ON THE COURT FOR FLING

IN RE: PETITION FOR SPECIAL HEARING SE/S Flintstone Road, 390' SW

centerline of Middletown Road

6<sup>th</sup> Election District

3<sup>rd</sup> Councilmanic District (20450 Middletown Road)

Rose B. Dykes Petitioner BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 00-342-SPH

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Rose Dykes. The Petitioner is requesting a special hearing for property she owns at 20450 Middletown Road, located in the Freeland area of Baltimore County. The subject property is split zoned R.C.2 and R.C.5. The special hearing request is for the creation of an undersized (0.333 acre) parcel of land zoned R.C.2 and to allow said parcel to be utilized for a portion of the septic reserve area to support a dwelling located in a R.C.5 zone.

Appearing at the hearing on behalf of the request were Rose Dykes, property owner and David Billingsley, appearing on behalf of Central Drafting and Design, Inc., who prepared the site plan of the property. There were no protestants in attendance.

Testimony and evidence indicated that Ms. Dykes owns approximately 72.52 acres of land along Middletown Road. She is desirous of subdividing her property to create a small lot containing 2.431 acres for her son. Her son intends to build a dwelling on that lot. Mr. Billingsley is assisting the Petitioner in taking the property through the minor subdivision process. The property owner had percolation tests performed on the property and it was determined at the time of testing that a portion of the septic reserve area would be located within the R.C.2 zone. In order to have the entire septic reserve area located within the lot to be subdivided, a portion of the new lot will consist of R.C.2 zoning, thereby creating an undersized

lot situation. After considering the testimony and evidence presented at the hearing, I find that the special hearing request should be granted.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. It has

been established that the requirements from which the Petitioner seeks relief would unduly

restrict the use of the land due to the special conditions unique to this particular parcel. In

addition, the relief requested will not be detrimental to the public health, safety or 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 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 4th day of April, 2000, that the Petitioner's Request for Special Hearing for the

creation of an undersized (0.333 acre) parcel of land zoned R.C.2 and to allow said parcel to be

utilized for a portion of the septic reserve area to support a dwelling located in a R.C.5 zone, be

and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty

(30) days from the date of this Order.

TIMOTHY M. KOTROCC

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

2



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

Fax: 410-887-3468

April 5, 2000

Ms. Rose B. Dykes 20450 Middletown Road Freeland, Maryland 21053

> Re: Petition for Special Hearing Case No 00-342-SPH

> > Property: 20450 Middletown Road

Dear Ms. Dykes:

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 Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

luthy lotroes

TMK:raj Enclosure

C: Mr. David BillingsleyCentral Drafting & Design, Inc.601 Charwood CourtEdgewood, Maryland 21040













# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 20450 MIDDLETOWN ROAD

which is presently zoned RC 2 AND RC 5

I/We do solemnly declare and affirm, under the penalties of

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

THE CREATION OF AN UNDERSIZED (0.333AC.) PARCEL OF LAND ZONED R.C. 2 AND TO ALLOW SAID PARCEL TO BE UTILIZED FOR A PORTION OF THE SEPTIC RESERVE AREA TO SUPPORT A DWELLING LOCATED IN AN ADJACENT R.C. 5 ZONE.

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.

7			ESTIMATED LENGTH OF	HEARING	1/2 hrs
9,00			OFFICE US	E ONLY	4:1
80 8	State	Zip Code	City	State	Zip Code
3		<u> </u>	EDGEWOOD	MD	21040
Address	<del>-</del> <del>-</del>	Telephone No.	Address	( 7 10 )	Telephone No.
Company			Name 601 CHARWOOD COURT	(410)	679-8719
			DAVID BILLINGSLEY		
i i Sįgnatųre			Representative to be Concentral drafting a	<u>ntacted:</u> .NO DESIG	N, INC.
Name - Type or Print	·····		City	State	Zip Code
			FREELAND	MD	21053
<u> Attorney For Petition</u>	<u>er:</u>		Address	<u>U</u> (4	Telephone No.
City	State	Zip Code	Signature 20450 MIDDLETOWN R	ים למ	10) 343-0049
Address		Telephone No.  Zip Code	Name - Type or Print		
Signature			Signature		
Name - Type or Print			Name or Print	-,	
			ROSE B. DYKES		
Contract Purchaser/Lessee:			<u>Legal Owner(s):</u>		
			perjury, that I/we are the legal or is the subject of this Petition.	wner(s) of the	property which

## DYKES PROPERTY 20450 MIDDLETOWN ROAD ELECTION DISTRICT 6,C3

#### DESCRIPTION OF COMBINED R.C.2 AND R.C.5 PARCELS

Beginning at a point on the southeast side of Flintstone Road (50 feet wide), said point being distant 390 feet southwest of the centerline of Middletown Road, thence (1) S 45° 32' 00" E 285.00 feet, thence, (2) S 49° 51' 42" W 406.71 feet, thence (3) N 45° 32' 00" W 238.04 feet, thence (4) N 43° 14' 00" E 405.00 feet to the place of beginning. Containing 2.431 acres of land more or less.



Item # 342

#### DYKES PROPERTY 20450 MIDDLETOWN ROAD ELECTION DISTRICT 6,C3

#### DESCRIPTION OF UNDERSIZED R.C.2 PARCEL

Beginning at a point on the southeast side of Flintstone Road (50 feet wide), said point being distant 735 feet southwest of the centerline of Middletown Road, thence (1) S 45° 32' 00" E 245.00 feet, thence, (2) S 49° 51' 42" W 60.25 feet, thence (3) N 45° 32' 00" W 238.04 feet, thence (4) N 43° 14' 00" E 60.00 feet to the place of beginning. Containing 0.333 acre of land more or less.



DISTRIBUTION  PINK - AGENCY YELLOW - CUSTOMER  WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	FOR: The selection of the Second	RECEIVED RUSE TO KIND	A	DATE CX 1/2 OC AC	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT
	13 redocate of Browning the lang of Some 342		AMOUNT \$ 50.	ACCOUNT 72-001-6150	ANT 10 347 55 1) No. 078678
CASHIER'S VALIDATION	42.5PH	A Company of the particle of t			

## MONCE OF TOWNS HEAVING

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: #00-342-SPH

20450 Middletown Road SE/S Flintstone Road, 735' SW of centerline Middletown

Road
6th Election District - 3rd Councilmanic District
Legal Owner(s): Rose B. Dykes
Special Hearing: to permit the creation of an undersized
parcel of land zoned R.C.2 and to allow said parcel to be
utilized for a portion of the septic reserve area to support a
dwelling located in an adjacent R.C.5 zone:
Hearing: Wednesday, March 29, 2000 at 2:08 p.m. in
Room 106, County Office Building, 111 W. Chesapeake

Avenue.

LAWRENCE E. SCHMIDT

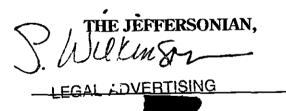
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

1173/650 March 14.

## CERTIFICATE OF PUBLICATION

TOWSON, MD, 3/16, ,200	<u>0</u>
THIS IS TO CERTIFY, that the annexed advertisement v	was
published in THE JEFFERSONIAN, a weekly newspaper published	l in
Towson, Baltimore County, Md., once in each ofsuccess	
weeks, the first publication appearing on, 2000	)



#### **CERTIFICATE OF POSTING**

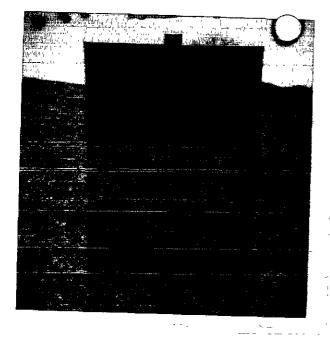
RE: CASE #00-342-SPH
PETITIONER/DEVELOPER
(Rose B. Dykes)
DATE OF Hearing
(Mar. 29, 2000)

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

ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 20450 Middlestown Road Baltimore, Maryland 21053\_\_\_\_\_



h, Day, Year)
Sincerely,
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)

RE: PETITION FOR SPECIAL HEARING 20450 Middletown Road, SE/S Flinstone Rd, 735' SW of c/l Middletown Rd 6th Election District, 3rd Councilmanic

Legal Owner: Rose B. Dykes Petitioner(s)

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- Case No. 00-342-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

Peter Max Zimmeinan

S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

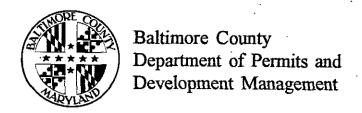
Towson, MD 21204

(410) 887-2188

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8th day of March, 2000 a copy of the foregoing Entry of Appearance was mailed to David W. Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood, MD 21040, representative for Petitioners.

ETER MAX ZIMMERMAN



Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

March 2, 2000

## **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: 00-342-SPH 20450 Middletown Road SE/S Flintstone Road, 735' SW of centerline Middletown Road 6<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District Legal Owner: Rose B. Dykes

<u>Special Hearing</u> to permit the creation of an undersized parcel of land zoned R.C.2 and to allow said parcel to be utilized for a portion of the septic reserve area to support a dwelling located in an adjacent R.C.5 zone.

HEARING: Wednesday, March 29, 2000 at 2:00 p.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

Arnold Jablon Director

C.

Rose Dykes, 20450 Middletown Road, Freeland 21053 Central Drafting & Design, Inc., 601 Charwood Court, Edgewood 21040

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MARCH 14, 2000.

(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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 14, 2000 Issue - Jeffersonian

Please forward billing to:

Rose Dykes

410-343-0049

20450 Middletown Road Freeland, MD 21053

### 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: 00-342-SPH

20450 Middletown Road

SE/S Flintstone Road, 735' SW of centerline Middletown Road

6<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: Rose B. Dykes

<u>Special Hearing</u> to permit the creation of an undersized parcel of land zoned R.C.2 and to allow said parcel to be utilized for a portion of the septic reserve area to support a dwelling located in an adjacent R.C.5 zone.

**HEARING:** 

Wednesday, March 29, 2000 at 2:00 p.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

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.

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

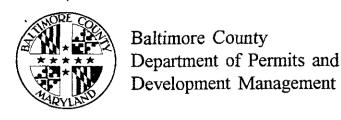
## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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.

For Newspaper Advertising:	
Item Number or Case Number:	
Petitioner: ROSE DYKES	
Address or Location: Z0450 MIDDLETOWN RD	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: ROSE DYKES	····
Address: ZO450 MIDDLE TOWN ROAD	
FREELAND, MO. ZIOS-3	
Telephone Number: (410) 343-0049	



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

March 24, 2000

Mr. David Billingsley Central Drafting and Design, Inc. 601 Charwood Court Edgewood MD 21040

Dear Mr. Billingsley:

RE: Case Number 00-342-SPH, 20450 Middletown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 17, 2000.

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, please do not hesitate to contact the commenting agency.

Singerely.

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:ggs

Enclosures











3/20

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** April 10, 2000

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for March 5, 2000

Item Nos. 333, 334, 335, 336, 337, 338,

339, 340, 342, 346, and 347

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

RWB:HJO:jrb

cc: File



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

March 1, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED MAR 0 3 2000

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEBRUARY 28, 2000

Item No.: See Below

Dear Ms. Stephens:

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:

343, 344, 345 (LOT 700 8c), 341, 342 339, 340, 338, 336, AND 347

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:		Arnold Jablon	
FROM:		R. Bruce Seeley Wis	
DATE:		March 6, 2000	
SUBJE	CT:	Zoning Item #342 20450 Middletown Road	
	Zoning	g Advisory Committee Meeting of February 28, 2000	
		epartment of Environmental Protection and Resource Management has no ents 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.		
	The Department of Environmental Protection and Resource Manage the following comments on the above-referenced zoning item:		
		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).	
	<del></del>	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).	
	<u>X</u>	Groundwater Management Section: In order to provide a 10,000 square foot Septic Reserve Area with satisfactory soil evaluations, the septic area must be located partially on the RC2 property.	

Reviewer: Sue Farinetti Date: March 1, 2000

Junt 3/29

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Date: March 8, 2000

TO: Arnold Jablon, Director

Department of Permits

and Development Management

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): 330, 336, 342, and 351

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



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

Date: 3.1.00

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

**Baltimore County** RE:

Item No.

342 335

RECEIVED AND UND THE

Dear, Ms. Jackson:

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,

1~ Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

J. J. Dredle

### PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DAVID BILLINGSLEY	EDSE WOOD, MD. 21040
DAVID BILLINGSLEY ROSE DYKES	ADDRESS 601 CHARWOOD COURT EDGE WOOD, MD. 21040 70450 MIDDLETOWN ROAD FREELAND, MD. 21053
	-

