

IN RE: PETITION FOR SPECIAL HEARING
E/S Chattolane Hill Road,
1004' S of Hopkins Drive
(309 Chattolane Hill Road)
3rd Election District
3rd Councilmanic District

John E. Deford, III, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-476-SPH
*

* * * * *

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, John E. Deford, III, and his wife, Patricia S. Deford. The Petitioners seek approval of a waiver, as permitted by Section 26-172 of the Baltimore County Code, of the provisions of Sections 26-203 (c)(8) and 26-278 to raze an existing 10'x22' two-story porch and to replace ~~same~~ with a 15'x22' two-story addition for a proposed bedroom and library. 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 John and Patricia Deford, property owners. Also appearing on behalf of the Petition was Jeffrey Long, a representative of the Office of Planning. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 3.62 acres, more or less, zoned R.C.2 and is improved with a two-story principal dwelling, an in-ground swimming pool, shed, deck and a one-story tenant dwelling. The property is an irregular-shaped parcel with frontage on Chattolane Hill Road in Greenspring Valley. The underlying facts of this case and the Petitioners' plans are not in

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Date _____
By _____

dispute. Mr. & Mrs. Deford own the subject property and reside thereon in the large two-story dwelling, which is apparently quite old. Testimony indicated that this structure was built in 1926 and is on the Maryland Historic Trust inventory of historic buildings. Apparently, the property was once the site of the Chattolamee Hill Hotel. Photographs of the site and building thereon show that the house is a large structure which has been improved over the years with several additions. The Petitioners are desirous of razing an existing 10' x 22' two-story addition located on the western end of the house and replacing same with a new 15' x 22' two-story addition which will provide a new bedroom and library.

Essentially, the Petitioners come before me to legitimize their plans and to approve the proposed alterations to this historic dwelling. It is of particular note that Mr. Deford indicated that the improvements are actually more in character with the original design of the dwelling. That is, he testified that the existing addition, which contains an open porch on the first floor, and a "sleeping porch" on the second floor, were added after the original building were constructed and are somewhat inconsistent with the style of the building. The new addition will be more architecturally compatible with the character and lines of the existing house, and will contain, for example, a pitched roof rather than the flat roof which presently exists atop the sleeping porch. Moreover, testimony was offered by Mr. & Mrs. Deford, and confirmed by Mr. Jeff Long, that the Petitioners' building plans have been reviewed and approved by Ms. Kim Abe and Mr. Timothy Dugan of the Office of Planning. Their review was to insure that any additions to the building will be compatible with the historic nature of the structure. The proposed renovations were also reviewed, without objection, by Baltimore County's Landmarks Preservation Commission.

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Date

By

It is clear that the Petitioners' relief should be granted. The proposed improvements are altogether appropriate and will actually constitute an improvement to the structure and a restoration of its original character. The more difficult issue, however, is the procedural manner which should be employed to permit the proposed construction.

As noted above, the Petitioners request relief pursuant to Section 26-172(b) of the Baltimore County Code. Section 26-172 generally deals with waivers in the development process. That Section is routinely employed by this Zoning Commissioner while sitting as a Hearing Officer and reviewing development plans, pursuant to the development regulations of Baltimore County, as codified in Sections 26-201, et seq, of the Baltimore County Code. In other instances, this Zoning Commissioner has been called upon to grant waiver relief when a development plan is not at issue. In those cases, frequently an applicant is not subject to the full development process by reason of an exemption or exception from same. When a Hearing Officer's Hearing is not required, applicants will come before this Zoning Commissioner under a Petition for Special Hearing, seeking waiver relief from a particular development regulation. In essence, this is what the Petitioners desire in the instant case.

Indeed, the Hearing Officer/Zoning Commissioner can grant waiver relief, pursuant to Section 26-172(a) of the Code. That Section provides that, "At the request of a Department Director, the Hearing Officer may grant a waiver of any and all requirements of Divisions 3, 4, and 5 of these regulations..." (emphasis added). Clearly, the waivers granted pursuant to the authority of Section 26-172(a) are granted by the Hearing Officer (i.e., Zoning Commissioner), upon the request of a Department Director, and only if certain conditions and requirements are satisfied.

ORDER RECEIVED FOR FILING
Date 8/21/88
By [Signature]

Section 26-172(b) on the other hand, is not applicable to the Hearing Officer. That Section requires that, "A waiver from the requirements of Section 26-203 of this Code, and from the Hearing Officer's Hearing, may be granted under the following conditions: (1) after consultation with the appropriate County agencies, the Director finds: ..." The Director, in this instance, is clearly the Director of the Department of Permits and Development Management (DPDM). Indeed, Section 2-56 of the Baltimore County Code recognizes that Department and the Director thereof. That Section provides that any and all references in the County Code to that Department refers to its Director. In sum then, waivers to specific requirements of Divisions 3, 4 and 5 of the development regulations may be granted by the Hearing Officer only, pursuant to Section 26-172(a), upon the request of a Department Director, and if certain other requirements are met. A waiver from the requirement for the submission of a development plan (Section 26-203) and from a Hearing Officer's Hearing itself is granted by the Director of DPDM, pursuant to Section 26-172(b).

The Petition requests a waiver from Section 26-203(c)(8) which requires that a development plan provide information as to the identification of any building, property, or site which is on the Maryland Historic Trust inventory of historic properties, the County Preliminary or Final Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey, or identification of any County historic district, or National registered district covering a proposed development. Since such identification must be on the development plan, and the development plan may be waived only by the Director of the Department of Permits and Development Management and not the Zoning Commissioner, I cannot grant a waiver of the requirements of Section 26-203(c)(8) of the Code, pursuant

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Date 5/1/08
By [Signature]

to Section 26-172(a). However, the Petition goes on to request waiver relief from the provisions of Section 26-278 of the Code. Section 26-278 is within Division 4 of the development regulations and is clearly subject to my jurisdiction. The language of Section 26-172(a) is unmistakable that the Hearing Officer indeed may grant a waiver from the specific requirements of Divisions 3, 4, and 5. Thus, upon the issue being properly raised before me, the receipt of a request from a Department Director, and the fulfillment of the specific criteria set out, I, as Zoning Commissioner can waive the provisions of Section 26-278 of the Code.

An examination of the language of Section 26-278 of the Code is appropriate. That Section provides that, "natural features...and historic structures and sites...must be preserved." Thus, I could grant a waiver from this requirement, thereby allowing the Petitioners to modify a historic structure.

Additionally, the concept of what must be considered a waiver deserves discussion. The word "waiver" is not defined in the development regulations nor in the general definitions provided in the Baltimore County Code. The term is defined in Webster's Third New International Dictionary Unabridged, as "the act of waiving or intentionally relinquishing or abandoning a known right, claim or privilege." Thus, as Zoning Commissioner, I can waive or relinquish the County's requirement that natural features and historical structures or sites must be preserved.

In this case, the requested relief is not so much a waiver. Indeed it is not a relinquishment or divergence of the County's intent to preserve historic structures. To the contrary, the Petitioners propose improving the building at issue and restoring same to an appearance more consistent with the original structure. This is not a case where the Petitioners wish

ORDER RECEIVED FOR FILING
Date 8/14/88
By [Signature]


to destroy a historic building or change its character. To the contrary, their proposed improvement will further that goal.

In sum then, it appears that the more appropriate relief which should be requested is for a finding from the ~~Zoning Commissioner~~ that the requirements of Section 26-278 are satisfied. That is, I specifically find that the Petitioners' plans meet the criteria established within that Section and should therefore be approved. To this extent, relief shall be granted, permitting the Petitioners to modify the building in the manner proposed and that such modification is consistent with the spirit, intent, and requirements of Section 26-278. Therefore, the Petition for Special Hearing shall be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of August, 1998 that the proposed improvements to 309 Chattolanee Hill Road are consistent with the requirements of Section 26-278 of the Baltimore County Code, and as such, the Petition for Special Hearing to approve a waiver, pursuant to Section 26-172(a), of the provisions of Section 26-278 of the Baltimore County Code, to raze an existing 10'x22' two-story porch and to replace same with a 15'x22' two-story addition for a proposed bedroom and library, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 8/4/98
BY [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

August 4, 1998

Mr. & Mrs. John E. Deford, III
309 Chattolanee Hill Road
Owings Mills, Maryland 21117

RE: PETITION FOR SPECIAL HEARING
E/S Chattolanee Hill Road. 1004' S of Hopkins Drive
(309 Chattolanee Hill Road)
3rd Election District - 3rd Councilmanic District
John E. Deford, III, et ux - Petitioners
Case No. 98-476-SPH

Dear Mr. & Mrs. Deford:

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,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Paul T. Dickover
11528 Glen Arm Road, Glen Arm, Md. 21057

People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 309 Chattolance Hill Road
which is presently zoned R.C. 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

Special Hearing to approve a waiver pursuant to Baltimore County Code Section 26-172 (b) of Baltimore County Code Section 26-203 (c)(B) and Section 26-278; To raise existing 10'x22' (2-S) porch and to replace with 15'x22' (2-S) build addition (BED RM & LIBRARY)

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

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No.

State Zipcode

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):

John E. Deford III PTD

(Type or Print Name)

Signature

Patricia S. Deford PTD

(Type or Print Name)

Signature

309 Chattolance Hill Rd 410 356-0837
Address Phone No.

Owings Mill, MD 21117
City State Zipcode

Name, Address and phone number of representative to be contacted

Paul T. Dickover
Name

11528 Glen Arm Rd. 410 661-7095
Address Phone No.
Glen Arm 21059

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: R.T. DATE 6-9-90

ORDER RECEIVED FOR FILING

Date

Revised 9/5/95

98-476-SPH

ITEM # 476

PROPERTY DESCRIPTION

Liber 9264 Folio 786

EXHIBIT A

BEGINNING for the first thereof in the center of a road 20 feet wide laid out through the whole tract, of which the herein described lot is a part and at the distance of 1004 feet south 12 degrees, 11 minutes East from the beginning of the South 66-1/2 degrees East 31.7 perches line of the 5th parcel of land described in a deed dated January 29, 1923, and recorded among the Land Records of Baltimore County in Liber W.F.C. No. 569, folio 84, was conveyed by Walter I. Dawkins, et al, to R. Arthur Stone, et al, said place of beginning being at the distance of 13.7 feet North 74 degrees, 42 minutes West from a stone now planted near the Easternmost side of said road 20 feet wide; and running thence bounding on the center of said road the seven following courses and distances, viz: North 12 degrees, 36 minutes West 144 feet North 1 degree, 9 minutes West 75 feet; North 16 degrees, 30 minutes east 75 feet; North 33 degrees, 13 minutes East 100 feet; North 9 degrees, 11 minutes East 50 feet; North 13 degrees 15 minutes West 45 feet; and North 24 degrees, 27 minutes East 51.7 feet to the center of another road 20 feet wide; thence binding thereon the six following courses and distances, viz: South 28 degrees, 11 minutes East 79.5 feet; South 26 degrees, 3 minutes East 41.5 feet; South 52 degrees, 50 minutes East 53.83 feet; North 89 degrees, 41 minutes East 59.83 feet; South 49 degrees, 10 minutes East 168.5 feet; South 33 degrees, 36 minutes East 32 feet; thence for line of division now made three courses and distances, viz: South 2 degrees, 40 minutes West 285.3 feet; thence north 87 degrees, 20 minutes West 210.4 feet and north 74 degrees, 42 minutes West 148.7 feet to the place of beginning; containing 3.4 acres of land, more or less

SUBJECT TO existing water rights in the Chattolanee Springs and prohibiting the pollution thereof as set forth in deed from Joseph P. Cone to William L. Stork, dated March 11, 1903, and recorded among the Land Records of Baltimore County in Liber N.B.M. No. 268, folio 36; subject also to the conditions and provisions recited in an agreement between T. Dudley Riggs, Jr., et al. dated March 6, 1924, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 593, folio 546, for the maintenance of the road mentioned in said agreement and the payment of the proportionate part of the cost of said maintenance by the owners of the lots bounding thereon which proportionate part the said Grantees herein, for themselves, their heirs and assigns, covenant to pay and subject to the legal operation and effect of the assignment of their water rights and right in roads in Chattolanee and other rights under said Agreement by said T. Dudley Riggs, Jr. and wife; by deed dated October 1, 1926, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 637, folio 214, to the Chattolanee Improvements Association, Inc.

BEGINNING for the second thereof at the end of the South 33 degrees, 36 minutes East 32 foot line of the lot of ground described in a deed from Laura Lauman Riggs and husband to said Andrew G. Carey and wife, dated June 2, 1930, and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 854, folio 132; and running thence with and binding on the outline of said lot, South 2 degrees, 40 minutes West 285.30 feet to the end of said outline; thence South 87 degrees, 20 minutes East 30 feet; thence North 2 degrees, 40 minutes East (Parallel with said outline) 297.20 feet to the center of a road 10 feet wide; thence South 71 degrees, 4 minutes West binding on the center of said road, 32.26 feet to the place of beginning; containing twenty-two one-hundredths acres of land more or less.

98.476-SPH

ITEM # 476

BALTIMORE COUNTY, MAF AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

ITEM # 476

No. 151760

DATE 6-7-98 ACCOUNT 3001-6150

030 SPH AMOUNT \$ 50.00

RECEIVED FROM: PAUL T. DICKOVER

FOR: 309 CHATTOGANCE HILL RD

P.T.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
6/9/98 6/9/98 10:25:44
REQ. NO. 030 SPH
5 MISCELLANEOUS CASH RECEIPT
RECEIPT # 019995
CR NO. 024763

50.00 CASH
Baltimore County, Maryland

98-476-SPH

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

NOTICE OF ZONING HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #98-476-SPH /
309 Chatoirane Hill Road
E/S Chatoirane Road, 1250'
+/- N from centerline Green-
sowing Valley Road

3rd Election District
3rd Councilman's District
Legal Owners:
John E. DeFord, III & Patricia
S. DeFord

Special Hearing: to approve a waiver pursuant to Section 25-172(a), Baltimore County Code of Section 26-203(6) and Section 26-278 to raze porch and to build a two-story addition.
Hearing: Monday, July 20, 1998 at 2:00 p.m., in Room 407, County Court Bldg., 407 Rosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are handicapped - Accessible for special accommodations
Please Call (410) 887-3383.
(2) For information concerning the Rule and/or Hearing Please Call (410) 887-3891.

7/080 July 2, 1998 C240858

TOWSON, MD., 7/21, 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 7/21, 1998

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

RE: PETITION FOR SPECIAL HEARING
309 Chattolance Hill Road, E/S of Chattolance Rd,
1250' +/- N from c/l Greenspring Valley Rd, 3rd
Election District, 3rd Councilmanic

Legal Owners: John E. and Patricia S. Deford, III

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 98-476-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 of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of July, 1998, a copy of the foregoing Entry of Appearance was mailed to Paul T. Dickover, 11528 Glen Arm Road, Baltimore, MD 21234, representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

CERTIFICATE OF POSTING

X

Case No. 98-476 SPH

Applicant's Name J & P. DEFORD, ETAL

Date of Posting 7/20/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 1...
111 West Chesapeake Avenue
Towson, MD 21204

(C)

Attention Ms Gwendolyn Steinhilber

Ladies and Gentlemen

This letter is to certify under the provisions of the Baltimore County Code that the sign(s) required by law
were posted conspicuously on the property located at #309 CHATOLANEE RD.

The sign(s) were posted on

7/2/98

(Month Day Year)

Sincerely,

Patrick M. O'Keefe 7/3/98

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

500 PENNY LANE

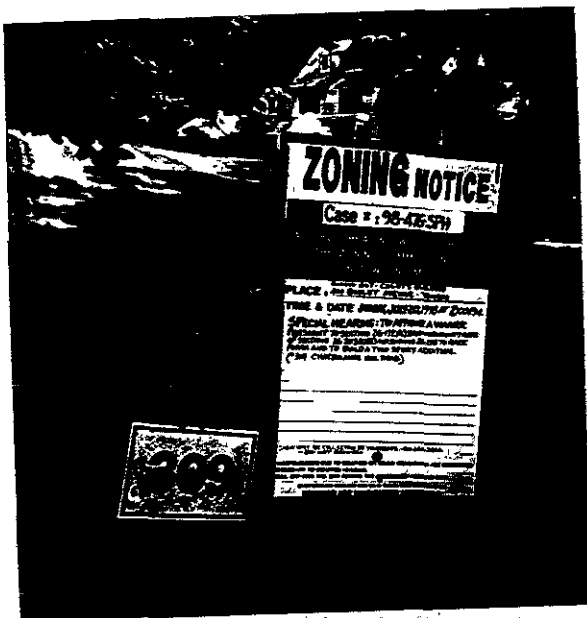
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-246-8546 ; CELL-410-905-8571

(Telephone Number)



98-476-SPH

#309 CHATOLANEE HILL RD.

7/20/98

c 2 P.M.

P. 7/2/98



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/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

 ARNOLD JABLON, DIRECTOR

 For newspaper advertising:

Item No.: 476

Petitioner: John E. Deford III & Patricia S. Deford

Location: 309 Chattolance Hill Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John E. Deford III

ADDRESS: 309 Chattolance Hill Rd

Owings Mills, MD 21117

PHONE NUMBER: 410 356-0837

AJ:ggs

(Revised 09/24/96)

98-476-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:

ITEM # 476

ZONING NOTICE

Case No.: 98-476 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 TO
BALTIMORE COUNTY SECTION 26-172 (b) OF BALTIMORE
COUNTY CODE SECTIONS 26-203 (c)(8) AND
SECTION 26-278; ASSUMING THE WAIVER IS
GRANTED.

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

June 23, 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: 98-476-SPH
309 Chattolane Hill Road
E/S Chattolane Road, 1250' +/- N from centerline Greenspring Valley Road
3rd Election District - 3rd Councilmanic District
Legal Owner: John E. Deford, III & Patricia S. Deford

Special Hearing to approve a waiver pursuant to Section 26-172(a), Baltimore County Code of Sections 26-203(c)(8) and Section 26-278 to raze porch and to build a two-story addition.

HEARING: Monday, July 20, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon" with a date "7/8" written at the end.

Arnold Jablon
Director

c: Patricia & John Deford, III

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JULY 5, 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.





Baltimore County
Department of Permits and
Development Management

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

July 14, 1998

Mr. Paul Dickover
11528 Glen Arm Road
Glen Arm, MD 21057

RE: Item No.: 476
Case No.: 98-476-SPH
Petitioner: John and Patricia
Deford
Location: 309 Chattolanee
Hill Road

Dear Mr. Dickover:

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 June 9, 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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)





Baltimore County
Fire Department

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

July 2, 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 JUNE 22, 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.

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

476, 477, 479, 481, 484

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

cc: File



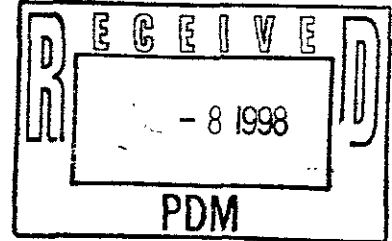
ALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley *RBS/PP*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: 6/22/98

DATE: 7/6/98



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

additional item

Item #'s:

476

RBS:sp


BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: June 26, 1998

FROM:  Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for June 29, 1998
Item Nos. 473, 476, 477, 479, & 484

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

RWB:HJO:jrb

cc: File



**Maryland Department of Transportation
State Highway Administration**

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

RE: Baltimore County **C-22-9V**
Item No. **476 RT**

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,

f. j. Burns
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

file
7/20

BALTIMORE COUNTY, MARYLAND

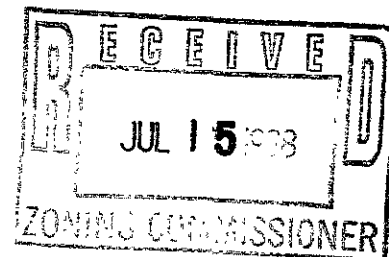
INTER-OFFICE CORRESPONDENCE

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

DATE: July 14, 1998

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

SUBJECT: 309 Chattolanee Hill Road



INFORMATION:

Item Number: 476
Petitioner: John E. Deford, III and Patricia S. Deford
Property Size: 3.4± acre
Zoning: RC 2
Requested Action: Special Hearing
Hearing Date: Monday, July 20, 1998, 2:00 p.m.

COMMENTS ON PROCEDURE - The petition requests "a waiver pursuant to" County Code Sections 26-172(b), 26-203(c)(8) and 26-278. The first two references are inappropriate:

- 1) Subsection 26-172(b) only authorizes waivers from the requirement that a development plan be submitted and be subject to approval through a Hearing Officer's hearing. It does not authorize a waiver from Section 26-278; that waiver could be granted only under the authority of Subsection 26-172(a). If the proposed building must be subject to the development regulations at all, it should qualify for a limited exemption under Section 26-171, making it unnecessary to issue a waiver under subsection 26-172(b).
- 2) Subsection 26-203(c)(8) is merely a requirement that, if the property is on one of the referenced lists, that information must be labeled on the development plan. If this particular property is processed through a limited exemption (instead of the 26-172(b) waiver), the matter is moot. Even if a development plan is somehow required, this waiver would be ineffectual because it merely deletes the information requirement; the waiver cannot change the fact that the property is on the list, which is the circumstance that causes the need for compliance with Section 26-278.

Recommendations on Procedure - The Petition should be amended, at no prejudice or further cost or delay to the petitioner, to confirm that the development qualifies for a limited exemption (Sec. 26-171) and to achieve one of two alternatives, either:

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- 1) A ruling that, on its merits, the proposed construction of the addition does comply with the intent of the "must be preserved" requirement in Section 26-278; or
- 2) Approval of a waiver from compliance with Section 26-278 if justified by the findings required to be made pursuant to subsection 26-172(a)(1) or (2).

Recommendations on the development - The existing dwelling at 309 Chattolane Hill Road was built in approximately 1926. It may be regarded as a contributing structure in the Greenspring Valley Historic District, but is not individually identified in the National Register nomination approved in 1980. Its Maryland Historical Trust Inventory Number, BA 1680, was assigned in 1979.

Elevation drawings of the proposed additions to the house were shown to the Landmarks Preservation Commission in the meeting on July 9, 1998, but the owner was not present or represented. Because this is the first project being made subject to PDM's new procedure regarding construction on Inventory sites, there was not yet sufficient information which the Commission believed to be necessary for making recommendations; the Commission took no position on the project.

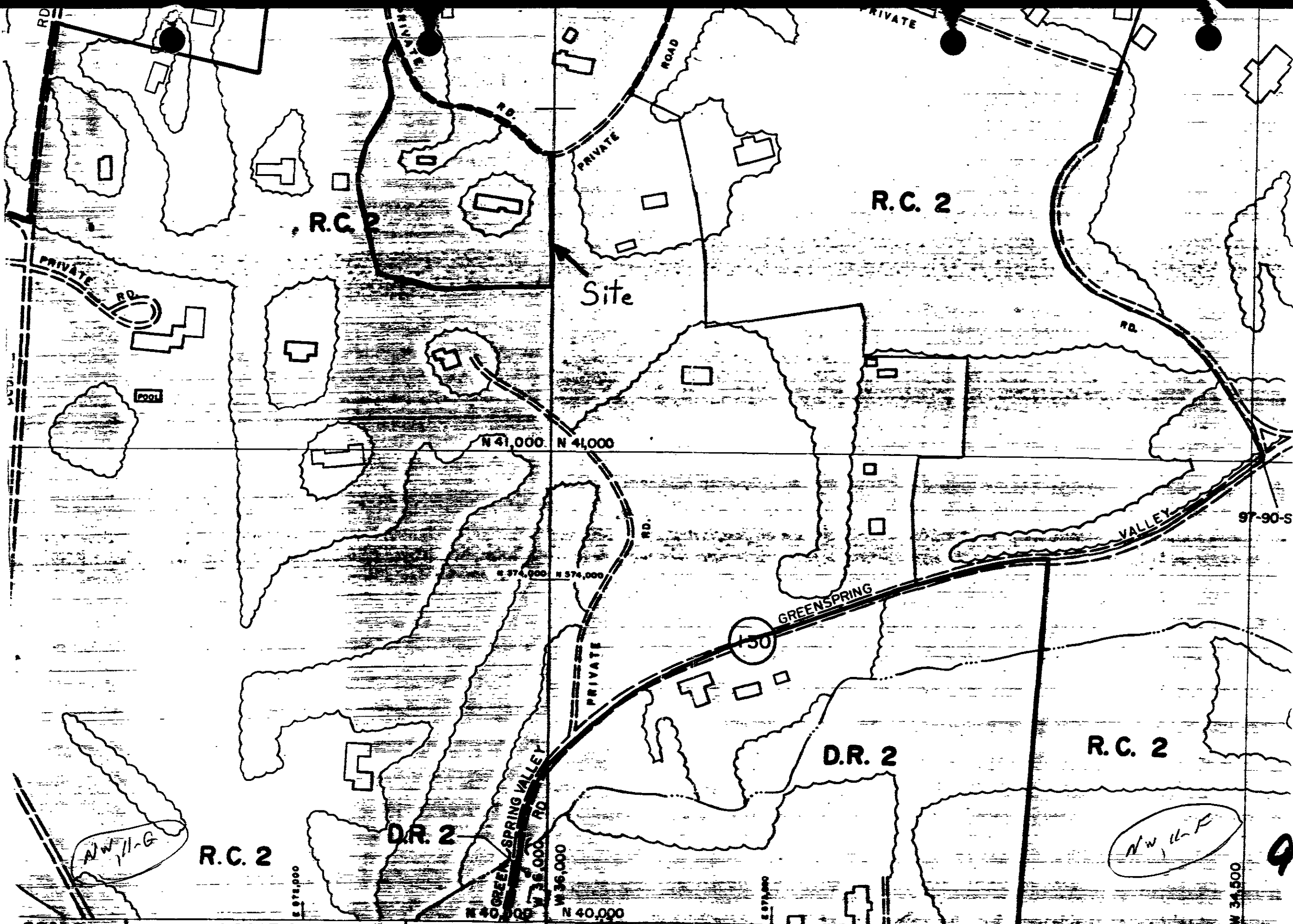
From the Planning staff's review of the proposal, we recommend that a waiver from compliance with County Code Section 26-278 should be granted because:

- 1) The size, scope and nature of the proposed development - modifications which are in character with the existing dwelling - does not necessitate further strict scrutiny for compliance with historic preservation regulations; and
- 2) The waiver would be within the scope, purpose and intent of the regulations; and
- 3) To the best of our knowledge, the development would be in compliance with applicable County laws and regulations; and
- 4) Failure to grant the waiver would unnecessarily cause hardship to the owner by increasing the time and expense required to obtain approval.

Section Chief:



AFK:JL:TD:rlh



98.476-SPH

SCALE
1" = 200'

LOCATION

SHEET

T-SE

ITEM # 476

1996 COMPREHENSIVE ZONING
ADOPTED BY
THE BALTIMORE COUNTY

DATE

CHATTOLA NE

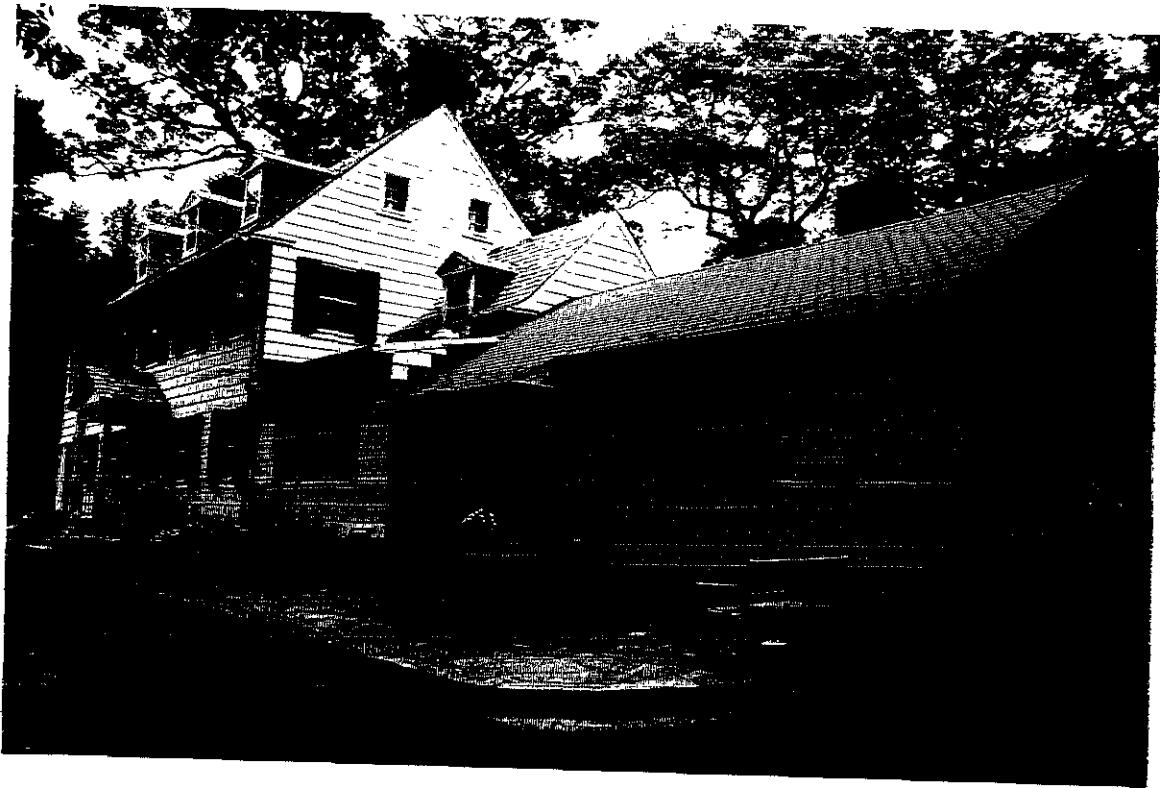
N.W.

R.N.E.

photographs

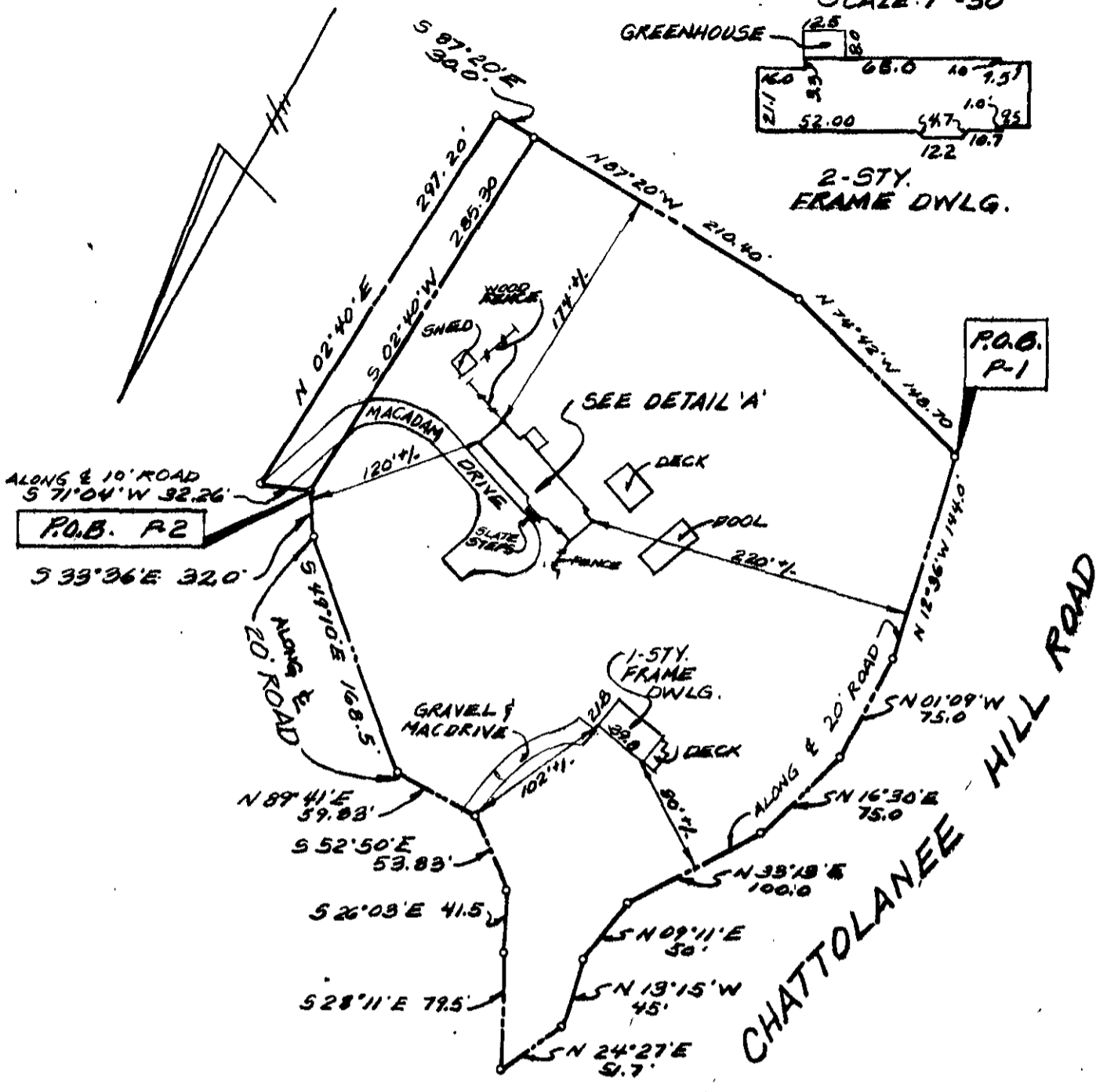
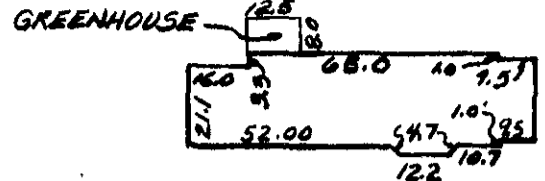
98-476-5PH







DETAIL 'A'
SCALE: 1"=50'



I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown. This plat is not intended for use in establishing property lines. I hereby certify that I have examined the current Flood Insurance Rate Map (Firm No. 240010 02400) for the subject property and it does not lie in an area identified by the Secretary of Housing and Urban Development as having special flood or mudslide hazards.

DEED REFERENCE: 8691/704
3RD ELECT. DIST. BALTO. CO., MD.

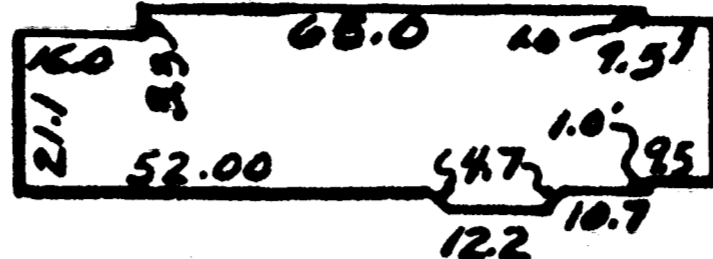
5/12/92
Date
JAMES W. MCKEE
REG. #9012

476

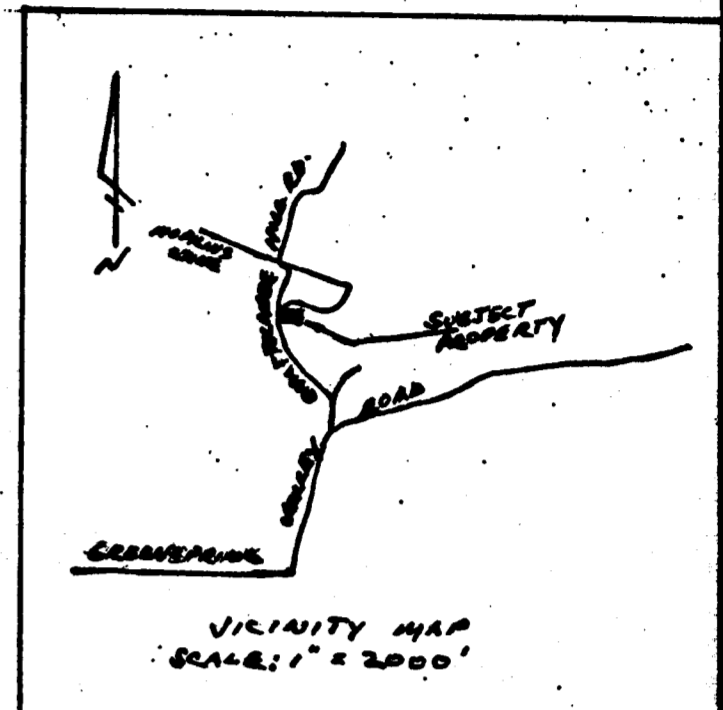
	LOCATION SURVEY #309 CHATTOLANEE HILL ROAD	scale: 1"=100'
	MCKEE & ASSOCIATES, INC. CIVIL ENGINEERS • LAND SURVEYORS 5 SHAWAN ROAD HUNT VALLEY, MD 21030 (301)527-1555	date: 5-4-92
	drawn by 	checked by

DETAIL 'A'
SCALE: 1" = 25'

PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCE SPECIAL HEARING
PROPERTY ADDRESS: 309 CHATTOLANEE HILL RD.
OWNER: JOHN E DEFORD 3RD
PATRICIA S DEFORD
DEED REFERENCE: LIGER 9264 FOLIO 786



**2-STY.
FRAME DWLG.**



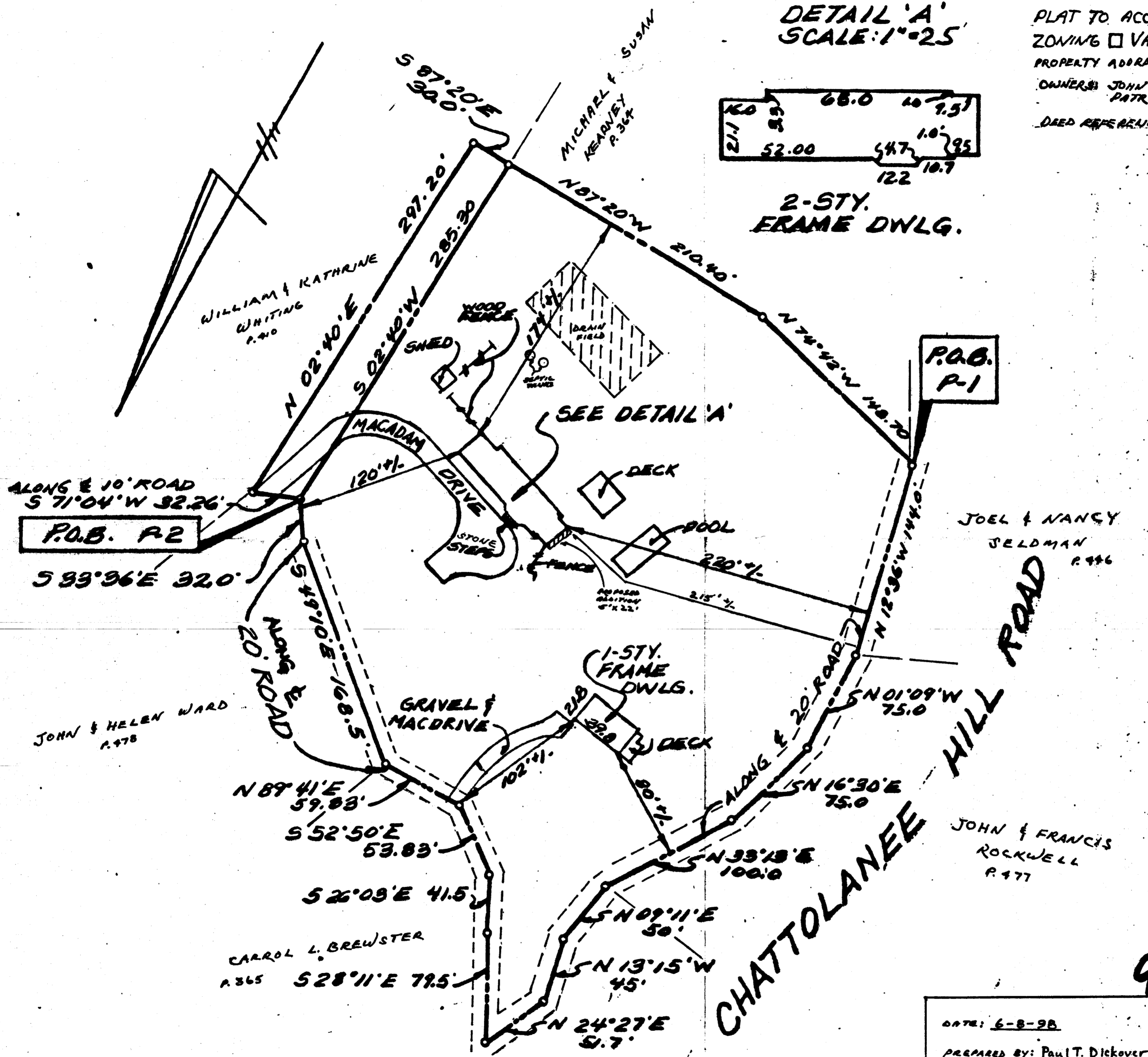
LOCATION INFORMATION

COUNCILMAN'S DISTRICT 3
ELECTION DISTRICT 3
1" = 200' SCALE MAP NW-116
ZONING: RC-2
LOT SIZE: $\frac{3.62}{ACRES}$ $\frac{157,687}{SQUARE FEET}$

SEWER:
WATER:
CHESAPEAKE BAY CRITICAL AREA:
PRIOR ZONING HEARINGS: NONE

ZONING OFFICE USE ONLY

REVIEWED BY:	ITEM NO:	CASE NO:
RT	476	



98.476.SPH

DATE: 6-8-98
PREPARED BY: Paul T. Dickover SCALE OF DRAWING: 1" = 50'