

IN RE: PETITION FOR SPECIAL HEARING
SW/S Dunfield Road, 165' SE
of centerline Tapu Court
11th Election District
6th Councilmanic District
(Dunfield Road & Tapu Court)

Baltimore County Government
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 99-446-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for special hearing for a waiver of Public Works standards to relieve the developer of having to install sidewalks along the southwest side of Dunfield Road in the vicinity of Tapu Court. The Petition was filed by Baltimore County, Maryland, by and through Shirley M. Murphy, Director of the Bureau of Land Acquisition. The Petition was filed on behalf of Gamma Construction, who is the developer of the houses in the vicinity of the sidewalk in question.

Appearing at the hearing regarding the special hearing request was Craig Rogers on behalf of Gamma Construction. There were no other parties in attendance.

Testimony and evidence indicated that Gamma Construction is currently developing property in the vicinity of Dunfield Road and Tapu Court in the Perry Hall area of Baltimore County. This particular special hearing request is to eliminate the need for the installation of sidewalks on the south side of Dunfield Road on opposite sides of Tapu Court. Mr. Rogers submitted into evidence as Petitioner's Exhibit No. 1 a site plan of the area which has been highlighted. The red area as shown on the site plan indicates that area of sidewalk for which the waiver request is being made. The blue area of sidewalk shown on the site plan is existing sidewalks and the green shaded area represents sidewalks that will be installed by Gamma Construction. The request before me is to waive the requirement to install sidewalks in that area

COPY SENT RECEIVED FOR FILING
Date 7/22/99
By R. J. [Signature]

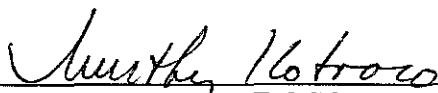
that is shaded in red. The waiver request was supported by the Department of Permits and Development Management, as is evidenced by their comment contained within the file.

After due consideration of the testimony and evidence presented, I find that the Petitioner has satisfied the requirements of Section 26-172.A.2 of the Baltimore County Code and that strict compliance with the County regulations would result in a practical difficulty and unreasonable hardship for the Petitioner. In addition, the requested waiver is appropriate in this instance and will not be detrimental to the public health, safety and general welfare of the surrounding locale.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 2nd day of July, 1999, that the Petition for Special Hearing to approve a waiver of Public Works standards to eliminate the installation of pedestrian sidewalks on the south side of Dunfield Road on opposite sides of Tapu Court, in accordance with the representations made on Petitioner's Exhibit 1, be and is hereby GRANTED.

The Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

COPIES RECEIVED FOR FILING
7/2/99
J.R. Jones



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 2, 1999

Ms. Shirley Murphy, Director
Bureau of Land Acquisition
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 99-446-SPH
Property: Dunfield Road & Tapu Court

Dear Ms. Murphy:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at DUNFIELD RD. & TAPU CT.
which is presently zoned DR 16

This Petition shall be filed with the Department of Permits and 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 RELIEVE THE DEVELOPER OF HAVING TO INSTALL SIDEWALK ALONG THE SOUTHWEST SIDE OF DUNFIELD RD., STATION 7+85.93 TO STATION 12+32.90

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

BALTO. CO. GOVERNMENT
Name - Type or Print _____
Shirley M. Murphy
Signature _____
SHIRLEY M. MURPHY
Name - Type or Print _____
Signature _____
BUREAU OF LAND ACQUISITION
111 W. CHESAPEAKE AVE 887-3251
Address _____ Telephone No. _____
TOWSON MD 21284
City _____ State _____ Zip Code _____

Representative to be Contacted:

Galen A. Wallace
Name _____
608 Highland Ave 910 days night
Address _____ Telephone No. 825-8711
TOWSON MD 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 99-446-58H

Reviewed By BLK Date 5/10/99

COPIES RECEIVED FROM 5/10/99

Item # 99-446-SPA

ZONING DESCRIPTION FOR BELDALE COURTS

Beginning on the Southwest side of Dunfield Road a 70 foot right-of-way at a distance of 165 feet South and East of the extended centerline of Tapu Court to a point at the beginning of a proposed 4 foot wide sidewalk thence continuing for such 4 foot width Northwesterly along Dunfield Road for a distance of 447 feet to the end of proposed 4 foot wide sidewalk.

99.446.SPA

446

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **062893**

DATE 1-13-99 ACCOUNT R-006-6150

AMOUNT \$250.00

RECEIVED FROM: Damma Construction Company

FOR: DRC #01259H-Beldade County

~~#692~~ DK

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

446

PAID

ADDRESS: BALTIMORE
17121999 17191999 1073.25
ALSO: CASHIER W/OUT NEW DROOPY
5 MOUNTAIN DRIVE RECEIPT
RECEIPT # 062893
CR. NO. 062893
BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County by all copies of the zoning file and regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: 409-446-SPH
3145 Dunfield Road, 66' SE of centerline Tapu Court 11th Election District 6th Councilmanic District
Legal Owner(s): Baltimore County Government

Special Hearing: to approve a waiver of Public Works standards for sidewalk along the southwest side of Dunfield Road

Hearing: Monday, June 26, 1999 at 10:00 a.m. in Room 407, County Courts Bldg, 407 Basley Avenue.

LAWRENCE SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4886.

(2) For information concerning the file and/or hearing, Contact the Zoning Review Offices at (410) 887-3381

6/18 June 10 C317773

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6-10, 1999

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 6-10, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 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.

For Newspaper Advertising:

Item Number or Case Number: 99-446-58H

Petitioner: Gamma Construction

Address or Location: P.O. Box 68 Reisterstown, MD 21136

PLEASE FORWARD ADVERTISING BILL TO:

Name: G. W. SITE SERVICES, INC.

Address: 608 HIGHLAND AVE
TOWSON MD 21204

Telephone Number: 410 825-8711

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: _____

Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____


see pages 5 & 6 of the CHECKLIST for additional required information

North

dates: _____

prepared by: _____

Scale of Drawing: 1" = _____

 Vicinity Map
North
scale: 1" = 1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1" = 200 scale map#: _____

Zoning: _____

Lot size: _____ acreage _____ square feet

SEWER: public private

WATER:

Chesapeake Bay Critical Area: yes no

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE #: _____



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 28, 1999

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: 99-446-SPH
SW/S Dunfield Road, 165' SE of centerline Tapu Court
11th Election District – 6th Councilmanic District
Legal Owner: Baltimore County Government

Special Hearing to approve a waiver of Public Works standards for sidewalk along the southwest side of Dunfield Road.

HEARING: Monday, June 28, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon
Director

c: Baltimore County Government
Galen A. Wallace

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 13, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



TO: PATUXENT PUBLISHING COMPANY
June 10, 1999 Issue – Jeffersonian

Please forward billing to:

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

410-825-8711

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Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW 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
pdmlandacq@co.ba.md.us

June 25, 1999

Mr. Galen A. Wallace
608 Highland Avenue
Towson, MD 21204

RE: Case No.: 99-446-SPH
Petitioner: Baltimore County
Location: Dunfield Rd. & Tapu Ct.

Dear Mr. Wallace:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on May 10, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

June 2, 1999

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 May 24, 1999

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.

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

436, 434, 435, 436, 437, 438, 439, 444, 445, 446, 447,
448, 449, 450, 451, 452, ~~453~~, and 455

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 387-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us

RECEIVED JUN 17 1999



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: May 25, 1999

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

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 426, 435, 436, 437, 438, 439, 444, 445, 446, 448 and 455

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL

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

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: June 1, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for June 1, 1999
 Item No. 446

The Bureau of Development Plans Review has reviewed the subject zoning item. This waiver, number 01259H, was reviewed by the Department of Public Works and this bureau on March 16, 1999. We recommend that the waiver be approved.

RWB:HJO:jrb

cc: File

ZAC06019.446

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Donald T. Rascoe, Development Manager DATE: March 16, 1999
Division of Development Processing

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Beldale Court Waiver #01259H

Tom Hamer and I met to review the Department of Public Works' waiver for elimination of the sidewalk on the southwest side of Dunfield Road.

We recommend that the waiver be approved. If you have any questions, please call me at extension 3751.

RWB:jrb

cc: File
Galen Wallace

RWB236

#946



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 5.21.99

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

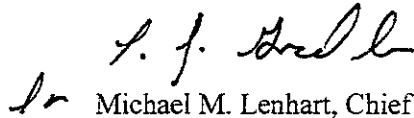
RE: Baltimore County
Item No. 446 B~

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


Michael M. Lenhart, Chief
Engineering Access Permits Division

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

RE: PETITION FOR SPECIAL HEARING
Dunfield Road and Tapu Court,
SW/S Dunfield Rd, 165' E of c/I Tapu Ct
11th Election District, 6th Councilmanic

Legal Owner: Baltimore County Government
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 99-446-SPH

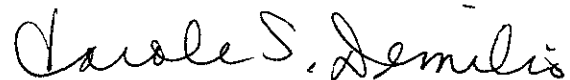
* * * * *

ENTRY OF APPEARANCE

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



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 1999 a copy of the foregoing Entry of Appearance was mailed to Galen A. Wallace, 608 Highland Avenue, Towson, MD 21204, representative for Petitioners.



PETER MAX ZIMMERMAN

TURN IN COPY
W/ PERMIT

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Avenue
Towson, Md. 21204

410-887-3335

March 25, 1999

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

RE: Beldale Courts
PDM Number XI-692
DRC Number 01259H, Dist. 11C6

Dear Sir:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has, in fact, met in an open meeting on March 22, 1999, and made the following recommendations:

The DRC reviewed the plan submitted on the above referenced project and determined that a waiver for Public Works Standards as requested would be within the scope, purpose, and intent of the development regulations of Baltimore County. Please refer to the memo from Robert Bowling, dated March 16, 1999.

99-446-SPH

#446

G. W. Site Services, Inc.
Beldale Courts
March 25, 1999
Page 2

The DRC has recommended your waiver for approval. Now you must file for the special hearing.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 25th day of March 1999, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

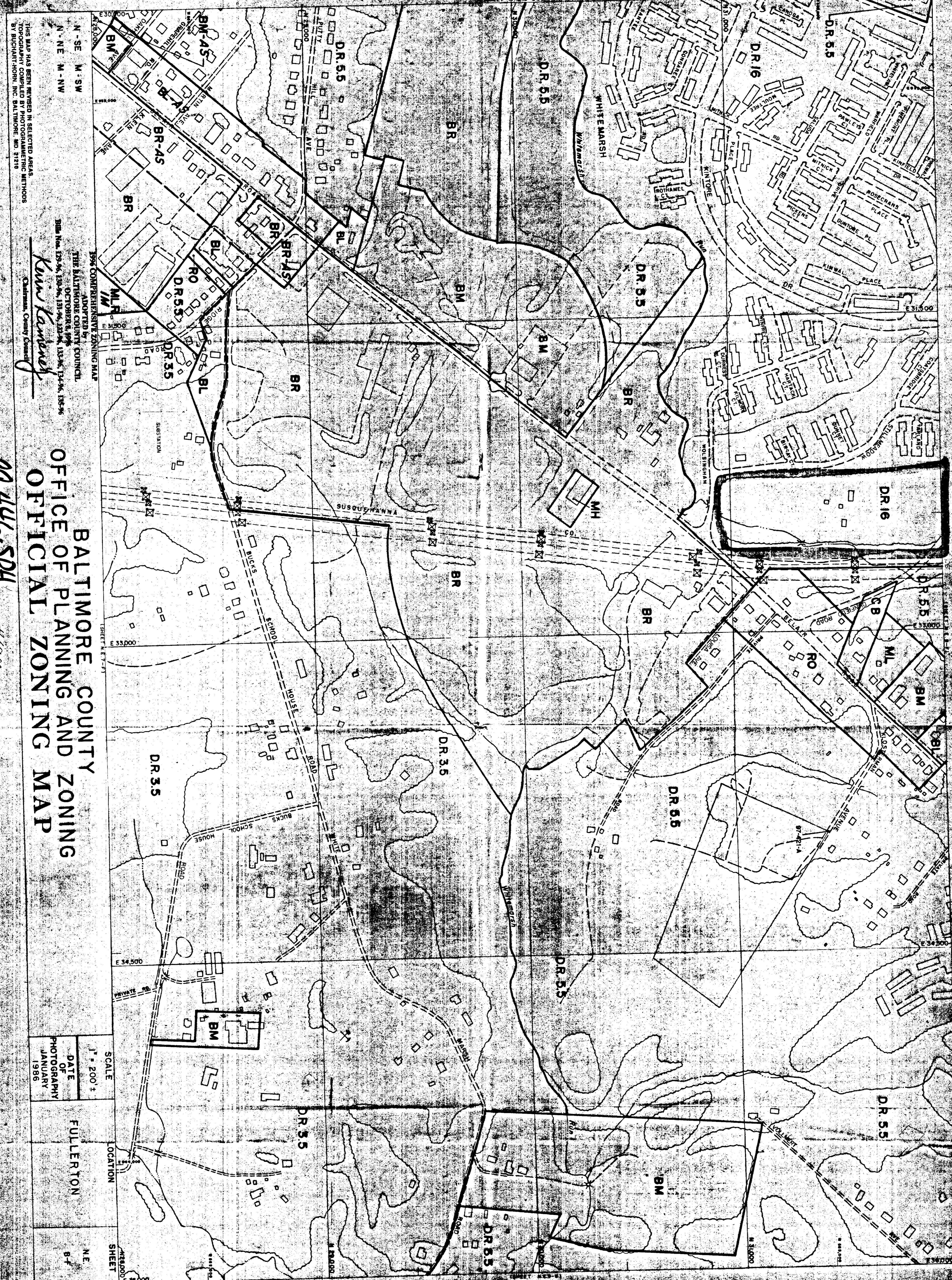
Sincerely,



Arnold Jablon
Director

AJ:DTR:dak
c: Bruce Seeley
File
Enclosure

#446



N - SE M : SW
 N - NE M - NW

THIS MAP HAS BEEN REPRODUCED IN SELECTED AREAS
 BY PHOTODUPLICATION METHODS
 BY BIRCHMOUNT, INC. BALTIMORE, MD 21210

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 OFFICIAL ZONING MAP

1" = 200'
 DATE OF PHOTOGRAPHY
 JANUARY 1986
 FULLERTON
 LOCATION
 SHEET
 NE
 B-7

99.446.SPH

494

1986 COMPREHENSIVE ZONING MAP
 ADOPTED BY
 THE BALTIMORE COUNTY COUNCIL
 OCTOBER 26, 1986
 BILL NO. 125-86, 126-86, 127-86, 128-86, 129-86, 130-86, 131-86, 132-86, 133-86, 134-86, 135-86

Kenn Landwehr
 Chairman, County Council