 5.162 acres, and three single family dwellings. That property was subsequently subdivided into two parcels, the larger of which is the subject of this request. The subject 3.93 acre parcel was approved for development, pursuant to an Order issued by the County Review Group (CRG) in 1991. At that time, the CRG approved development of the subject site to allow 15 new single family building lots, and the retention of the existing dwelling, as shown on the approved CRG plan. In addition to the single family lots proposed, an internal roadway will provide access to the property from Silver Spring Road and terminate within the site as a cul-de-sac. Other improvements to the property include the installation of a storm water management reservation area in the rear of the site.

The relief requested herein is sought pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 26-172 of the Baltimore County Code (B.C.C.). Section 500.7 authorizes the Zoning Commissioner to conduct such hearings as may be necessary for the proper enforcement and interpretation of the zoning regulations. Section 26-172 allow the Hearing Officer (Zoning Commissioner) to grant waivers of development standards at the request of any department director.

In this regard, a recommendation supporting the requested waiver was received from Robert W. Bowling, Chief of Developer's Plans Review, on behalf of the Director of the Department of Public Works (DPW). Mr. Bowl-

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Date

By

ing's recommendation, which is contained within his Zoning Plans Advisory Committee comment, dated December 3, 1997, recommends approval of five of the six standards for which the waiver has been requested. Specifically, the Department of Public Works supports the waiver to allow: 1) a 30-foot wide road on a 40-foot wide right-of-way; 2) a sidewalk on one side of the property only, from Silver Spring Road to the beginning of Lot 16; 3) an offset road inside the right-of-way up to Lot 16; 4) grading within the right-of-way at a 2 to 1 slope; and 5) a retaining wall to meet DPW standards. DPW does not support a request to permit an 83-foot centerline radius for a horizontal curve in lieu of the required 100 feet. In view of the fact that DPW does not recommend such a waiver, the Petitioners withdrew that request in open hearing, and this portion of the special hearing shall be dismissed as moot.

Testimony and evidence offered at the hearing was that the waiver requested is appropriate and satisfies the requirements set forth in Section 26-172 of the B.C.C. That is, strict compliance with the regulations is not justified due to the size, scope and nature of the proposed development and a waiver would be within the spirit and intent of the regulations. Based upon the undisputed testimony and the affirmative recommendation of the Director of the Department of Public Works, I am persuaded to grant the Petition for Special Hearing and therefore, approve the waivers.

It is to be noted that although no Protestants appeared at the hearing, several letters from interested citizens regarding the requests were received. One such letter was from the Ambermill Community Association. That letter expressed concern regarding storm water runoff from the subject property and referenced a meeting between members of that community association and the Petitioners. At the hearing, Mr. Chadsey further

ORDER RECEIVED FOR FILING

Date

By

described that meeting and indicated that storm water management had been addressed and incorporated into the site plan. As noted above, a storm water management facility is proposed to be constructed to the rear of this site. Additionally, inlets will be constructed in the internal road to capture and direct storm water which falls on the site. In sum, it appears that the proposed development is appropriate and may help correct an already difficult situation regarding water runoff from this property.

A second letter was received from Mr. Larry W. Parsley, who apparently resides in the vicinity. Mr. Parsley's brief letter states, in part, that, "the road, sidewalk, and right-of-way must meet County requirements." (emphasis in original) The letter does not go on to explain why such a position is taken, nor is any information offered which would rebut the testimony offered by the Petitioners' witnesses and the recommendation made by the Director of the Department of Public Works. Thus, I do not find Mr. Parsley's contention persuasive.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held and for the reasons set forth above, the relief requested in the Petition for Special Hearing shall be granted.

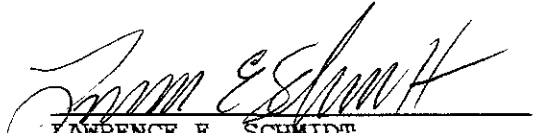
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of March, 1998 that the Petition for Special Hearing seeking approval of a waiver of Department of Public Works' standards, including road standards, pursuant to Section 26-172 of the Baltimore County Code (B.C.C.) as follow: 1) to permit a 30-foot wide road on a 40-foot right-of-way; 2) to permit sidewalks on one side only, from Silver Spring Road to the beginning of Lot 16; 3) to permit an offset road inside the right-of-way up to Lot 16; 4) to permit grading in the right-of-way at a 2 to 1 slope; and 5) to permit a retaining wall to meet Department of

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Date 3/17/98
By [Signature]

Public Works Standards, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their permits 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of a waiver of Public Works standards to permit an 83-foot centerline radius for a horizontal curve in lieu of the required 100 feet, be and is hereby DISMISSED AS MOOT.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 3/17/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

March 17, 1998

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
S/S Silver Spring Road, 200' W of Yvonne Road
(4425 Silver Spring Road)
11th Election District - 5th Councilmanic District
Edgell L. Stark, et ux, Owners; Gamma Constr. Co., Contract Purchasers
Case No. 98-278-SPH

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Edgell L. Stark
4425 Silver Spring Road, Perry Hall, Md. 21128

Mr. Uri Ben-Or, Gamma Construction Co.
P.O. Box 68, Reisterstown, Md. 21136

Mr. Larry W. Parsley, 6 Debenham Court, Baltimore, Md. 21236

Mr. Lewis Sizemore, President, Ambermill Community Assoc.
8618 Sherington Road, White Marsh, Md. 21236

People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

Silver Spring Road, 200' +/- west of
Yvonne 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A WAIVER OF PUBLIC WORKS STANDARDS FOR THE FOLLOWING, including road standards,

1. 30' wide road on a 40' right-of-way;
2. 100' centerline radius for horizontal curve in lieu of 83';
3. Sidewalk on one side only from Silver Spring Road to the beginning of Lot 16;
4. Offset road inside the right-of-way up to Lot 16;
5. Grading in the right-of-way at a 2 to 1 slope; and
6. A retaining wall to meet Department of Public Works Standards.

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

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Gamma Construction Co.

(Type or Print Name)

Signature By: Uri Ben-Or

P.O. Box 68

Address

Reisterstown, MD 21136
City State Zipcode

Attorney for Petitioner:

Julius W. Lichter, Esquire

(Type or Print Name)

Signature 305 W. Chesapeake Avenue
Suite 113 (410) 321-0600

Address Phone No.

Towson, MD 21204
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Edgell L. Stark

(Type or Print Name)

Signature Edgell L. Stark Sandra L. Hart P.O.A.

Grace P. Stark

Karen E. Stark SJH

(Type or Print Name)

Signature Grace P. Stark Sandra L. Hart P.O.A.

4425 Silver Spring Rd. (410) 256-2140
Address Phone No.

Perry Hall, MD 21128

City State Zipcode

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

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

98-278-SPH

DROP-OFF
No REVIEW
1/23/98 ACI

Zoning Administration

Office of Zoning Administration & Development Management

ORDER RECEIVED FOR FILING

Date

By

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

Legal Description - Stark Property

December 10, 1997

Page - 1 -

Beginning at a point on the southerly right-of-way of Silver Spring Road, said point being South 73 degrees 48 minutes 56 seconds East 100 feet more or less, from a point formed by the intersection of the centerline of Yvonne Street and the southerly right-of-way of Silver Spring Road, running thence leaving said point of beginning, along the following 8 courses.

1. Continuing along the southerly right-of-way of Silver Spring Road South 73° 28' 56" East 50.00 Feet,
2. Leaving said right-of-way of Silver Spring Road and North 16° 26' 29" East 273.36 Feet,
3. South 64° 59' 51" East 97.75 Feet,
4. North 74° 30' 58" East 43.13 Feet,
5. South 73° 33' 31" East 36.94 Feet,
6. North 16° 26' 29" East 725.75 Feet,
7. South 73° 45' 39" East 220.21 Feet,
8. North 16° 26' 29" East 991.69 Feet to the point of beginning, on the southerly right-of-way of Silver Spring Road.

Containing 3.93 acres of land more or less.

NOTE: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.



278

98-278-SPH

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-12, 1998

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 2-12, 1998.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

NOTICE OF ZONING 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 #98-278-SPH
SW/S Silverspring Road, 350'
WW of centerline Sherington Road

11th Election District
5th Councilmanic District

Legal Owner(s):

Edgett L. Stark & Grace P. Stark

Contract Purchaser(s):

Gamma Construction Company

Special Hearing: to approve a waiver of public works standards, including road standards, sidewalk, grading, and a retaining wall.

Hearing: Thursday, March 5, 1998 at 11:00 a.m. in 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) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

2/143 Feb. 12

C206365

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SW/S Silverspring Rd, *
350' NW of c/l Sherington Rd * ZONING COMMISSIONER
11th Election District, 5th Councilmanic * OF BALTIMORE COUNTY
Legal Owners: Edgell L. and Grace P. Stark
Contract Purchaser: Gamma Construction Co.
Petitioners * CASE NO. 98-278-SPH

* * * * *

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
People's Counsel for Baltimore County



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 26th day of February, 1998, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esq., 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.



PETER MAX ZIMMERMAN

CERTIFICATE OF POSTING

RE: Case No.: 98-278-SPH
 Petitioner/Developer: GAMMA CONSTR. CO., INC.
URI-BEN-OR ETAL
 Date of Hearing/Closing: 3/5/98

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 STARK DEVEL. SITE.
(VACANT) @ SILVER SPRING RD. OPPOSITE
YVONNE AVE.

The sign(s) were posted on 2/8/98
 (Month, Day, Year)

Sincerely,
Patrick M. O'Keefe 2/8/98
 (Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

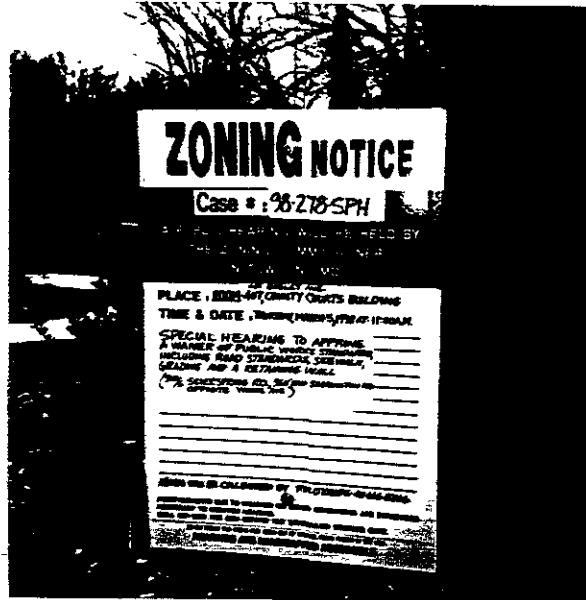
(City, State, Zip Code)

(410) 666-5366

(Telephone Number)

905-8571
 Pager (410) 666-6354

9/96
 cert doc



STARK-PROP.
 GAMMA CONSTR. CO., INC
 98-278-SPH
 H 3/5/98



Baltimore County
Department of Permits and
Development Management

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

January 29, 1998

NOTICE OF ZONING 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: 98-278-SPH
SW/S Silverspring Road, 350' NW of centerline Sherington Road
11th Election District - 5th Councilmanic District
Legal Owner: Edgell L. Stark & Grace P. Stark
Contract Purchaser: Gamma Construction Company

Special Hearing to approve a waiver of public works standards, including road standards, sidewalk, grading, and a retaining wall.

HEARING: Thursday, March 5, 1998 at 11:00 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: Julius W. Lichter, Esquire
Grace & Edgell Stark
Gamma Construction Company

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY FEBRUARY 18, 1998.**
- (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
February 12, 1998 Issue - Jeffersonian

Please forward billing to:

Julius W. Lichter, Esquire 410-321-0600
305 W. Chesapeake Avenue
Suite 113
Towson, MD 21204

NOTICE OF ZONING 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: 98-278-SPH
SW/S Silverspring Road, 350' NW of centerline Sherington Road
11th Election District - 5th Councilmanic District
Legal Owner: Edgell L. Stark & Grace P. Stark
Contract Purchaser: Gamma Construction Company

Special Hearing to approve a waiver of public works standards, including road standards, sidewalk, grading, and a retaining wall.

HEARING: Thursday, March 5, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

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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.



Baltimore County
Department of Permits and
Development Management

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

January 27, 1998

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue
Suite 113
Towson, MD 21204

RE: Drop-Off Petition (Item #278)
Legal Owner: Stark
11th Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

98-278-SPH



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.: 98-278-SPH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO APPROVE A WAIVER OF
PUBLIC WORKS STANDARDS INCLUDING ROAD
STANDARDS, SIDEWALK, GRADING, AND A
RETAINING WALL.

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

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.: 278 Petitioner: Gamma Construction Company

Location: Silver Spring Rd, 200' +/- west of Yvonne Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Julius W. Lichter, Esquire
Levin & Gann, P.A.

ADDRESS: 305 West Chesapeake Ave. Suite 113

Towson, Maryland 21204

PHONE NUMBER: 410-321-0600

98-278-SPH





Baltimore County
Department of Permits and
Development Management

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

February 18, 1998

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204

RE: Item No.: 278
Case No.: 98-278-SPH
Petitioner: Edgell Stark, et ux

Dear Mr. Lichter:

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 23, 1998.

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, reading "W. 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: February 9, 1998

To: Arnold L. Jablon
From: Bruce Seeley *as* 5/98
Subject: Zoning Item #98-278-SPH

Stark Property, Silver Spring Road

Zoning Advisory Committee Meeting of February 2, 1998

- 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:
- X 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), if the property is being subdivided according to the Development Regulations.
- 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).

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

Date: February 9, 1998

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

SUBJECT: Stark Property

INFORMATION

Item Number: 278

Petitioner: Gamma Construction Company

Zoning: DR 5.5

Requested Action: Special Hearing

Summary of Recommendations:

The Office of Planning is in receipt of a letter dated January 31, 1998 from Lewis Sizemore, President of the Ambermill Community Association (see attached). In his letter, Mr. Sizemore raised some stormwater management concerns which will hopefully be addressed at the time of the hearing. Staff does not oppose the granting of the Petition for Special Hearing provided that this matter is addressed at the hearing.

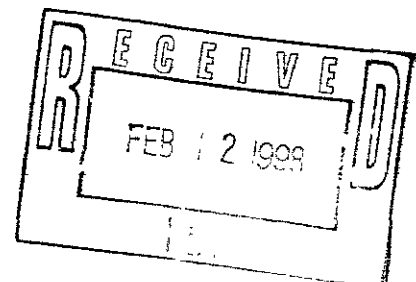
Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kern

AFK/JL



INTEROFFICE CORRESPONDENCE

Date: February 10, 1998

SUBJECT: Zoning Advisory Committee Meeting
for February 9, 1998
Item No. 278

We have one additional comment: The developer must show the location of the proposed retaining wall before approval of the plan.

cc: File

ZONE0209.278

Zoning Item # 278
BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Donald T. Rascoe, Development Manager DATE: December 3, 1997
Division of Development Processing

FROM: Robert W. Bowling, Chief
Bureau of Developer's Plans Review ~~SIGNED~~ ROBERT W BOWLING

SUBJECT: Stark Property Waiver Requests
D.R.C. #11247N

Thomas Hamer and I met regarding the waivers of Department of Public Works' standards for the Stark Properties. Our recommendations for waivers are as follows:

1. A 30-foot combination concrete curb and gutter cross-section is acceptable.
2. Sidewalks on one side only from Silver Spring Road to the start of Lot 16 is acceptable.
3. The road may be offset inside the right-of-way from Silver Spring Road to Lot 16. The minimum face of curb to right-of-way is 3 feet.
4. Grading at a 2 to 1 slope is acceptable within the County right-of-way. This condition is acceptable only from Silver Spring Road to Lot 16.
5. A retaining wall is acceptable inside the right-of-way if built to Department of Public Works' standards.

The waivers ask that we recommend against the reduction of paving width from 30 feet to 24 feet and the reduction of our minimum horizontal centerline radius below 100 feet.

If there are any questions, please call me at extension 3751.

RWB:jrb

cc: File

RWB176



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 1/30/98
Item No. 278 WCR

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,

Ronald Burns, Chief
Engineering Access Permits
Division

for

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

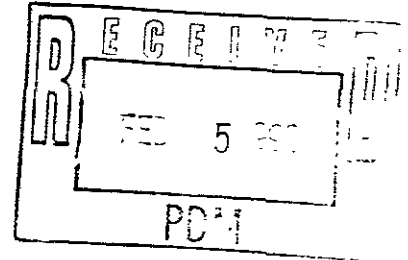


Baltimore County
Fire Department

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

February 4, 1998

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 February 2, 1998

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.

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

247. R-98-150, 270, 271, 276, 277, and 278

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



file
3/5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

Date: February 9, 1998

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

SUBJECT: Stark Property

INFORMATION

Item Number: 278

Petitioner: Gamma Construction Company

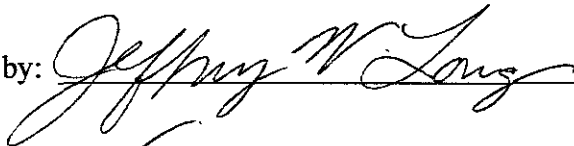
Zoning: DR 5.5

Requested Action: Special Hearing

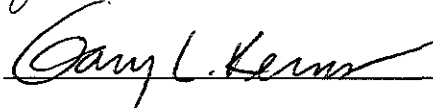
Summary of Recommendations:

The Office of Planning is in receipt of a letter dated January 31, 1998 from Lewis Sizemore, President of the Ambermill Community Association (see attached). In his letter, Mr. Sizemore raised some stormwater management concerns which will hopefully be addressed at the time of the hearing. Staff does not oppose the granting of the Petition for Special Hearing provided that this matter is addressed at the hearing.

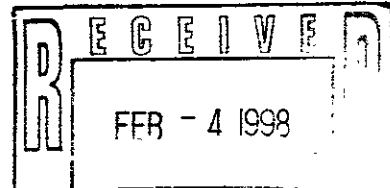
Prepared by:



Division Chief:



AFK/JL



Ambermill Community Association
8618 Sherington Road
White Marsh, MD 21236
January 31, 1998

Councilman Joseph Bartenfelder
6th District
Baltimore County Council
400 Washington Avenue
Towson, MD 21204

COPY

Dear Councilman Bartenfelder:

We wish to thank you for making the arrangements for the Ambermill Community Association (Association) to meet with representatives of George William Stephens, Jr. and Associates, Inc., Gamma Construction and Baltimore County. The meeting allowed the Association to discuss the development of the Stark property, File X 400 and understand the impact the development would have on Ambermill. The meeting provided insight to the engineering and planning of the development of the Stark property and was informative and productive. At the same time, it permitted the Association the opportunity to present the existing storm water drainage problems with Ambermill properties and the concern that the problems will be compounded.

The Association pointed out that there is an influx of storm water from Silver Spring Station onto the Stark property that may be much greater than estimated by the present engineering study. A major concern is the storm water management (SWM) system for the Stark property will not have adequate capacity, thus increasing the existing flood levels of White Marsh Run behind Ambermill lots 19, 20 and 21. Presently the majority of this storm water enters White Marsh Run through a SWM system down stream of these properties.

The flooding problem in this area of White Marsh Run is not new. The flooding has been investigated by George William Stevens, Jr. and Associates, Inc., Department of the Army, Corps of Engineers and Baltimore County Bureau of Water Quality and Resource Management. All agree there is a problem in the above mentioned portion of White Marsh Run. However, none are in a position to initiate the solution to the problem.

During the meeting it was suggested that an appropriation for funds must be requested to correct the flooding problem associated with White Marsh Run. Hopefully, through your Office a request for an appropriation to correct the flooding problem with White Marsh Run can be initiated.

Ambermill Community Association

Page 2

Baltimore County did respond to this issue of storm water coming onto the Stark property from Silver Spring Station. The SWM system at the corner of Yvonne Avenue and Silver Spring Road was cleaned on 1/29/98 and 1/30/98. This area did not overflow during the rain on 1/29/98 as it did during the rain that occurred on 1/22/98. We will advise you if the cleaning performed reduces the flooding from the Silver Spring Station SWM system onto the Stark property.

Any assistance you can provide in this matter will be appreciated by the home owners in Ambermill.

Sincerely,

Lewis Sizemore
President

cc: Robert Bowling, Bureau of Plans Review
Karin Brown, Office of Planning
Donald Rascoe, Department of Permits and Development Management
Bruce Seeley, Department of Environmental Protection and Resource Management
Frederick Chadsey, George William Stephens, Jr. & Associates

3/5/98

February 19, 1998

Baltimore County
401 Bosley Avenue
Room 407
Towson, Maryland 21204

Attn: Zoning Commissioner Lawrence Schmidt

Building development on Silver Spring Road (16 houses) SPA -
98278 Stark property. Please do not give an exemption to this
property.

The road, sidewalk, and right of way MUST meet county
requirements.

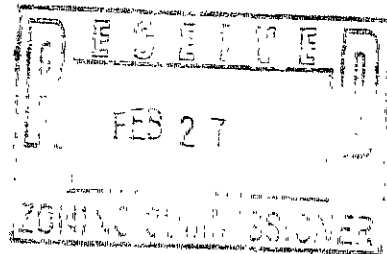
The traffic on Silver Spring Road demands the standards of the
county. DO NOT lower County requirements for buliding on this
property.

Sincerely,



Larry W. Parsley
6 Debenham Court
Baltimore, Maryland 21236

cc: Joe Bartenfelder





Baltimore County
Department of Permits and
Development Management

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

February 2, 1998

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204

RE: Drop-Off Petition Review (Item #278)
Legal Owner: Edgell Stark, et ux
11th Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

Staff is unable to match the zoning metes and bounds description with the dimensions on the street right of way as shown on the plan. Also, confirm the 3.93 acres as described as right of way area on a plan which only consists of 5.162 acres supporting 15 lots.

Need power of attorney or authorization for person signing for legal owner.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John L. Lewis
Planner II
Zoning Review

JLL:rye

Enclosure (receipt)

c: Zoning Commissioner

