ORDER RECEIVED FOR FILING
Date

1/5/48

By

IN RE: PETITION FOR SPECIAL HEARING

N/S Schroeder Avenue, 70' N & W

of the ext. c/l Powder Farm Ct.

(50' Right-of-Way)

11th Election District
5th Councilmanic District

Baltimore County, Maryland

Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 98-425-SPH

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Baltimore County, Maryland, by Shirley M. Murphy, Bureau of Land Acquisition. The Petitioners seek approval of a waiver of Public Works Standards to delete sidewalk from the north side of Schroeder Avenue, as shown on the plan, and to amend the Final Development Plan for Gunview Farm, accordingly. 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 in support of the request were Galen A. Wallace and Ray Giudice, representatives of Gunview Limited Partnership, Developers of the Gunview Farm subdivision. Appearing as Protestants in the matter were Robert and Beulah White, and Brenda and Kim Kay Hom, all of whom reside in the Gunview Farm development. There were no representatives from Baltimore County.

Testimony and evidence offered revealed that the subject property consists of a 50-foot right-of-way, approximately 740 feet in length, which runs along the north side of Schroeder Avenue, approximately 70 feet north and west of Powder Farm Court (extended), in the subdivision known as Gunview Farm in Perry Hall. Gunview Farm is a residential community

which was approved for development with 48 single family homes in approximately 1993. All of of the homes have been built. While sidewalks have been provided along the south side of Schroeder Avenue and other public roads in this community, the Petitioners seek approval of a waiver to delete sidewalks along the north side of Schroeder Avenue as noted above. Messrs. Gailen Wallace and Ray Giudice testified that the Developer never intended to provide sidewalks on the north side of Schroeder Avenue as shown on the plan. However, when the engineer submitted the final development plan, the sidewalk was shown in this particular area in error.

Further testimony indicated that the houses which would abut this sidewalk sit high atop a hill and are far-removed. Furthermore, several of those lots have retaining walls between them and this right-of-way. Thus, those residents would not use this sidewalk for access to their properties. The Petitioners believe that to require the installation of sidewalk in this area could cause erosion and the loss of trees. Testimony indicated that this particular section of sidewalk is not necessary and will not connect to any other sidewalk. Thus, the Petitioners requested a waiver from this requirement and the Department of Permits and Development Management has reviewed their request and recommended approval of same. However, a special hearing is necessary to approve same and to amend the final development plan accordingly.

As noted above, several residents from the surrounding community appeared in opposition to the request. Many of the complaints raised by these citizens did not specifically relate to the sidewalk in question. Rather, these residents complained that the Developer has failed to complete certain projects within this development, such as landscaping, seeding, the installation of a split rail fence, and other problems relative

OSDER RECEIVED NO FILENCE

ORDER RECEWEDING FILING

to erosion. These citizens argued, however, that this sidewalk is necessary so that residents can use the north side of Schroeder Avenue for walking, bicycling and other recreational purposes. They, therefore, request that the waiver be denied so that sidewalks are required.

At the hearing, I determined that it would be necessary for me to visit the property prior to making a decision in this matter. I visited the Gunview Farm community and observed the area in question. After inspecting the area and in consideration of the testimony and evidence presented at the hearing, I am persuaded to grant the requested waiver. As stated at the hearing, this particular area of sidewalk will not connect to any other sidewalk or any adjacent community, and does not appear to be a necessity, given that sidewalk already exists in this area along the south side of Schroeder Avenue. Testimony at the hearing demonstrated that sidewalk was never intended to be installed on the north side of Schroeder Avenue and that as a result of a miscommunication between the Developer and its engineer, the sidewalk was shown on the development plan in error.

In accordance with Section 26-172 of the Baltimore County Code, I find that if the Developer were made to comply with the development regulations and required to install sidewalk in the area in question, that the Developer would suffer an unreasonable hardship. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare and should therefore be granted.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this /S day of July, 1998 that the Petition for Special Hearing to approve a waiver of Public Works Standards to delete sidewalk from the north side of Schroeder Avenue and to amend the Final Development Plan for Gunview Farm, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

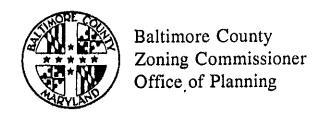
1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs



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

July 15, 1998

Ms. Shirley M. Murphy
Bureau of Land Acquisition
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
N/S Schroeder Avenue, 70' N & W of the ext. c/l Powder Farm Court
(50' Right-of-Way along the N/S Schroeder Avenue)
11th Election District - 5th Councilmanic District
Baltimore County, Maryland - Petitioner
Case No. 98-425-SPH

Dear Ms. Murphy:

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

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

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

buthy Kotrow

for Baltimore County

TMK:bjs

cc: Messrs. Ray Giudice and Galen A. Wallace, Gunview Limited Partnershp, 401 Jefferson Avenue, Towson, Md. 21204

Mr. & Mrs. Robert L. White 3864 Schroeder Avenue, Perry Hall, Md. 21128

Mr. & Mrs. Kim Kay Hom 15 Powder Farm Court, Perry Hall, Md. 21128

People's Counsel; Case Files



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

SCHROEDER AVENUE

which is presently zoned DD-2

This Petition shall be filed with the Department of Permits & 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 to delete side. walk from the north side of Schroeden Avenue as shown on the Final Development Plan. AND to AMEND THE LAST APPROVED FINAL DEVELOPMENT PLAN FOR GUNVIEW FARM.

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 filling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			i/We do solemnly declare and affirm, under the penalties of perjury, that i/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee			Legal Ownerse): BALTO, CO, GOVT
-			MI MIL
(Type or Print Name)			(Type or Print Name)
Signature			Signature
Address			Shirley M. Murphy
Audioss			(Type or Print Name)
City	State	Zipcode	
		zipcode	Signature
			Bureau of Land Acquisition
Attorney for Petitioner			111 West Chesapeake Avenue, Room 111
			Address Phone Ne87-3251
(Type or Print Name)		<u></u>	Towson, Maryland 21204
•			City State Zipcode Name, Address and phone number of representative to be contacted.
Signature			
AIBIIGIDIO.			Name
Address	Div		
•	Phone	No.	Address Phone No
Gity	State	Zipcode	OFFICE USE ONLY
b			ESTIMATED LENGTH OF HEARING unsveilable for Hearing
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Σ			
			REVIEWED BY: DATE 5/8/98
vised 9/5/95			
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		•	/ _ / _ /

ITEM #425

ZONING DESCRIPTION FOR GUNVIEW FARM

Beginning on the North side of Schroeder Avenue a 50 foot right-of-way at a distance of 70 feet

North and West of the extended centerline of Powder Farm Court to a point at the beginning of a

proposed 4 foot wide sidewalk thence continuing for such 4 foot width Easterly along Schroeder

Avenue for a distance of 740 feet to the end of a proposed 4 foot wide sidewalk.

AE COUNTY, MARYLAND AF BUDGET & FINANCE ALLANEOUS RECEIPT No. 045268	PAID RECEIPT PROCESS ACTUAL TIME
AMOUNT \$250,00	2/18/19/7 12/17/19/97 15::22:51 REL MS02 CASHTER URIC UMR DRAMER CONSIDER SHIPCFLEANOUS CASH PECFTPT Solution of the Constant of the Constan
RECEIVED Y LIMITEU Farm	THE THE COURT HOLD AND
FOR: DRC 12297F- Numrieur Farm	
<u> </u>	

Mr. Hamer and I met to discuss the waiver of sidewalks for the Gunview Farms subdivision. To place this sidewalk at the required grade, a large amount of grading would be necessary.

We are recommending approval of said waiver. If you have any questions, please call me at extension 3751.

RWB:jrb

DISTRIBUTION

WHITE - CASHIER

cc: File

PINK - AGENCY

YELLOW - CUSTOMER

425

CASHIER'S VALIDATION

Batimore County, by authority of the Zoning Act and Regulations of Bathmore County will hold a public hearing in <u>Itoxical Regulation</u> of the property identified feerein as follows:

Case: #89-425-SPH
Gunview Farm
NS Schroeder Avenue behveen Gunview Farm Court
and Powder Farm Court
11th Bection District
11th Bection District
15th Councilmanic District
Legal Owner(s): Battimore
County, Maryland

Special Heaning: to approve a waiver of Public Works Standarts to delete sidewalk from the north side of Schroeder Avenue, as shown on the Final Development Plan, and to amend the last approved final Development Plan for Gunview Farm.

Heaning: Thurstay, Jane 19, 1998 at 11:100 a.m., in Room 407, County Courts Bildy.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltinore County
Baltinore County
WITES (1) Hearings are
Handicapped Accessible, for
special accommodations
please Call (410) 887-3253.
(2) For information concerning the Tile and/or Hearing,
Please Call (410) 887-3331.

5/46D May 28 C232399

CERTIFICATE OF PUBLICATION

TOWSON, MD...

published in THE JEFFERSONIAN, a weekly newspaper published THIS IS TO CERTIFY, that the annexed advertisement was _ successive in Towson, Baltimore County, Md., once in each of _ weeks, the first publication appearing on _

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

RE: PETITION FOR SPECIAL HEARING							*		BEFORE	ETHE		
Gunview Farm, N/S Schroeder Avenue between												
Gunview Farm Court and Powder Farm Court, 11th					llth	*		ZONING	i COMN	AISSION	ER	
Election District, 5th Councilmanic						*		FOR				
Legal Owners: Baltimore County, Md.					,		POR					
Logar Owners. Dartimore County, Mid.					*		BALTIM	ORE C	OUNTY			
Petitioner(s)												
		• •					*		Case Nu	mber: 9	8-425-SF	H
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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

ter May Zinnera

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to Shirley M. Murphy, Baltimore County Bureau of Land Acquisition, 111 W. Chesapeake Avenue, Room 111, Towson, MD 21204, representative for Petitioner(s).

Peter May Zimmerman
PETER MAX ZIMMERMAN

CERTIFICATE OF POSTING

RE: Case # 98-425-SPH
Petitioner/Developer:
(Baltimore County)
Date of Hearing/Glashing:
(June 18, 1998)

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

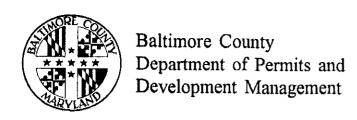
Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penaltics of perjury that the necessary sign(s) required by				
law were posted conspicuously on the property located at				
Schroeder Ave. (between Gunview Farm Ct. & Powder Farm Ct.)Baltimore, Maryland 21128				
he sign(s) were posted onJune 3, 1998 (Month, Day, Year)				

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	Mary Control of the C	
	ETA:	HEALTH WILLS OF THE
		71.1441. (***) (*******************************
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Sincerely, (Signature of Sign Odster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)



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

May 18, 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: 98-425-SPH

Gunview Farm

N/S Schroeder Avenue between Gunview Farm Court and Powder Farm Court

11th Election District - 5th Councilmanic District

Baltimore County, Maryland - Legal Owner

<u>Special Hearing</u> to approve a waiver of Public Works Standards to delete sidewalk from the north side of Schroeder Avenue, as shown on the Final Development Plan, and to amend the last approved Final Development Plan for Gunview Farm.

HEARING:

Thursday, June 18, 1998 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Director

c: Baltimore County, MD - Bureau of Land Acquisition G.W. Site Services. Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 3, 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 28, 1998 Issue - Jeffersonian

Please forward billing to:

Galen A. Wallace

410-825-8711

c/o G.W. Site Services, Inc. 608 Highland Avenue Towson, MD 21204

NOTICE OF ZONING HEARING

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CASE NUMBER: 98-425-SPH

Gunview Farm

N/S Schroeder Avenue between Gunview Farm Court and Powder Farm Court

11th Election District - 5th Councilmanic District

Baltimore County, Maryland - Legal Owner

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HEARING:

Thursday, June 18, 1998 at 11:00 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Revised 2/20/98 - SCJ



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.: 98 425 SPH

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

PLACE:
DATE AND TIME:
REQUEST: A SPECIAL HEIRANIO- TO WAIVE PUBLIC WORKS STANDARDS
REQUIRING A SIDEWALK (ALONG THE MERTH SIDE OF SHROEPER AVE)
AND TO AMEND THE LAST APPROVED FINAL DEVELOPMENT PLAN
FOR GUNVIEW FARM.
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, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: May 22, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief (2WB) DAV-

Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for May 26, 1998 Item No. 425

The Development Plans Review Division has reviewed the subject zoning item. See correspondence dated January 8, 1998 from R. W. Bowling to D. T. Rascoe recommending approval of this waiver.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

DATE: May 21, 1998

and Development Management

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

Office of Planning

SUBJECT: Gunview Farm

INFORMATION

Item Number:

425

Petitioner:

Baltimore County, Maryland

Zoning:

DR 2

Requested Action:

Special Hearing

Summary of Recommendations:

The Office of Planning does not support the requested waiver for sidewalks on the north side of Schroeder Avenue. Furthermore, there appears to be no justisfication for the subject waiver request.

Prepared by:

Division Chief:

Aug L. Klus

AFK/JL

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

POM

FROM:

R. Bruce Seeley (AB))97 Permits and Development Review

SUBJECT: Zoning Advisory Committee

Mesting Data: 1

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

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP



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

May 1, 1998

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

RE: Property Owner: JOSEPH A. LORENZO

BALTIMORE COUNTY, MARYLAND

Location: DISTRIBUTION MEETING OF MAY 18, 1998

Item No.:

425 AND 417

Zoning Agenda:

Gentlemen:

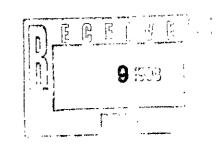
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

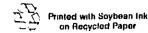
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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 5 15 5 Y Item No. 425 JLL

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.

RE:

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,

/~ Ronald Burns, Chief

Engineering Access Permits

P. J. Gredle

Division

LG

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS			
RAY GIUDICA	335 R. SEMINDRY TOWSON			
RAY GIUDICA Galon A. Wallace	608 HIGHLAND AVE, VOWEON			
	۷,			
	* 045-05-05-05-05-05-05-05-05-05-05-05-05-05			
	printing data to the side of t			

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Robert L. White	3864 Schroeder Ave.
	Perry Hall, MD 21128
Beulah J. White	3864 Schroeder Ave
	Penny Hall, Md. 21/28
BRENDA HOM	15 Powder Farm court
	Perry Hall, MD 2112f
Kimkay Hom	15 Powder Farm Court
	Perry Hall. Md. 21128
-4	**************************************

