ORDER RECEIVED FOR FILING
Date

IN RE: PETITIONS FOR SPECIAL HEARING * BEFO

AND VARIANCE - NW/S Wesley Chapel

Road, 3,000' SW of Gerting Road

(16844 Wesley Chapel Road) 10th Election District

3rd Councilmanic District

3rd Councilmanic Distri

J. Ronald Roth Petitioner BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

* Case No. 98-381-SPHA

•

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, J. Ronald Roth. The Petitioner seeks approval of an accessory building/ garage with a caretaker's apartment therein and a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit said accessory structure to have a height of 26 feet in lieu of the maximum permitted 15 feet. The subject property and relief sought are more particularly described on the site plan submitted with the Petitions filed which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were J. Ronald Roth, property owner, and David E. Ransone, Professional Land Surveyor who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 25.3 acres, more or less, zoned R.C.4 and is currently unimproved. The Petitioner is desirous of developing the property with a single family residence for himself; however, due to the fact that he travels extensively, the Petitioner proposes to provide living quarters for either a caretaker or an in-law within the proposed garage. At the

ORDER RECEIVED FOR FILING Date 89

time of filing the instant requests, the Petitioner submitted plans showing the proposed garage to be an accessory structure, separate from the principle dwelling. The proposed structure was to have a height of 26 feet. The Petitioner subsequently changed his plans and he now proposes to attach the garage to the dwelling. Inasmuch as the garage will be attached to the dwelling, the variance from height regulations is no longer necessary and shall be dismissed as moot. However, a special hearing is still necessary to allow a caretaker's or in-law apartment within the garage.

As noted above, the Petitioner travels extensively and is away on business for extended periods of time. The property is located in a remote area of Monkton, adjacent to Sunpowder Falls and land owned by the Maryland State Department of Forest and Parks, and is surrounded by large tracts of land which have been placed in the Maryland Environmental Trust. Thus, in addition to its secluded location, it is evident that the surrounding properties will not be developed in the future. Mr. Roth testified that he would like someone living on the property at all times to oversee the property while he is away on business. He testified that he does not know at the present time if a family member will be living on the property, or if he will hire a caretaker to reside thereon. Thus, he is asking that the special hearing relief be granted to allow either option.

Mr. Roth further testified that he would like to place a trailer on the property during the construction phase of the proposed improvements so that he can oversee the development of his property. Mr. Roth indicated that he is considering constructing the garage with the apartment first and build the dwelling in the future.

After further discussion of this issue, I find that a trailer can be placed on the subject property to provide temporary living quarters

while the house is being constructed, pursuant to Section 415.6 of the B.C.Z.R., and that an additional hearing to amend the site plan will not be necessary. However, upon the issuance of an occupancy permit for the proposed apartment and/or dwelling, the trailer shall be removed.

Subsequent to the hearing, Mr. Ransone on behalf of the Petitioner, submitted a revised site plan reflecting the modifications set forth herein. Said plan has been marked as Petitioner's Exhibit 1A.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented,

I am persuaded to grant the Petitions for Special Hearing and Variance. It
has been established that special circumstances or conditions exist that
are peculiar to the subject property and that strict compliance with the
zoning regulations would result in a practical difficulty and unreasonable
hardship for the Petitioner. In addition, the relief requested will not

ORDER RECEIVED FOR FILING DAILS OF STATES OF S

be detrimental to the public health, safety, and general welfare, and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24 day of June, 1998 that the Petition for Special Hearing to approve a caretaker's apartment within the proposed garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at 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.
- 2) Upon the issuance of an occupancy permit for the caretaker's/in-law apartment, the trailer shall be removed from the property.
- 3) Compliance with the Zoning Plans Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), due date of May 4, 1998, a copy of which is attached hereto and made a part hereof.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall be permitted to have a trailer on the subject property for use as temporary living quarters for his caretaker/family member until such time as the proposed caretaker's in-law apartment has been constructed. Upon the issuance of an occupancy permit for the subject apartment, the trailer shall be removed.

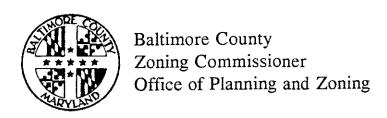
TMK:bjs

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 26 feet in lieu of the maximum permitted 15 feet, be and is hereby DISMISSED AS MOOT.

Deputy Zoning Commissioner

for Baltimore County

- 5-



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

June 24, 1998

Benjamin Bronstein, Esquire George & Bronstein 29 W. Susquehanna Avenue, Suite 205 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
NW/S Wesley Chapel Road, 3,000' SW of Gerting Road
(16844 Wesley Chapel Road)
10th Election District - 3rd Councilmanic District
J. Ronald Roth - Petitioner
Case No. 98-381-SPHA

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted and the Petition for Variance dismissed as moot, 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,
lustly llotroco

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. J. Ronald Roth

100 E. Pennsylvania Avenue, Towson, Md. 21204

Mr. David Ransone

P.O. Box 10007, Towson, Md. 21285-0007

DEPRM; People's Counsel; dase Files



ORDER RECEIVÉD

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

16844 Wesley Chapel Road

which is presently zoned

RC4

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

an accessory building garage with a caretaker's apartment.

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

	restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore Coun
Contract Furchaser/Lessee:	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 Pebbon. Legal Owner(s)-
(Type or Print Name)	(Type or Print Name)
Signature	Signature Signature
Address	J. Ronald Roth (Type or Print Name)
City State	Zipcode Signature
Attorney for Petitioner: Benjamin Bronstein	100 E. Pennsylvania Ave. 410-296-1653 Esq. Phone No.
George & Bronstein, LLP	Towson, Maryland 21204
Leve In 1	City State Zipcode Name, Address and phone number of representative to be contacted. Benjamin Bronstein, Esquire
Signature / 1	George & Bronstein, LLP
29 W. Susquehanna Ave., Suite	29 W. Susuqehanna Ave., Suite 205 Towson, Maryland 21204, (410) 205
ddress (410) 296-0200 Phone No.	Towson, Maryland 21204 (410)296-0200 Address Phone No.
Towson, Maryland 21204	
State	Zipcode OFFICE USE ONLY
UKOP. OFF	ESTIMATED LENGTH OF HEARING unavailable for Hearing
No Review	the following dates Next Two Months

REVIEWED BY:

DATE



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

Wesley Chapel Road 16844

which is presently zoned

RC4

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)

from Section 400.3 BCZR to permit a maximum height of 26 ft in lieu of the

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

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

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

Contract Purchaser/Lessee.	I/We do solettinly 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):
(Type or Print Name) Signature	(Type or Print Mame) Signature J. Ronald Roth
Address City State Zpcode Attorney for Petitioner: Benjamin Bronstein, Esquire George & Bronstein, LLP (Type or Print Name) Signature	(Type or Print Name) Signature 100 E. Pennsylvania Ave. (410)296-1653 Address Phone No.
W. Susquehanna Ave., Suite 205 Adore = (410)296-0200 Phone No.	Towson, Maryland 21204 City State Zipcode Name. Address and phone number of legal owner. contract purchaser or representative to be contacted. Benjamin Bronstein, Esquire George & Bronstein, LLP Name 29 W. Susquehanna Ave., Suite 205 Towson, Maryland 21204 (410)296-0200 Address
REVIEW 4/14/98 KCR	COFFICE USE ONLY ESTIMATED LENGTH OF HEARING unavailable for Hearing the following dates ALL OTHER REVIEWED BY: DATE

Zoning Description - 16844 Wesley Chapel Road

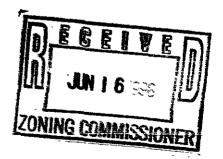
All that lot of ground situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the Easternmost corner of the land of the petitioner herein and being distant the two following courses and distances measured from the intersection of Wesley Chapel Road and Gerting Road viz: Westerly, measured along Wesley Chapel Road 3,000 feet more or less and North 51 degrees 15 minutes West, leaving Wesley Chapel Road, 765 feet, running thence from said point of beginning and binding on the lands of the petitioner herein the Eight following courses and distances viz: South 33 degrees 30 minutes West 334.12 feet, North 87 degrees 45 minutes West 544.5 feet, South 62 degrees 45 minutes West 330 feet, North 51 degrees 45 minutes West, running along the Northern Central Railroad Trail, 815 feet, North 34 degrees 15 minutes East 549.12 feet, North 1 degree 15 minutes East 70.39 feet, North 75 degrees 15 minutes East 475.2 feet and South 51 degrees 15 minutes East 1159 feet to the place of beginning.

Containing 25.3 Acres of land, more or less.

This description is to be used for Zoning purposes and requirements only.





ZONING DESCRIPTION

All that piece or parcel of land situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the Easternmost corner of the land of the petitioner herein and being distant North 51 degrees 15 minutes West 765 feet measured from the center of Wesley Chapel Road, and running thence and binding on the lands of the petitioner herein the Eight following courses and distances viz: South 33 degrees 30 minutes West 334.12 feet, North 87 degrees 45 minutes West 544.5 feet, South 62 degrees 45 minutes West 330 feet, North 51 degrees 45 minutes West, running along the Northern Central Railroad Trail, 815 feet, North 34 degrees 15 minutes East 549.12 feet, North 1 degree 15 minutes East 70.39 feet, North 75 degrees 15 minutes East 475.2 feet and South 51 degrees 15 minutes East 1159 feet to the place of beginning.

Containing 25.3 Acres of land, more or less.



MARIE OF ZIMME

The Zoning Commissioner of Baltimore County, by anthonis 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: #98-381-SPHA
16844 Wesley Chapel Road
NW/S Wesley Chapel Road.
2600**+/*-S of Gerting Road
10th Election District
3rd Councilmanic District
Legal Owner(s):
J. Ronald Roth
Special Hearing: to approve
an accessory building garage
with a caretalker's apartment.
Variance: to permit a madmum height of 26 feet in lieu
of the maximum permitted 15

Hearing: Monday, June 1, 1998 at 18:98 a.m., in Room 487, County Courts Bidg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

Baltimore County
MOTES: (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.

5/106 May 14 C228218

CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN,
weeks, the first publication appearing on $5/4$, 1998
in Towson, Baltimore County, Md., once in each of successive
published in THE JEFFERSONIAN, a weekly newspaper published
THIS IS TO CERTIFY, that the annexed advertisement was
TOWSON, MD., 514, 1998

a. Henrikson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MAY AND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE 4/14/98 ACCOUNT 001-6150 AMOUNT \$100.00 (WCR) DATE 4/14/198 A/14/1998 A/1	DATE SINCE RECEIVED RETHER FROM: FOR: REUSED PLAYS + D.	DUNT <u>R00/6/50</u> UNT \$ 50.00)		RE Re	PATH DEPETED FALL RELEIF PACEPS ACTINE JIME 5/19/1998 5/19/1998 09:53:08 9 WBO3 PACHIER YNEW KOM DWAMER 5 NISCELLANDUS CACH RECEIPT PLOT # 046566 MD. 050859 50.00 CACH Baltimore County, Haryland
DATE 4/14/98 ACCOUNT 001-6150 RE WS02 CASHIER JRIC JRR 0 S HISCELLANCES CASH RECEIPT S HISCELLANCES CASH RECEIPT CR NO. 040507 CR NO. 045725 RECEIVED George & Bronstein, LLP Baltimore County, Naryl #010 - Residential Variance	BALTIMORE COUNTY, MAY OFFICE OF BUDGET & FINANCE	AND	No. 0	18725		CASHIER'S VALIDATION
#010 - Residential Variance RECEIVED George & Bronstein, LLP Bultimore Caunty, Waryl	DATE 4/14/98 ACC			-	Re	4/14/1998 4/14/1998 10:52:27 W302 CASHIER JRIC JAR BRAWEP 5 MISCELLANGUS CASH RECEIPT BIPT \$ 040807
				*		Water at the property of a
16844 Ex Wesley Chapel Road Item #381 Drop-Off — No Review Case #98-381-SPHA	#010 - Residential Va	ariance		·		Baltimore County, Waryland

RE: PETITION FOR SPECIAL HEARING PETITION FOR VARIANCE	*	BEFORE THE
16844 Wesley Chapel Road, NW/S Wesley Chapel	*	ZONING COMMISSIONER
Rd, 2600' +/- S of Gerting Rd, 10th Election District, 3rd Councilmanic	*	FOR
31d Courgenmanic	•	AO1
Legal Owners: J. Ronald Roth	*	BALTIMORE COUNTY
Petitioner(s)	*	Case Number: 98-381-SPHA
سل مل سان مل س		

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 of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

People's Counsel for Baltimore County

Marc Timmeinas

Carole S. Demilio

Deputy People's Counsel

Carole S. Denilio

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

PETER MAX ZIMMERMAN

Exhibit B

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.: 98-381-SPHA

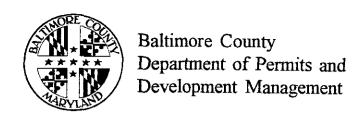
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE:
DATE AND TIME:
REQUEST: SPECIAL HEARING TO APPROVE AN ACCESSORY
BUILDING GARAGE WITH A CARETAKER'S
APARTMENT. VARIANCE TO PERHIT A MAXIMUM
HEIGHT OF 26 FEET IN LIEU OF THE MAXIMUM
PERMITTED 15 FEET.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY

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

TO CONFIRM HEARING CALL 887-3391.

HANDICAPPED ACCESSIBLE



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

April 27, 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: 98-381-SPHA
16844 Wesley Chapel Road
NW/S Wesley Chapel Road, 2600' +/- S of Gerting Road
10th Election District - 3rd Councilmanic District
Legal Owner: J. Ronald Roth

Special Hearing to approve an accessory building garage with a caretaker's apartment. Variance to permit a maximum height of 26 feet in lieu of the maximum permitted 15 feet.

HEARING:

Monday, June 1, 1998 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Director

c: Benjamin Bronstein, Esquire

J. Ronald Roth

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 17, 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 May 14, 1998 Issue - Jeffersonian

Please forward billing to:

Benjamin Bronstein, Esquire George & Bronstein, LLP 29 W. Susquehanna Avenue Suite 205 Towson, MD 21204

410-296-0200

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: 98-381-SPHA
16844 Wesley Chapel Road
NW/S Wesley Chapel Road, 2600' +/- S of Gerting Road
10th Election District - 3rd Councilmanic District
Legal Owner: J. Ronald Roth

<u>Special Hearing</u> to approve an accessory building garage with a caretaker's apartment. <u>Variance</u> to permit a maximum height of 26 feet in lieu of the maximum permitted 15 feet.

HEARING:

Monday, June 1, 1998 at 10:00 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.

CERTIFICATE OF POSTING

RE: Case E98-381-SPHA
Petitioner/Developer:
(J. Ronald Roth)
Date of Hearing/Glosing:
(June 5, 1998)

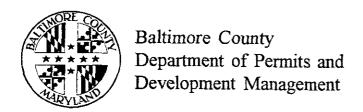
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21284

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

nis letter is to certify under the penalties of perjury that the necessary sign(s) required by	
w were posted conspicuously on the property located at	
844 Wesley Chapel Road Baltimore, Maryland 21161	
ne sign(s) were posted onMay 20, 1998	_
(Month, Day, Year)	_





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

May 27, 1998

Benjamin Bronstein, Esquire George & Bronstein, LLP 29 W. Susquehanna Avenue, Suite 205 Towson, MD 21204

RE: Item Number: 381

Case Number: 98-381-A Petitioner: J. Ronald Roth

Dear Mr. Bronstein:

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 April 14, 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 Gwen Stephens in the zoning office (410-887-3391).

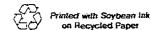
Sincerely,

W. Carl Richards, Jr. Zoning Supervisor

Ut. Con Richard Jr

WCR:rye

Enclosures



Due Date: May 4, 1998

TO:

Arnold Jablon

FROM:

R. Bruce Seeley Rかり

SUBJECT:

Zoning Item #381

Roth Property, 16844 Wesley Chapel Road

Zoning Advisory Committee Meeting of April 27, 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).
	X Development of this property must comply with the Forest Conservation Regulations (Section 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 A single lot exemption from the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code) may apply if clearing of forest is less than a total of 40,000 square feet.
	Y Agriculture Preservation Property under Manyland Environmental Trust

X Agriculture Preservation - Property under Maryland Environmental Trust (MET) easement, only one additional dwelling is permitted. This location approved by MET Board, Baltimore County Review. Location of care taker building in close proximity to area already disturbed by house, thus expect minimum impacts resources. Recommend approval if locations found not to have impact on or off-site stream resources.

DRIVER MECHINED FOR FILING WATER WATER TO STATE OF STATE

X Ground Water Management - Soil evaluations must be conducted to provide a separate septic reserve area for the apartment. Contact 410-887-2762 for more information.

ORDER RECEIVED FOR FILING
Date
USY
By



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

May 6, 1998

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

RE: Property Owner: J. RONALD ROTH

Location: DISTRIBUTION MEETING OF APRIL 27, 1998

Item No.: 381 Zoning Agenda:

Gentlemen:

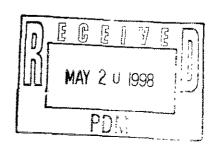
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

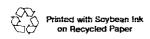
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

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

cc: File







Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams Administrator

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

Baltimore County 4.24.51 Item No. 381 wcr RE:

Dear Ms. Stephens:

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 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

low Ronald Burns, Chief

Engineering Access Permits

J. J. Dredle

Division

LG

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: May 6, 1998

Department of Permits & Development

Management

Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for May 4, 1998

Item Nos. 380, 381, 383, 384, 385, 386, 387, 388, 389, 390, 391, and

392

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Department of Permits and Development Management **DATE**: May 12, 1998

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

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

Item No. (381) 393, 393, 407, 408, 409, and 410

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Can L. Kerns

Prepared by:

Division Chief:

AFK/JL

13.998



Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams

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

RE: Baltimore County 6.6.5V

Item No. 98-381-5PHA

16844 WESLEY CHOPEL 21

Dear Ms. Stephens:

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 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

Joy Ronald Burns, Chief

Engineering Access Permits

f. f Fredh

Division

LG

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

DATE: 7/14/98

To:		Arnold L. Jablon
From:		R. Bruce Seeley AMJ
Subject	••	Zoning Item #98-381
		Wesley Chapel Road
		Zoning Advisory Committee Meeting of JUNE 8 1998
		epartment of Environmental Protection and Resource Management has no comments on the above- nced zoning item.
		epartment of Environmental Protection and Resource Management requests an extension for the review above-referenced zoning item to determine the extent to which environmental regulations apply to the
X		epartment of Environmental Protection and Resource Management offers the following comments on the -referenced zoning item:
-	<u> </u>	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).
-	<u> </u>	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).
)	Χ	GROUND WATER MANAGEMENT;
		See previous comments



Land Surveyor PO Box 10007 Baltimore, MD 21285-0007

Phone: 410.828.5354 FAX: 410.828.5158

Transmittal

To: Mr. Timothy Kotroco

Zoning Office

Dept. Permits and Development

Management

Baltimore County Office Building

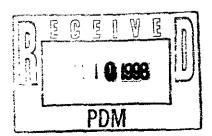
From: David Ransone
Date: June 10, 1998
Subject: 98-381-SPHA

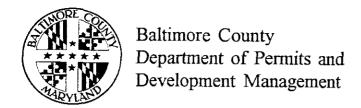
Mr. Kotroco:

Please find attached 5 copies of the amended Zoning Plan as per your request and indicating the changes approved at the Zoning Hearing June 5, 1998.

Yours truly.

David Ransone





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

May 13, 1998

Benjamin Bronstein, Esquire George and Bronstein, LLP Susquehanna Building, Suite 205 29 West Susquehanna Avenue Towson, MD 21204

RE: Case Number 98-381-SPHA

Petitioner: Roth

Location: 16844 Wesley Chapel Road

Dear Mr. Bronstein:

The above matter, previously assigned to be heard on Monday, June 1, 1998 has been rescheduled for Friday, June 5, 1998 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue.

The new hearing date and time should be affixed to the hearing notice sign posted on the property as soon as possible.

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

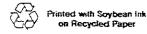
Very truly yours,

Arnold Jablen-

Director

AJ:scj

c: J. Ronald Roth



GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205 29 WEST SUSQUEHANNA AVENUE TOWSON, MARYLAND 21204 (410) 296-0200 FAX: (410) 296-3719

HARRIS JAMES GEORGE BENJAMIN BRONSTEIN CONSTANCE K PUTZEL OF COUNSEL

May 29, 1998

W. Carl Richards, Jr., Supervisor Zoning Office Department of Permits and Development Management County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

> RE: 16844 Wesley Chapel Road Case No.: 98-381-SPHA

Dear Mr. Richards:

Please strike my appearance on behalf of the Petitioner, J. Ronald Roth in the above matter. The Petitioner, Mr. Roth will appear at the hearing pro se.

Thank you for your assistance.

Very truly yours,

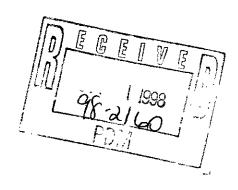
GEORGE AND BRONSTEIN, LLP

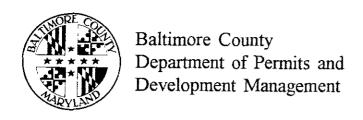
Benjamin Bronstein

BB/mlh

cc: Mr. J. Ronald Roth

Mr. David Ransone





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

May 6, 1998

Benjamin Bronstein, Esquire George & Bronstein, LLP 29 W. Susquehanna Avenue, Suite 205 Towson, MD 21204

> RE: Drop-Off Petition Review (Item #381) 16844 Wesley Chapel Road 10th Election District

Dear Mr. Bronstein:

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.

- The description fails to note the distance along Wesley Chapel Road from the nearest intersecting public road, without which the property cannot be located for zoning office purposes. The same information must also be identified on the plans.
- 2. Show the 100 year floodplain limits on the plan or note that the proposed dwelling and other improvements and structures are at least 20 feet from same.

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

Sincerely,

Jøhn L. Lewis

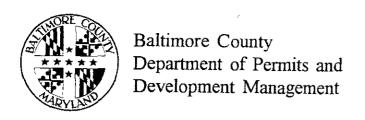
Planner II, Zoning Review

JLL:rye

Enclosure (receipt)

c: Zoning Commissioner





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

May 5, 1998

Benjamin Bronstein, Esquire George & Bronstein, LLP 29 W. Susquehanna Avenue Suite 205 Towson, MD 21204

RE: Case Number 98-381-SPHA

Petitioner: J. Ronald Roth

Location: 16844 Wesley Chapel

Road

Dear Mr. Bronstein:

The above matter, previously assigned to be heard on Monday, June 1, 1998 has been postponed at your request.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so.

If the property has been posted with notice of the hearing date, as quickly as possible a notice of postponement should be affixed to the sign(s). Then, upon notification of the new hearing date, such sign(s) must be changed to give notice of the new hearing date.

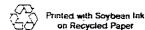
Very truly yours.

Amold-Jablon

Director

AJ:sci

c: J. Ronald Roth



FROM : GEORGE & BRONSTEIN, LLP

PHONE NO.: 410 296 3719

Apr. 30 1998 03:34PM F

LAW OFFICES
GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE BENJAMIN BRONSTEIN

CONSTANCE K, PUTZEL OF COUNSEL

MULTIPLE FAX TRANSMITTAL

TO: Sophie/Carl Richards Zoning Office	FAX NO.: 410-887-5708		
TO: J. Ronald Roth	FAX NO.: 410-296-1658		
TO: David Ransone	FAX NO.: 410-828-5158		
FROM: Benjamin Bronstein	PHONE NO.: 410-296-0200		
DATE: April 30, 1998	Pages (including cover): 2		
Reference: Case No.: 98-381-SPHA - 16844 Wesley Chapel Road			
Message:			
·			
	,		
ORIGINAL WILL NOT FOLLOW			

PRIVILEGED AND CONFIDENTIAL

THE INFORMATION SUPPLIED IN THIS FACSIMILE MESSAGE IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE AND MAY BE LEGALLY PRIVILEGED. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS REFERENCED ABOVE VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.

IF YOU WISH TO SPEAK TO THE FAX OPERATOR, PLEASE CALL 410-296-0200 DATE SENT: April 30, 1998

TIME SENT: 3:30 p.m. OPERATOR: Michelle

LAW OFFICES

GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205 29 WEST SUSQUEHANNA AVENUE TOWSON, MARYLAND 21204 (410) 296-0200 FAX: (410) 296-3719

HARRIS JAMES GEORGE BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

April 30, 1998

VIA FAX 410-887-5708

W. Carl Richards, Jr., Supervisor Zoning Office Department of Permits and Development Management County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Attn: Sophie

RE: 16844 Wesley Chapel Road

Case No.: 98-381-SPHA

Dear Mr. Richards:

I received a notice of the hearing in the above entitled case scheduled on June 1, 1998 at 10:00 a.m. My client is unable to attend on that date. I am requesting that the case be set in for any time on June 3, 4, or 5 or at any time after June 17, 1998.

Thank you for your kind cooperation.

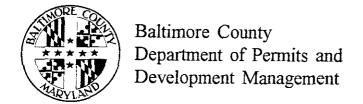
Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamia Bronstein

BB/mlh

cc: Mr. J. Ronald Roth (via fax)
Mr. David Ransone (via fax)



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

April 14, 1998

Benjamin Bronstein, Esquire George & Bronstein, LLP 29 W. Susquehanna Avenue Suite 205 Towson, MD 21204

> RE: Drop-Off Petition (Item #381) 16844 Wesley Chapel Road 10th Election District

Dear Mr. Bronstein:

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 forms pertaining to this. There is a form indicating the posting standards required by Baltimore County, as well as a list of vendors serving the Baltimore County area. 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,

W. Carl Richards, Jr. Zoning Supervisor Zoning Review

WCR:scj

Enclosures



LAW OFFICES

George and Bronstein, LLP

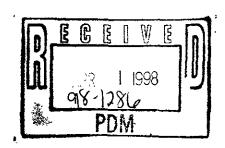
SUSQUEHANNA BUILDING, SUITE 205 29 WEST SUSQUEHANNA AVENUE TOWSON, MARYLAND 21204 (410) 296-0200 FAX: (410) 296-3719

HARRIS JAMES GEORGE BENJAMIN BRONSTEIN CONSTANCE K. PUTZEL OF COUNSEL

April 1, 1998

HAND DELIVERED

Arnold Jablon, Director
Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204



RE: Wesley Chapel Road

Dear Mr. Jablon:

In reference to the above entitled property I am hereby enclosing the following:

- 1. Petition for Special Hearing and Variance in triplicate.
- 2. Twelve (12) copies of the Plat to Accompany Zoning Petition.
 - 3. Three (3) copies of the description under seal.
 - 4. Copy of the 200 Scale Zoning Map.
 - 5. My check to cover costs.

Please enter my appearance on behalf of the Petitioner and advise me as to the hearing date.

DROP-OFF No REVIEW 4/14/98 WE

Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh Enclosures Seviewed No Violation S

48.381.5PHA



silviculture on the Property, or (3) for the construction and/or maintenance of permitted structures, homesites, means of access and wildlife habitat.

- E. Diking, draining, filling or removal of wetlands is prohibited.
- F. Management and harvesting of all forests on the Property shall be in accordance with the <u>Guide to Forest Harvest Operations and Best Management Practices</u> or comparable provisions of any guidelines or regulations which may replace the <u>Guide</u> in the future or as they may be amended from time to time. Any forest harvesting plan shall conserve a contiguous forest canopy.
- G. No building, facility, or other structure shall be constructed on the Property after the date of this Conservation Easement, except:
- (1) To construct accessory structures designed, constructed and utilized for the purpose of serving the two permitted single family residences (for example, garage, well house, and swimming pool);
- (2) To construct accessory structures designed, constructed and utilized in connection with the agricultural, horticultural, forestry, and naturalistic uses of the Property;
- (3) To replace all existing structures and other structures permitted under this Conservation Easement with structures of similar size and purpose;
- (4) To improve, repair, restore, alter, remodel, and maintain all existing structures and other structures permitted under this Conservation Easement in this Article;
- (5) To construct and maintain reasonable means of access to all permitted uses and structures.
- (6) To construct two (2) single family residences on the Property, one of which may include a guest apartment as part of the structure. Said guest apartment shall not be located in a structure which is detached from the single family residence it serves. Grantor shall notify Grantees at least forty five (45) days in advance of any work whether for construction or preparatory to construction regarding the location of any new residential structure, the location of any replacement residential structure if different from the location of the replaced structure, and the location of a new means of access to a residential structure, and any such change shall be subject to the prior written approval of Grantees.
- H. The total number of residential structures (including for example, but not limited to, principal residences, quest houses, tenant houses, farm manager houses, condominiums, apartments, mobile homes, seasonal cabins) on the Property shall never exceed two (2); specifically, two single family residences, one of which may include a guest apartment as part of the structure. Said guest apartment shall not be located in a structure which is detached from the single family residence it serves.
- I. Grantor shall maintain a vegetative buffer strip along the tributaries of Gunpowder Falls. The minimum width of the buffer strip along the tributaries of

98-381-SPAA

