ORDER RECEIVED FOR FILING Date

IN RE: PETITION FOR VARIANCE

S/S Dipping Pond Court, 700' S of the

c/l Broadway Road

(15 Dipping Pond Court)

8<sup>th</sup> Election District

3<sup>rd</sup> Council District

Gaylord Menzies, Inc., Owner; Geoffrey Forbes, Ltd., Contract Purchaser \* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 00-467-A

\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Gaylord Menzies, Inc., by Thomas R. Moore, Secretary, and the Contract Purchaser, Geoffrey Forbes, Ltd., through their attorney, Edward C. Covahey, Jr., Esquire. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 45 feet each in lieu of the required 50 feet and to amend the Final Development Plan for the Menzies Property, Lot 8 thereof, for a proposed single family dwelling. The subject property and relief sought are more particularly described on a copy of a portion of the subdivision plan for the Menzies Property, which was submitted into evidence and marked as Petitioner's Exhibit 1, and Petitioner's Exhibit 2, the plat which accompanied the Petition for Variance.

Appearing at the requisite public hearing in support of the request were Geoffrey Forbes, Contract Purchaser, and his attorney, Edward C. Covahey, Jr., Esquire. Appearing as an interested person was Nancy White, a resident of the surrounding locale. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregularly shaped lot, containing 1.243 acres, more or less, zoned R.C.5 and is presently unimproved. The property is also known as Lot 8 of the Menzies Property, a community of substantial single family dwellings on large lots, located adjacent to the intersection of Kelley Avenue and Broadway Road

ORDER RECEIVED FOR FILING Date (1/90/11/1 in Timonium. Mr. Forbes is a homebuilder by trade and presently lives in Carroll County. He testified that he wishes to move to Baltimore County and is under contract to purchase the subject lot from the Developer, Gaylord Menzies, Inc. Mr. Forbes proposes to construct a 4800 sq.ft. single family dwelling as his personal residence on the property. Mr. Forbes indicated that the property is unique by virtue of its narrow configuration and significant depth. These unique characteristics, factored with the requirement to provide a 10,000 sq.ft. septic area, limits the area of development on the property. Mr. Forbes indicated that the dwelling he proposes to construct will be 85 feet wide; however, the lot is approximately 175 feet wide. Thus, the proposed dwelling, while centered on the property, will have side yard setbacks of 45 feet each, which is less than the 50 feet required. Therefore, the relief requested is necessary in order to proceed with development as proposed.

Ms. White testified that she is a resident of the locale and appeared at the hearing out of concern that blanket variances were being requested for all of the proposed lots in this community. When advised that the subject Petition relates only to the subject lot, she indicated that she had no opposition to the request.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. The Petitioner has produced sufficient testimony to meet the requirements of Section 307 of the B.C.Z.R. and the case law. It is clear that the relief requested will not result in any detriment to the health, safety and general welfare of the surrounding locale. Thus, the relief requested 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 relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31th day of June, 2000 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 45 feet each in lieu of the required 50 feet and to amend the Final Development Plan for the

Menzies Property, Lot 8 thereof, for a proposed single family dwelling, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restriction:

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

LÁWRÉNCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bis



# Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at Lot #8 #15 DIDDING POND CT, which is presently zoned QC-5

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 Variance from Section(s) 1 A C 4 3 B 3 to allow side yard setbacks of 45 ft, in lieu of the required 50 ft, and to

amend the Final Development Plan.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be presented at the hearing,

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, 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.

410-828-9441

Telephone No.

21204 Zip Code

Contract Purchaser/Lessee: GEOFFREY FORBES. LTD. Name - Type or Print 1944 Turnberry Court 410-517-2776 Attorney For Petitioner: Edward C. Covahey, Jr. Name - Type or Print Signature Covahey & Boozer, P.A.

Case No. 00-467-A

REV 9115198

Address

Towson.

614 Bosley Ave.

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.

#### Legal Owner(s):

Reviewed By

GAVI	ORD	MENZIES	INC

Signature P.O. Box 400 410-667-0800 Telephone No. Address Phoenix. 21131 Zip Code

#### Representative to be Contacted:

Thomas R	Monre	
Name P.O. Box 40	70 6	2//3 / 4/0 -66:7-0800 Telephone No.
Address		Telephone No.
Phoenix	taD Sta	2/13/ Ite Zip Code

#### OFFICE USE ONLY

ESTIMATED	LENGTH OF HEARING	
LINIAWATE AND	E FOR HEADTNIG	

#### **ZONING DESCRIPTION**

#### ZONING DESCRIPTION FOR 15 DIPPING POND - LOT #8

Beginning at a point on the south side of

Dipping Pond Court which is 40 feet

wide at the distance of 700 feet south of the

centerline of the nearest improved intersection street Broadway Road

which is 40 feet wide. \*Being Lot # 8

Block — Section # 0 in the subdivision of Menzies Property

as recorded in Baltimore County Plat Book #72, Folio #18

containing 1.243 acres. Also known as 15 Dipping Pond 44.

and located in the 8th Election District, 3rd Councilmanic District.

00.467-A

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RE: Case No.: 00-467-A

Petitioner/Developer. FORES, ETAL

6 EDWARD COVAMEY, ESO

Date of Hearing/Closing: 6/20/00

(Telephone Number)

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

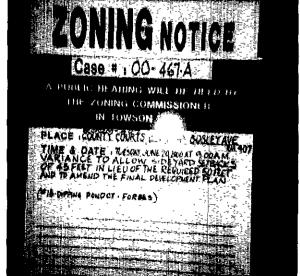
523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366; CELL-410-905-8571



#### MOTICE OF ZOMING HEARING

The Zoning Commissioner of Baltimore County, by airthority 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: #00-467-A 15 Dipping Pond Court S/S Dipping Pond Court, 700'S of centerline Broadway Road 8th Election District 3rd Councilmanic District Legal Owner(s): Gaylord Menzies, Inc. Contract Purchaser: Geoffrey Forbes, Ltd. Variance: to allow side yard setbacks of 5 feet in lieu of the required 50 feet and to amend the Final Development Plan. Hearing: Tuesday, June 20, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave.

LAWRENCE E. SCHMIDT Zoning Commissioner for Battimore 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.

6/033 June 1

C395261

### **CERTIFICATE OF PUBLICATION**

6/1,2000
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 6 1 2000.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkings
LEGAL ADVERTISING

### CERTIFICATE OF POSTING

E Case No OO-467-A

Petitioner/Developer FORBES ETAL

Date of hearing/Closing 6/20/00

Baltimore Courty Department of Permits and Development Management County Office Building, Room III III West Chesapeake Avenue Towson, NID, 21004

Attention Ms Gwendolyn Stephens

Ladies and Gentremen

This letter is to comify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #15 DIPSING POND CT.

The sign(s) were posted on \_\_\_\_\_\_ (Month, Day, Year)

Sinceraly,

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE

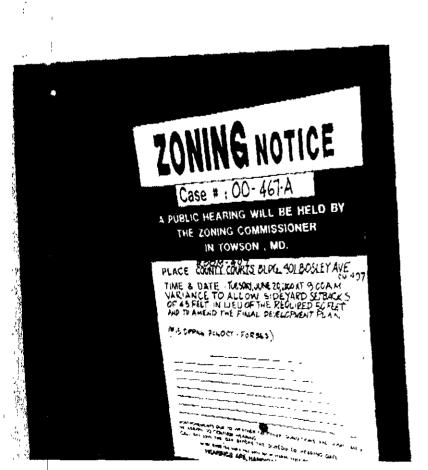
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666:5366 ; C.E.L. 410-905-8571

(Telephore Number)



RE: PETITION FOR VARIANCE Lot Nos. 8 and 15 Dipping Pond Court, S/S Dipping Pond Ct, 700' S of c/l Broadway Rd 8th Election District, 3rd Councilmanic

Legal Owner: Gaylord Menzies, Inc.

Contract Purchaser/Lessee: Geoffrey Forbes, Ltd.

Petitioner(s)

- ' BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* Case No. 00-467-A

\* \* \* \* \* \* \* \* \* \*

#### **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.

All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

le S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

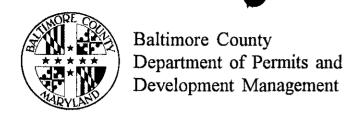
Towson, MD 21204

(410) 887-2188

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 24<sup>th</sup> day of May, 2000 a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr., Esq., Covahey & Boozer, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioner(s).

PETER MAY ZIMMERMAN



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

Fax: 410-887-5708

May 24, 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: 00-467-A 15 Dipping Pond Court

S/S Dipping Pond Court, 700' S of centerline Broadway Road

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

Legal Owner: Gaylord Menzies, Inc.

Contract Purchaser: Geoffrey Forbes, Ltd.

<u>Variance</u> to allow side yard setbacks of 5 feet in lieu of the required 50 feet and to amend the Final Development Plan.

HEARING: Tuesday, June 20, 2000 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon Director

C: Gaylord Menzies, Inc., PO Box 400, Phoenix, MD 21131 Geoffrey Forbes, Ltd., 1944 Turnberry Court, Finksburg, MD 21048 Edward Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, MD 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 5, 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

Thursday, June 1, 2000 Issue - Jeffersonian

Please forward billing to:

Geoffrey Forbes

410-517-2776

1944 Turnberry Court Finksburg, MD 21048

#### 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: 00-467-A

15 Dipping Pond Court

S/S Dipping Pond Court, 700' S of centerline Broadway Road

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

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HEARING:

Tuesday, June 20, 2000 at 9:00 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 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: & 467- A
Petitioner: Geoffrat Forbas
Petitioner:Geoffred Forbes  Address or Location:15 DIDDING DOWN CT.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Geoffrag Forbes
Name: Geoffrag Forbes Address: 1944 Turn berty CT. Fraksburg, Md. 21048
. "
Telephone Number: 410 -517 - 2776

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

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** July 14, 2000

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 29, 2000

Item Nos. 463, 464, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, and 476

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

RWB:HJO:jrb

cc: File

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

TO:	Arnold Jablon
FROM:	R. Bruce Seeley M.5
DATE:	June 1, 2000
SUBJECT:	Zoning Item #467 Dipping Pond Court
Zoning	g Advisory Committee Meeting of May 22, 2000
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
an exte	epartment of Environmental Protection and Resource Management requests ension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.
	epartment of Environmental Protection and Resource Management offers lowing 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).
	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>	<u>Development Coordination</u> : This property must comply with all DEPRM setback requirements for wells and septic systems.

Reviewer: Bruce Seeley Date: May 24, 2000

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** May 19, 2000

Department of Permits and

**Development Management** 

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MAY 1 9

**SUBJECT:** 

Zoning Advisory Petition(s): Case 467, 470, 472 and 476.

The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

**Section Chief:** 

AFK/JL:MAC



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

Date: 5.22.00

RE:

Baltimore County

Item No. 467

30

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

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.vs).

Very truly yours,

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

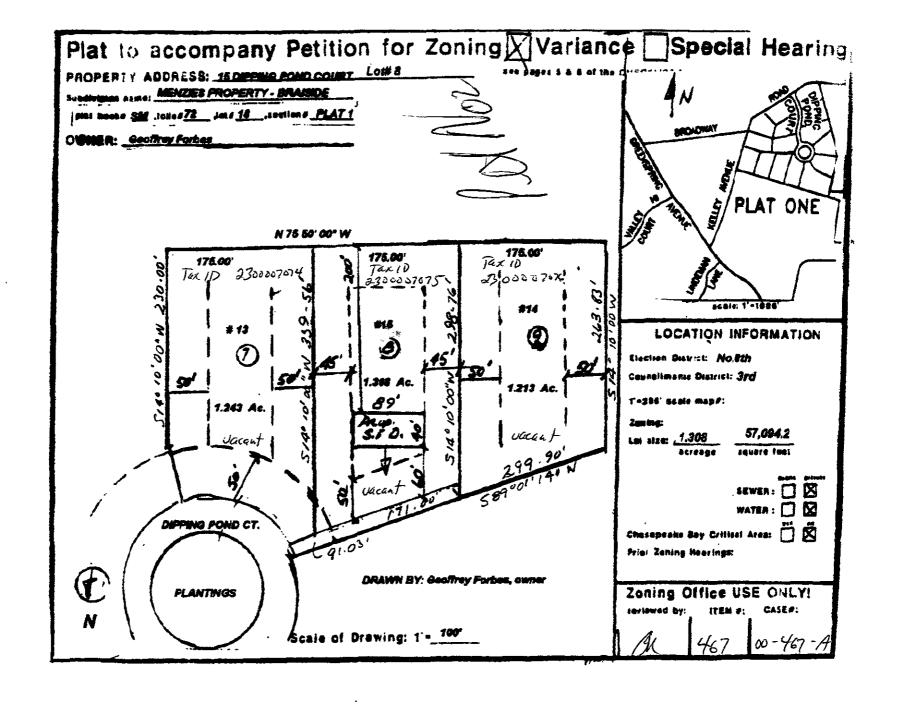
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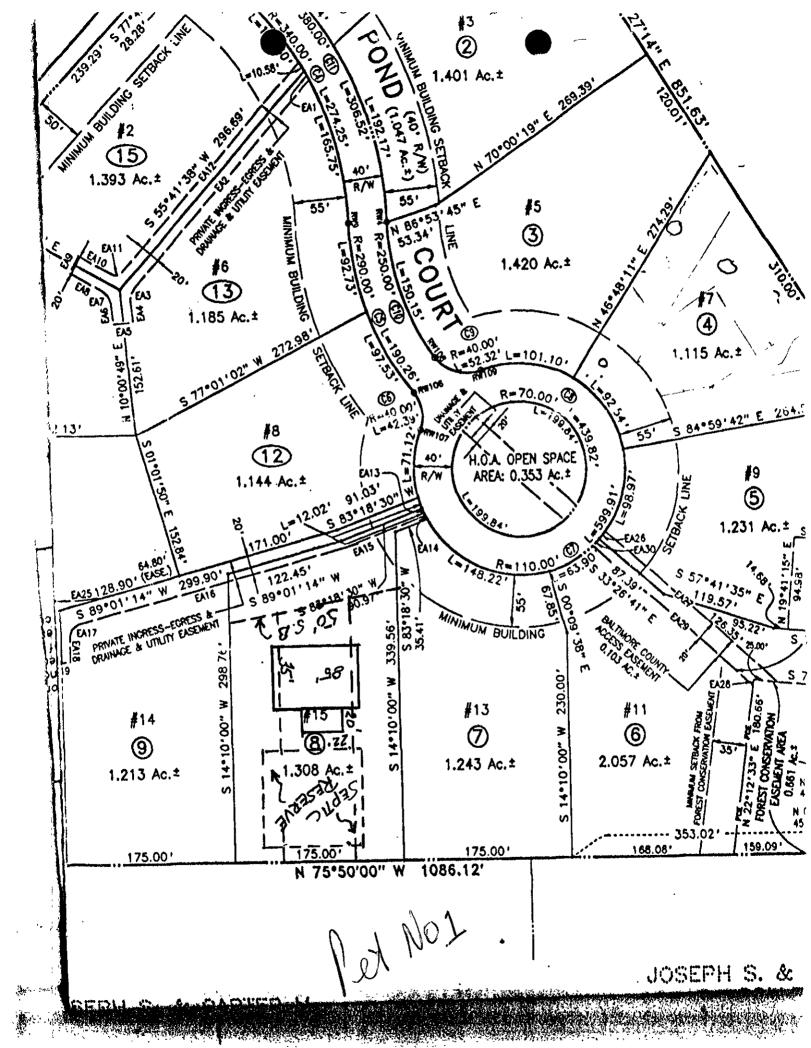
My telephone number is \_\_\_\_\_

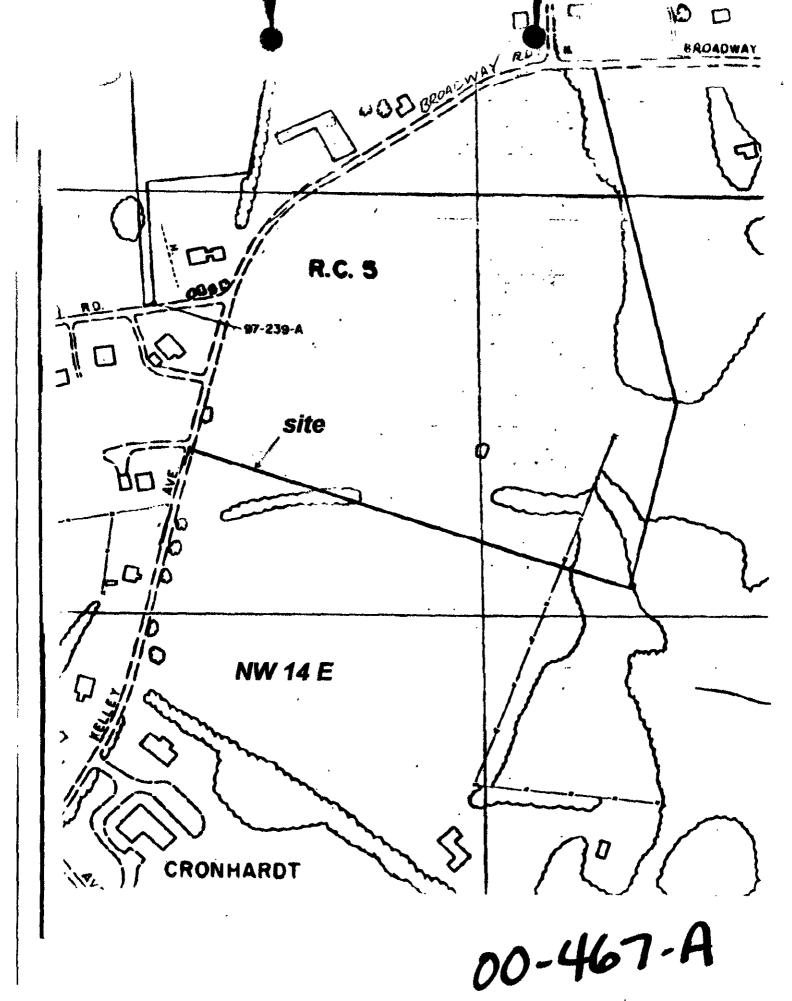
## ZONING REARING FILE INTERNAL CHECKLIST

## **Zoning Case No.** <u>00-461-A</u>

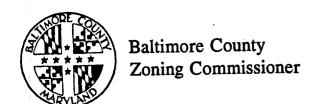
Date Completed/Initials	
5/24/00 SCJ	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp or front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
. //	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
· · · · · · · · · · · · · · · · · · ·	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
1	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
· · · · · · · · · · · · · · · · · · ·	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)







# 467



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

Fax: 410-887-3468

June 30, 2000

Edward C. Covahey, Jr., Esquire Covahey & Boozer 614 Bosley Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE

S/S Dipping Pond Court, 700' S of the c/l Broadway Road

(15 Dipping Pond Court)

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

Gaylord Menzies, Inc., Owners; Geoffrey Forbes, Ltd., Contract Purchaser - Petitioners

Case No. 00-467-A

Dear Mr. Covahey:

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

Mr. Thomas R. Moore, Secretary, Gaylord Menzies, Inc. cc:

P.O. Box 400, Phoenix, Md. 21131

Mr. Geoffrey Forbes, 1944 Turnberry Court, Finksburg, Md. 21048

Ms. Nancy White, 1816/Broadway Road, Timonium, Md. 21093

People's Counsel; Case File





For You, For Baltimore County



Census 2000

