

IN RE: PETITION FOR SPECIAL HEARING
SE/S Sunnymeadow Lane, 872.20' S of
the c/l of Sunspot Road
(111 Sunnymeadow Lane)
4th Election District
3rd Council District

John F. Owings, Jr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-480-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 owner of the subject property, John F. Owings, Jr., through his attorney, Lawrence M. Hammond, Esquire. The Petitioner requests a special hearing to permit a septic area for Lot 2 of the subject property, zoned R.C.5, to be partially located on Lot 3. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were John F. Owings, Jr., property owner, and his attorney, Lawrence M. Hammond, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property contains a gross area of 7.855 acres, more or less, zoned R.C.5, and is presently improved with a two-story single family dwelling, known as 111 Sunnymeadow Lane. In February of this year, the Petitioner obtained approval to subdivide the property to create three separate lots. Lots 1 and 2 consist of 1.159 acres and 1.008 acres, respectively, and each is proposed to be improved with a single family dwelling. Lot 3 contains the remaining 5.28 acres and will retain the existing dwelling. Testimony indicated that in order to proceed with development of Lots 1 and 2 as proposed and due to the topography of the land, the Petitioner proposes to locate a portion of the required 10,000 sq.ft. septic reserve area for Lot 2 on Lot 3. Testimony indicated that the special hearing relief is being requested as a safety measure, to be used only if the system should fail on Lot 2. In furtherance of his request, the Petitioner submitted as Petitioner's Exhibit 2 a proposed Declaration of

ORDER RECEIVED FOR FILING

Date 7/25/00

By [Signature]

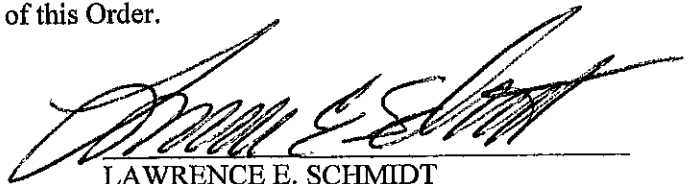
Easement, a copy of which will be filed among the Land Records of Baltimore County, to advise potential owners of Lots 2 and 3 of the conditions pursuant to the special hearing relief.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. It is clear from the testimony that there will be no detrimental impact to adjacent properties. The relief being requested is not significantly different from other types of easements, which allow vehicular/pedestrian access to a property. In this instance, however, the request will allow access for the installation and maintenance of utilities on Lot 3 for the benefit of Lot 2, only. In my view, the relief is appropriate and should therefore be granted.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

24th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of July, 2000 that the Petition for Special Hearing seeking approval to permit a septic area for Lot 2 of the subject property, zoned R.C.5, to be partially located on Lot 3, in accordance with Petitioner's Exhibit 1, 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.
- 2) A copy of the Declaration of Easement, submitted into evidence as Petitioner's Exhibit 2, shall be provided to any potential owner of Lots 1 and 2 to advise them of the relief granted pursuant to this Order.
- 3) Prior to the issuance of any permits, a new deed shall be recorded in the Land Records of Baltimore County incorporating a copy of this decision and the Declaration Easement.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 7/24/00
By [Signature]



Baltimore County
Zoning Commissioner

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

July 25, 2000

Lawrence M. Hammond, Esquire
Hammond & Hammond
465 Main Street
Reisterstown, Maryland 21136

RE: PETITION FOR SPECIAL HEARING
SE/S Sunnymeadow Lane, 872.20' S of the c/l of Sunspot Road
(111 Sunnymeadow Lane)
4th Election District - 3rd Council District
John F. Owings, Jr. - Petitioner
Case No. 00-480-SPH

Dear Mr. Hammond:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception 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

cc: Mr. John F. Owings, Jr.
P.O. Box 295, Owings Mills, Md. 21117
Mr. Leonard T. Bohager/
2741 Ebbvale Road, Manchester, Md. 21102
People's Counsel; Case File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 111 SUNNYMEADOW LANE - Lot 3
118 A Sunny King Drive - Lot 2
which is presently zoned RC-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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

PLEASE SEE ATTACHED.

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:

Lawrence M. Hammond
Name - Type or Print _____
Signature _____
Hammond & Hammond, LLC
Company
466 Main Street 410-833-7576
Address Telephone No.
Reisterstown, MD 21136
State Zip Code

Legal Owner(s):

John F. Owings, Jr.
Name - Type or Print _____
Signature _____
Name - Type or Print _____
Signature _____
P. O. Box 295 410-833-1187
Address Telephone No.
Owings Mills, Maryland 21117
City State Zip Code

Representative to be Contacted:

Leonard T. Bohager
Name _____
410-494-9093 day
2741 Ebbvale Rd. 410-239-7229 eve.
Address Telephone No.
Manchester, MD 21102
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BR Date 5/16/00

ORDER RECEIVED FOR FILING
7/24/00
Case No. 00-480-SPH
Date 9/15/98
By _____

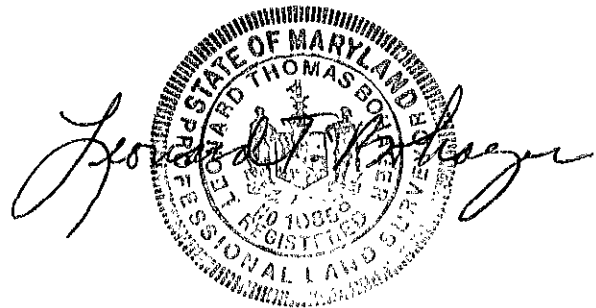
TO PERMIT A SEPTIC AREA FOR LOT 2 TO BE PARTIALLY LOCATED
ON LOT 3 IN AN RC-5 ZONE. (SUBJECT TO PENDING LOT LINE
ADJUSTMENT BY THE D.R.C.)

ORDER RECEIVED FOR FILING
Date 7/24/00
By [Signature]

480

ZONING DESCRIPTION
TO ACCOMPANY PETITION FOR SPECIAL HEARING
EXISTING LOT 3 "OWINGS PROPERTY"
SOUTHEAST SIDE SUNNYMEADOW LANE
4th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

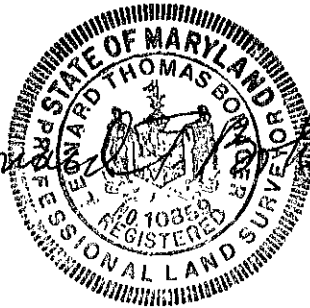
BEGINNING for the same on the southeast side of Sunnymeadow Lane at a point located 872.20 feet south of the center of Sunspot Road, 50' wide, as measured along the easterly side of Sunnymeadow Lane thence leaving said road and running,
1) S 31°04'22" E 25.01 feet, 2) S 59°13'03" E 252.90 feet,
3) S 30°46'57" W 61.00 feet, 4) S 52°55'35" W 128.81 feet,
5) S 37°11'08" E 94.00 feet, 6) S 74°48'52" W 210.64 feet,
7) S 09°17'52" W 94.39 feet, 8) N 67°37'21" W 261.00 feet,
9) N 01°12'42" W 184.01 feet, 10) N 42°02'13" W 402.73 feet
to the southerly side of Sunnymeadow Lane, 50' wide, thence
binding thereon, 11) S 78°25'30" E 473.44 feet to a point of
tangency, thence 12) by a line curving northeasterly to the
left, having a radius of 175.00 feet, an arc length of 120.25
feet and a chord bearing and distance of N 81°53'24" E 117.90
feet to the place of beginning. Containing 5.074 acres, more
or less.



00-480-SPH

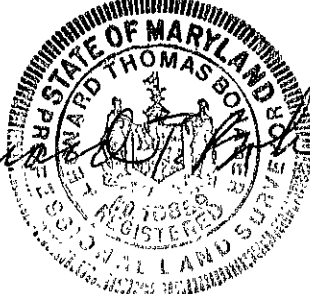
ZONING DESCRIPTION
TO ACCOMPANY PETITION FOR SPECIAL HEARING
PROPOSED LOT 3 "OWINGS PROPERTY"
SOUTHEAST SIDE SUNNYMEADOW LANE
4th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same on the southeast side of Sunnymeadow Lane at a point located 872.20 feet south of the center of Sunspot Road, 50' wide, as measured along the easterly side of Sunnymeadow Lane thence leaving said road and running,
1) S 31°04'22" E 25.01 feet, 2) S 59°13'03" E 208.90 feet,
3) S 07°18'38" E 212 feet, 4) S 74°48'52" W 210.64 feet,
5) S 09°17'52" W 94.39 feet, 6) N 67°37'21" W 261.00 feet,
7) N 01°12'42" W 184.01 feet, 8) N 42°02'13" W 402.73 feet to the southerly side of Sunnymeadow Lane, 50' wide, thence binding thereon, 9) S 78°25'30" E 473.44 feet to a point of tangency, thence 10) by a line curving northeasterly to the left, having a radius of 175.00 feet, an arc length of 120.25 feet and a chord bearing and distance of N 81°53'24" E 117.90 feet to the place of beginning. Containing 5.28 acres, more or less.


5-14-2000

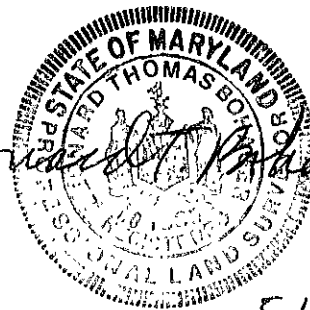
ZONING DESCRIPTION
TO ACCOMPANY PETITION FOR SPECIAL HEARING
PROPOSED LOT 2 "OWINGS PROPERTY"
SOUTHEAST SIDE SUNNYMEADOW LANE
4th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same on the southeast side of Sunnymeadow Lane at a point located 872.20 feet south of the center of Sunspot Road, 50' wide, as measured along the easterly side of Sunnymeadow Lane, thence binding thereon 1) by a line curving northeast and to the left having a radius of 175.00 feet, an arc length of 20.01 feet and a chord bearing and distance of N 58°55'39" E 20.00 feet, thence leaving said road with a line not tangent thereto, 2) S 31°04'22" E 20.00 feet, thence, 3) S 59°13'03" E 210 feet, 4) N 82°41'22" E 165 feet, 5) S 07°18'38" E 200.00 feet, 6) S 89°29'56" W 12.05 feet, 7) S 74°48'52" W 176 feet, 8) N 07°18'38" W 212 feet, 9) N 59°13'03" W 208.90 feet, 10) N 31°04'22" W 25.01 feet to the place of beginning. Containing 1.008 acres of land, more or less.



5-14-2000

ZONING DESCRIPTION
TO ACCOMPANY PETITION FOR SPECIAL HEARING
EXISTING LOT 2 "OWINGS PROPERTY"
SOUTHEAST SIDE SUNNYMEADOW LANE
4th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same on the southeast side of Sunnymeadow Lane at a point located 872.20 feet south of the center of Sunspot Road, 50' wide, as measured along the easterly side of Sunnymeadow Lane, thence binding thereon 1) by a line curving northeast and to the left having a radius of 175.00 feet, an arc length of 20.01 feet and a chord bearing and distance of N 58°55'39" E 20.00 feet, thence leaving said road with a line not tangent thereto, 2) S 31°04'22" E 20.00 feet, thence, 3) S 59°13'03" E 247.89 feet, 4) N 82°41'22" E 136.80 feet, 5) S 07°18'38" E 176.00 feet, 6) S 89°29'56" W 12.05 feet, 7) S 74°48'52" W 242.00 feet, 8) N 37°11'08" W 94.00 feet, 9) N 52°55'35" E 128.81 feet, 10) N 30°46'57" E 61.00 feet, 11) N 59°13'03" W 252.90 feet, 12) N 31°04'22" W 25.01 feet to the place of beginning. Containing 1.133 acres of land, more or less.

5-14-2000

No. 6543

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100,00

26-1-1955

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YELLOW - CUSTOMER

1947

CASHER'S VALIDATION[illegible]

**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: #00-480-SPH

111 Sunnymeadow Lane
S/S Sunnymeadow Lane,
900 feet S/W of c/l Sunspot
Road

4th Election District
3rd Councilmanic District

Legal Owner(s):

John F. Owings, Jr.

Hearing: Thursday, July 6,
2000 at 9:00 a.m. in Room
407, County Courts Building,
401 Bosley Avenue,
Towson, MD 21204.

Special Hearing: to permit
a septic area for Lot 2 to be
partially located on Lot 3 in
an R.C.5 zone (subject to
pending lot line adjustment
by the D.R.C).

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 con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT/6/993 June 20 C399404

CERTIFICATE OF PUBLICATION

TOWSON, MD, 6/22/, 2000

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 6/20/, 2000.

J. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING

CERTIFICATE OF POSTING

**RE: CASE #00-480-SPH
PETITIONER/DEVELOPER
(John F. Owings, Jr.)
DATE OF Hearing
(7-6-00)**

**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
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

111 Sunnymeadow Lane Baltimore, Maryland 21136_____

THE SIGN(S) WERE POSTED ON _____ 6-21-00 _____
(MONTH, 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
111 Sunnymeadow Lane & 118A Sunny King Drive,
S/S Sunnmeadow Ln, 900' SW of c/l Sunspot Rd
4th Election District, 3rd Councilmanic

Legal Owner: John F. Owings, Jr.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-480-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.

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



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 12th day of June, 2000 a copy of the foregoing Entry of Appearance was mailed to Lawrence Hammond, Esq., 465 Main Street, Reisterstown, MD 21136, attorney for Petitioner(s).



PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

June 14, 2000

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

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: 00-480-SPH
111 Sunnymeadow Lane
S/S Sunnymeadow Lane, 900 feet SW of c/I Sunspot Road
4th Election District – 3rd Councilmanic District
Legal Owner(s): John F. Owings, Jr.

HEARING: Thursday, July 6, 2000 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson MD 21204.

Special Hearing to permit a septic area for Lot 2 to be partially located on Lot 3 in an
R.C.5 zone (subject to pending lot line adjustment by the D.R.C.).

Arnold Jablon
Director

C: Lawrence M. Hammond, Esq., 465 Main Street, Reisterstown MD 21136
John F. Owings, Jr., POB 295, Owings Mills, MD 21117
Leonard T. Bohager, 2741 Ebbvale Road, Manchester, MD 21102

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY June 21, 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
June 20, 2000 Issue – Jeffersonian

Please forward billing to:
John F. Owings, Jr.
P.O. Box 295
Owings Mills, MD 21117
410-833-1187

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: 00-480-SPH
111 Sunnymeadow Lane
S/S Sunnymeadow Lane, 900 feet SW of c/l Sunspot Road
4th Election District – 3rd Councilmanic District
Legal Owner(s): John F. Owings, Jr.

HEARING: Thursday, July 6, 2000 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson MD 21204.

Special Hearing to permit a septic area for Lot 2 to be partially located on Lot 3 in an R.C.5 zone (subject to pending lot line adjustment by the D.R.C.).

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 Baltimore County Zoning Regulations (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: 00-480-SPH
Petitioner: JOHN F OWINGS, JR.
Address or Location: 111 SUNNY MEADOW LANE & 118-A SUNNYKING DR.

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN F. OWINGS, JR.
Address: P.O. BOX 295
OWINGS MILLS, MARYLAND 21117
Telephone Number: 410-833-1187



Baltimore County
Department of Permits and
Development Management

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

June 30, 2000

Mr. Lawrence Hammond
Hammond & Hammond LLC
465 Main Street
Reisterstown MD 21136

Dear Mr. Hammond:

RE: Case Number 00-480-SPH , 111 Sunny Meadow Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 05/16/00.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures

c: John Owings, Jr.
Leonard Bohager



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: July 14, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For June 5, 2000
Item Nos. 477, 478, 479, 480, 481, 482,
483, 485, 486, 487, and 488

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

June 2, 2000

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

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 29, 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:

477, 478, 479, ~~480~~, 482, 483, 485, 487, and 488

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 *MS*
DATE: June 6, 2000
SUBJECT: Zoning Item #480
111 Sunnymeadow Lane

Zoning Advisory Committee Meeting of May 30, 2000

- _____ The Department of Environmental Protection and Resource Management has no comments 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.
- X The Department of Environmental Protection and Resource Management offers 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).
- _____ 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).
- X Groundwater Management: Legal access must be provided to the approved 10,000 ft² area for sewage disposal.

Reviewer: Sue Farinetti

Date: June 2, 2000

7/6
Ho

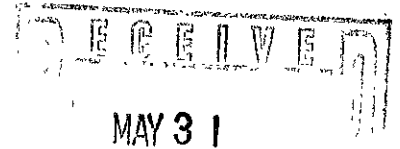
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 31, 2000

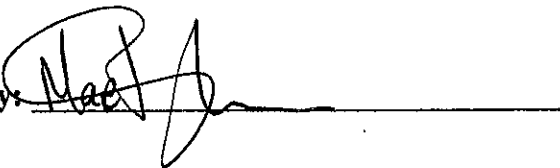
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

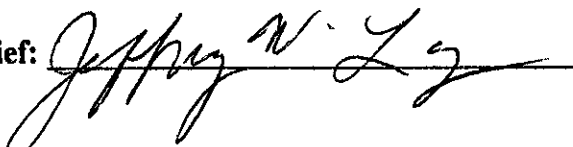


SUBJECT: Zoning Advisory Petition(s): Case 479 & 480

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.

Prepared by: 

Section Chief: 

AFK/JL:MAC

DRAFT

Not No 2

AFTER RECORDING
PLEASE RETURN TO:
HAMMOND & HAMMOND, LLC
465 Main Street
P. O. Box 569
Reisterstown, MD 21136

**DECLARATION OF EASEMENT
FOR ACCESS AND
INSTALLATION AND MAINTENANCE OF UTILITIES**

**THIS DECLARATION OF EASEMENT FOR ACCESS AND INSTALLATION
AND MAINTENANCE OF UTILITIES** is made this _____ day of _____,
2000, by **JOHN F. OWINGS, JR.** (hereinafter "Declarant").

WHEREAS, John F. Owings, Jr. is the owner of record of Lot No. 2 of the Minor Subdivision of the Owings Property, by virtue of a Deed dated March 31, 2000, being recorded among the Land Records of Baltimore County in Liber S.M. No. 14385, folio 464; and

WHEREAS, John F. Owings, Jr. is the owner of record of Lot No. 3 of the Minor Subdivision of the Owings Property, by virtue of a Deed dated March 15, 2000, being recorded among the Land Records of Baltimore County in Liber S.M. No. 14385, folio 195; and

WHEREAS, the Declarant desires to establish an easement for access and the installation and maintenance of utilities on Lot No. 3 for the benefit of Lot No. 2; and

NOW, THEREFORE, THIS DECLARATION WITNESSETH, that in consideration of the premises and the sum of One Dollar (\$1.00) the receipt and adequacy of which is hereby acknowledged, the Declarant does hereby grant and establish the following easements and conditions:

1. That Lot No. 2 shall have the benefit of an easement over and across so much of Lot No. 3 as shown and designated on a drawing prepared by Leonard T. Bohager, Professional Land Surveyor, which is attached hereto and incorporated as Exhibit "A" for the following purposes:

a. The owner of Lot No. 2 and its authorized users shall have the right to use the "Easement Area" for the purpose of vehicular and pedestrian ingress, egress and regress to, from, over and across that portion of Lot No. 3 designated as the "Easement Area, being more particularly described in Exhibit "A" attached. As used in this Declaration, "Authorized Users" refers to the agents, employees, invitees and contractors of the owner of Lot No. 2; and

b. The owner of Lot No. 2 shall have the right to construct and maintain a septic system to serve Lot No. 2 within the area designated as "Easement Area" located on Lot No. 3.

2. The owner of Lot No. 2 shall have the right to install the aforementioned septic system in the "Easement Area" when, and only when, the existing septic system located on Lot No. 2 fails and a suitable location on said Lot No. 2 is not available, and approval of a new septic location on Lot No. 2 is not approved by the Baltimore County Department of Health and/or the Baltimore County Department of Environmental Protection and Resource Maintenance ("DEPRM").

3. That upon the installation of a septic system in the "Easement Area", the cost of maintenance of the "Easement Area" shall be borne by the owner of Lot No. 2. The maintenance shall include and not be limited to the mowing of grass and the general maintenance and cleaning of said septic system.

4. The owner of Lot No. 2 covenants and agrees that upon the installation of a septic system in the "Easement Area," the owner of Lot No. 2 shall use its best efforts to avoid causing any damage to or interference with any improvements located on Lot No. 3 and to minimize any disruption or inconvenience to the owner of Lot No. 3 or any person who occupies Lot No. 3. Furthermore, the owner of Lot No. 2 covenants, upon the installation of a septic system on the "Easement Area," to restore the property to its former condition to the best of its ability.

5. The owner of Lot No. 3 shall be prohibited from erecting any improvements or structures, be them temporary or permanent, within the "Easement Area."

6. The owner of Lot No. 2 shall indemnify, defend, protect and hold harmless the owner of Lot No. 3 from and against any and all actual potential claims, proceedings, lawsuits, liabilities, damages, losses, fines, penalties, judgments, awards, costs and expenses, including, without limitation, reasonable attorney's fees and costs, that arise or relate in any way to any use, storage, transfer, generation, disposal, or discharge of hazardous materials in connection with the installation and maintenance of a septic system within the "Easement Area."

7. This Easement shall run with and be binding upon the land and shall inure to the benefit of and be binding upon the Declarant, his personal representatives, heirs, successors and assigns. These covenants and the rights and liabilities arising hereunder are governed by and shall be determined in accordance with the laws of the State of Maryland.

8. Unless the context otherwise requires, whenever herein the singular number is used, the same shall include the plural. The words of any gender shall include all genders..

IN WITNESS HEREOF, Declarant has caused this Declaration of Easement for Access and Installation and Maintenance of Utilities to be executed and attested by him on this _____ day of _____, 2000.

DRAFT

Witness

John F. Owings, Jr. (SEAL)

STATE OF MARYLAND, COUNTY OF _____, to wit:

I HEREBY CERTIFY that on this _____ day of _____, 2000, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared JOHN F. OWINGS, JR., known to me (or satisfactorily proven) to be the person who subscribed his name to the within instrument, and acknowledged doing so for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

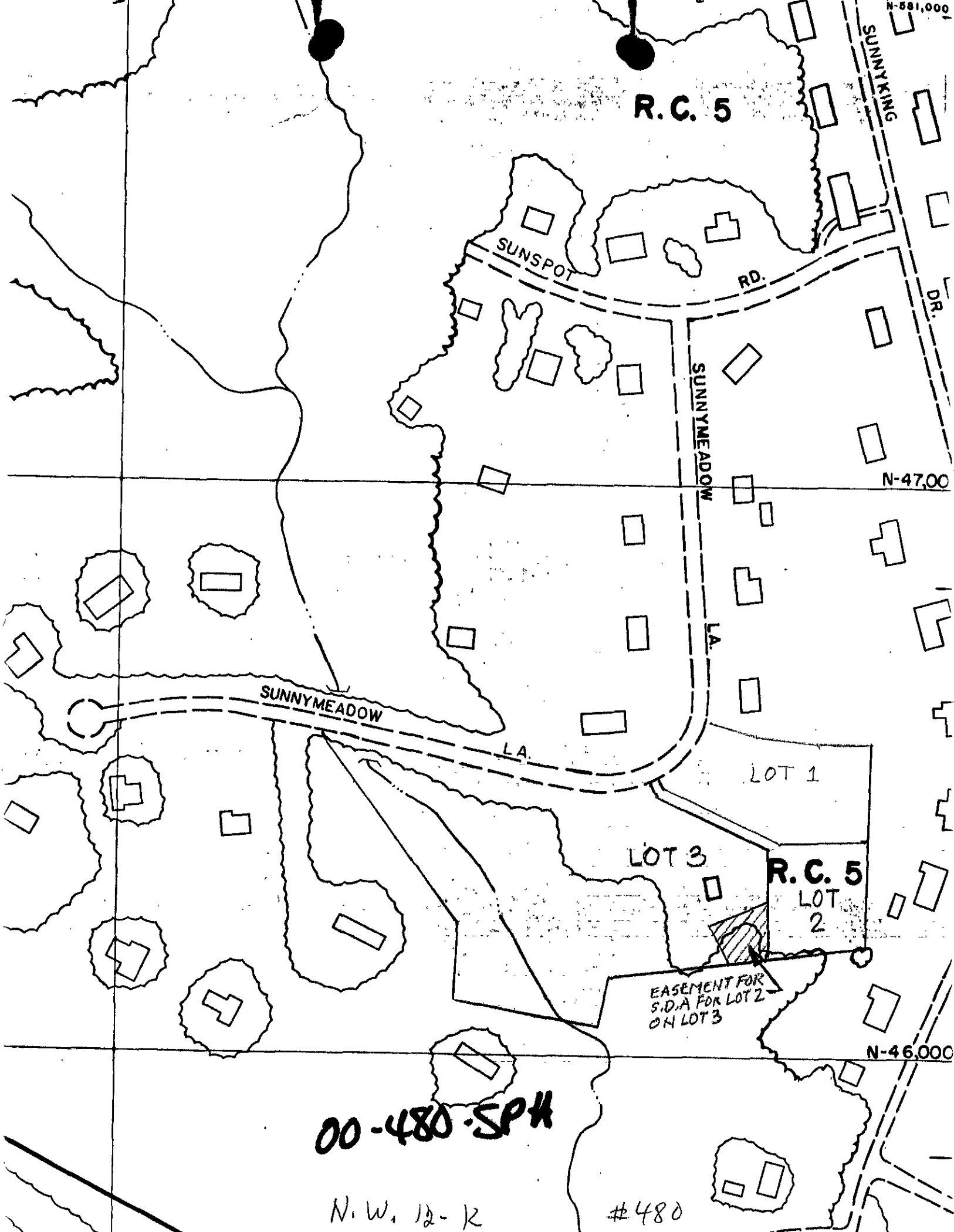
Notary Public

My Commission expires: _____.

This instrument has been prepared by Lawrence M. Hammond, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Lawrence M. Hammond

Easements No. 1
Owngsppty.due
4/20/00



R.C. 5

SUNSPOT

RD.

SUNNYMEADOW

LA.

SUNNYMEADOW

LA.

LOT 1

LOT 3

R.C. 5
LOT 2

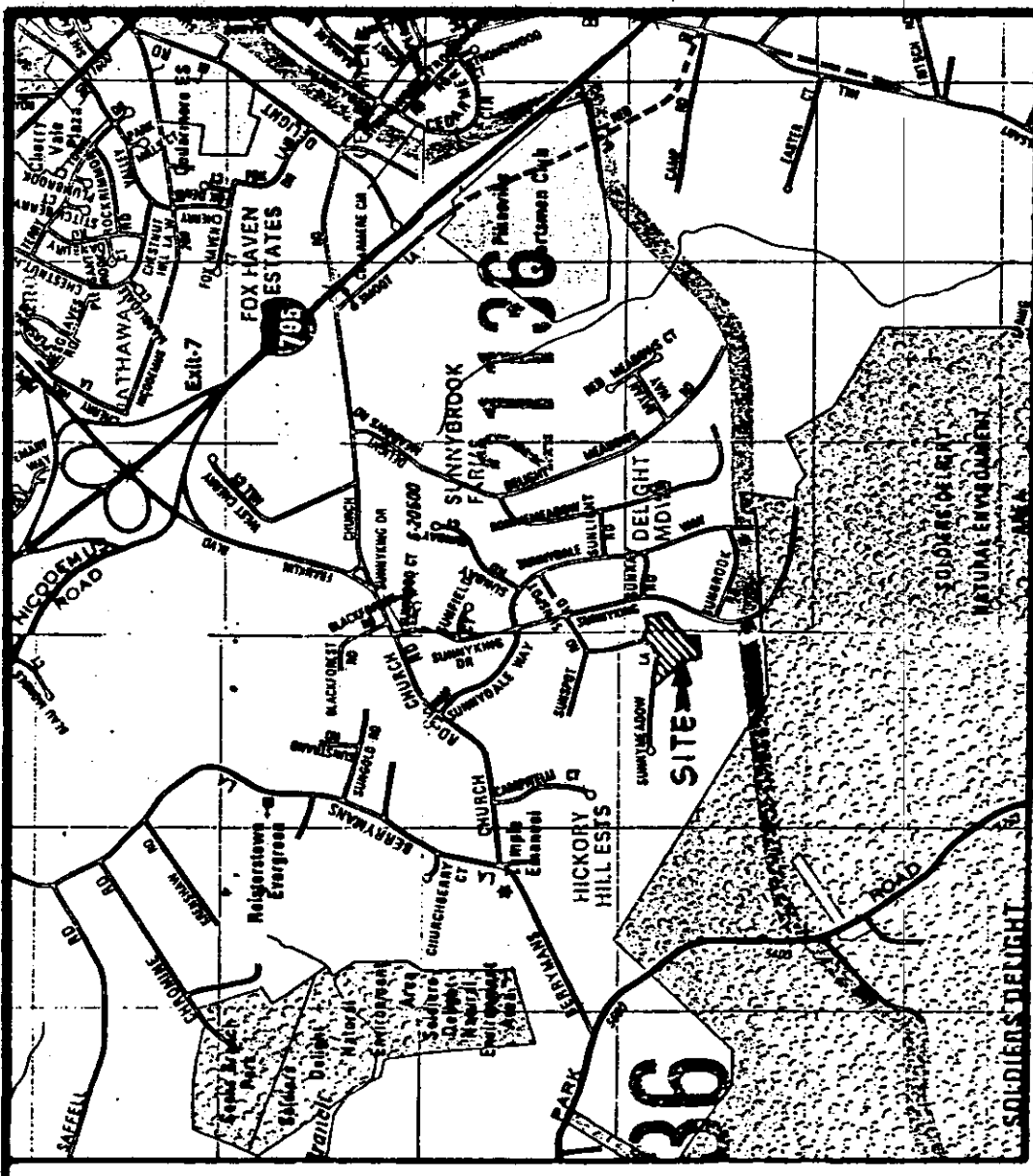
EASEMENT FOR
S.D.A FOR LOT 2
ON LOT 3

N-46,000

00-480-SPH

N.W. 12-12

#480



VICINITY MAP
SCALE 1"=1000'

- GENERAL NOTES:
- 1) TOTAL AREA OF TRACT: 60.055 ± 1.855 AC. NET = 7.448 AC.
 - 2) SITE ZONED: RC-5. SEE MAP NW 1/2 K 5950/1269.
 - 3) LOTS ALLOTTED: 0.667 ± 7.855 AC. ± 5.24 OR 5
 - 4) LOTS PROPOSED: 0.667 ± 7.855 AC. ± 5.24 OR 5
 - 5) ALL LOTS ARE FOR SALE FOR SINGLE FAMILY DWELLINGS
 - 6) SITE LIES WITHIN THE 4TH ELECTION DISTRICT, 300001 - MANIC DISTRICT CENSUS TRACT 4041, REGIONAL PLANNING DISTRICT 30615, SCHOOL DISTRICT 185, WATERSHED 28, SUBSERVED G2.
 - 7) OUTLINE TAKEN FROM SURVEY PERFORMED BY WILLIAM E. OYLE, PROFESSIONAL LAND SURVEYOR #8440
 - 8) PHOTOGRAPHY TAKEN FROM SURVEY PERFORMED BY RICHARD MOALE, PROFESSIONAL SURVEYOR #17 DATED 4-2-89 AND UPDATED BY ADD'L FIELD SHOTS & COUNTY 1"=200' TOPO.
 - 9) EXISTING WELL & SEPTIC SYSTEMS ARE FIELD LOCATED AS SHOWN HEREON.
 - 10) NO UNDERGROUND FUEL OR OIL TANKS APPEAR TO EXIST ON SITE.
 - 11) NO RARE OR ENDANGERED SPECIES EXIST ON SITE.
 - 12) SLOPES ± 25% ARE SHOWN HATCHED THUS.
 - 13) SITE SHALL COMPLY WITH APPLICABLE FOREST CONSERVATION PLAN FC 059-47, DATED 12-92-11.
 - 14) TOTAL FOREST CONSERVATION EASEMENT AREA = 3.512 AC. ±. TOTAL FOREST BUFFER EASEMENT AREA = 3.512 AC. ±.
 - 15) 0-DENOTES FAILED PERCENT.
 - 16) PRIOR TO REMOVAL OF ANY EXISTING CURBS FOR ENTRANCES, THE DEVELOPER SHALL OBTAIN A PERMIT FROM DEPT. OF PUBLIC WORKS, BUREAU OF HIGHWAYS.
 - 17) A STORM WATER MANAGEMENT VARIANCE HAS BEEN GRANTED 4/29/98.
 - 18) MAXIMUM BUILDING COVERAGE IS 15% OF ANY LOT.
 - 19) TAX MAP 57 GRID 16, PARCEL 512, LOT 14.
 - 20) LIMIT OF DISTURBANCE DENOTED THUS:.....00.....
 - 21) LOT 1: 7125 SQ. FT.
 - 22) LOT 2: 13700 SQ. FT.
 - 23) LOT 3: 6200 SQ. FT.
 - 24) SITE HAS NO PRIOR ZONING HEARINGS OR HISTORY.
 - 25) MINOR SUBDIVISION WAS PREVIOUSLY APPROVED ON FEBRUARY 24, 2000.

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO AMEND MINOR SUBDIVISION OF "OWINGS PROPERTY" LOCATED AT 1111 SUNNYMEADOW LANE 4TH ELECTION DISTRICT BALTIMORE CO. MARYLAND SCALE: 1"=50' MAY 14, 2000 (FORMERLY LOT 14 - RESUBDIVISION OF LOTS 12/13/14 SECTION TWO OWINGS MANOR RECORDED IN PLAT 820K EKKJN 42 JULIO 85, FEB. 24, 1978)

OWNER: JOHN E. OWINGS JR.
P.O. BOX 2519
OWINGS MILLS, MD 21117
PHONE: 833-1187
DEED: SM 11245/345
TAX ACCT N° 22-00-005169

00-480-SPA



"SUNNYBROOK FARMS" SECTION TWO 22/79

"OWINGS MANOR" SECTION ONE 40/15

LOT 4
Maurice Meyer, et al.
0506/541
#000001584

LOT 3
N 46° 15' 00" E 175.00' CURVE DATA
RADIUS DELTA T L CHORD
175.00' 06° 53' 06" 10.02' 20.01' N 68° 55' 31" E 20.00'

SUNNYMEADOW LANE
CONSTRUCT STD RISA D DRIVEWAY
ENTRANCE
38' SIGHT LINE

NOTE: AREAS BETWEEN THE
SUBMITTAL AND CURVE LINE MUST
BE CONSIDERED AS REMAINING
FREE OF OBSTRUCTIONS.

RE: SUBDIVISION
OF LOTS 12, 13, 14
SECTION TWO
"OWINGS MANOR"
42/85
#113
Barry Z. King
6482/47
#1900010206

FOREST
3.512 AC. ±
EXISTING DRAINAGE & UTILITY
EASEMENT
Plot # 42/85 Dated 5/8/92

LOT 12
N 46° 35' 00" E
LOT 11
Joseph M. Collins
6718/831
#1800010207

LOT 10
James T. Shaddy, Sr.
7142/156
#0406020840

LOT 9
Milton Feldman
4250/425
#0423050441

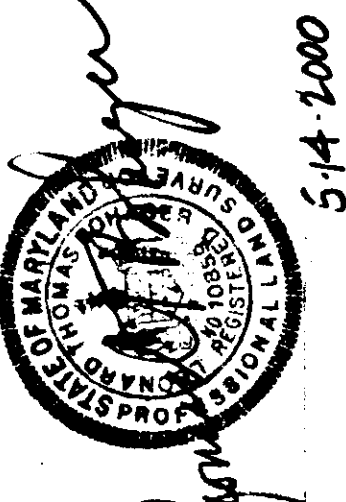
LOT 8
Alon I. Fox
6478/82
#0408004621

LOT 7
Steven L. Friedman
5950/1269
#0406004620

REASON FOR SPECIAL HEARING:
TO PERMIT A SEPTIC AREA FOR LOT 2.
TO BE PARTIALLY LOCATED ON LOT 3.
IN AN RC-5 ZONE. (SUBJECT TO PENDING
LOT LINE ADJUSTMENT APPROVAL BY THE DRC.)

Storm water management may not be required at the site. Section 2-1503 (d) of the Baltimore County Code, Title 14, Article V, Storm Water Management Section 14-155 (c) allows a variance to be granted if strict adherence to the provisions would result in unreasonable hardship or practical difficulty and not fulfill the intent of the Division. This variance is valid as long as the following conditions are addressed:

1. All site runoff must be conveyed to a suitable outfall without imposing an adverse impact on the receiving waterbody.
2. All impervious areas should be limited to 30% of cleared area and conveyed as sheet flow through vegetated areas without concentrating or causing erosion.
3. House down spouts are to be discharged onto pervious areas or into dry wells, where feasible.
4. Additional subdivision on these parcels and/or lots will require SWM controls for the site and the additional subdivision.



LTB & ASSOCIATES, INC.
Engineers • Surveyors • Land Planning Consultants
2741 EPPLE ROAD
MANCHESTER, MD 21108
PHONE: 239-7529

514-1000