

|                                      |                        |
|--------------------------------------|------------------------|
| IN RE: PETITIONS FOR SPECIAL HEARING | * BEFORE THE           |
| AND VARIANCE – NE/S Green Oak Court, |                        |
| 45' E of the c/l of Grove Road       | * ZONING COMMISSIONER  |
| (3700 Green Oak Court)               |                        |
| 11 <sup>th</sup> Election District   | * OF BALTIMORE COUNTY  |
| 6 <sup>th</sup> Council District     |                        |
|                                      | * Case No. 00-529-SPHA |
| Oak Woods, L.L.C.                    |                        |
| Petitioners                          | *                      |

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Oak Woods, L.L.C., by Tim O'Shea, and the Contract Purchaser, Sierra Homes, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special hearing to approve an amendment to the latest development plan for Oak Grove to permit construction of a dwelling outside of the building envelope, and to allow a front porch to be open on two sides in lieu of the required three sides. In addition to the special hearing relief, the Petitioners request a variance from Sections 1B01.2.C.1.b (Chart) and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 22 feet in lieu of the required 30 feet. The subject property and relief requested 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 Howard L. Alderman, Jr., Esquire, attorney for the Petitioners, and G. Dwight Little, Professional Engineer who prepared the site plan for this property. Appearing as Protestants in the matter were Raymond and Violet Bauer, and Jean Scott, adjoining property owners.

The property under consideration consists of approximately .168 acres in area, zoned

ORDER RECEIVED FOR FILING  
 Date 8/27/00  
 By [Signature]

D.R.5.5, and is located on the northeast corner of the intersection of Grove Road and Green Oak Court in Parkville. The property is part of the residential subdivision known as Oak Grove, which proceeded through the development plan process under Case No. XI-806. Following a Hearing Officer's Hearing heard by Deputy Zoning Commissioner Timothy M. Kotroco, the development plan was approved on March 11, 1999, subject to certain terms and conditions. The Developer, Oak Woods, L.L.C., has contracted with Sierra Homes to construct a dwelling on the subject lot. Testimony and evidence received at the hearing indicated that variance relief as outlined above is being requested to properly site the house on the subject lot. The property is unique in view of its corner location, and because it is adjacent to a new public road, to be known as Green Oak Court, which will provide access to the Oak Grove subdivision. Mr. Little presented persuasive testimony that the variance relief requested complies with Section 307 of the B.C.Z.R. and should be granted.

As noted above, Mr. & Mrs. Bauer and Ms. Scott, adjoining property owners, appeared at the hearing and raised several concerns. After significant discussion, it appears that these residents are not opposed to the requested variance. In fact, the granting of the relief will permit the proposed house on the property to be set back further from the road and Ms. Scott's property, which is located immediately across Green Oak Court from this site. However, these neighbors raised issues regarding certain conditions imposed upon the development plan approval as set out in Deputy Commissioner Kotroco's Order. Apparently, as part of his Order, Deputy Commissioner Kotroco directed that a land conveyance be completed between the Developer and Ms. Scott. Specifically, the Developer is required to convey a small portion of its property, which lies adjacent to Ms. Scott's existing property and Green Oak Court to Ms. Scott. Ms. Scott is apparently dissatisfied with the pace of this transfer. Additionally, Mr. & Mrs. Bauer indicated objections to ongoing construction in the vicinity which has caused a disturbance to their property.

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Date 8/17/00  
By [Signature]

Following a lengthy discussion on these matters in open hearing, Counsel for the Developer agreed to prepare those deeds necessary to complete the conveyance of the land that is to be conveyed to Ms. Scott. These deeds will be forwarded to her attorney, Roger Sullivan, on or before August 15, 2000. Thereafter, the requisite deeds, including a deed of merger to consolidate Ms. Scott's holdings, will be recorded among the Land Records of Baltimore County. Mr. Little also indicated an agreement to re-survey Mr. & Mrs. Bauer's property and replace markers in the field indicating the property line. He also agreed to meet Mr. & Mrs. Bauer at the site to discuss and offer remedial efforts to repair any damage to their property.

Although this Zoning Commissioner is pleased to accommodate the negotiations between these parties, the issues raised at the hearing generally did not relate to the requested relief. Thus, although they are memorialized herein, they will not be entered as restrictions in this Order, which relates only to a request for variance for Lot 1 of Oak Grove, known as 3700 Green Oak Court. As noted above, I find the testimony and evidence persuasive to a finding that the relief requested for that lot should be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of August, 2000 that the Petition for Special Hearing to approve an amendment to the latest development plan for Oak Grove to permit construction of a dwelling outside of the building envelope and to allow a front porch to be open on two sides in lieu of the required three sides, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1B01.2.C.1.b (Chart) and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to

ORDER RECEIVED FOR FILING  
Date 8/17/00  
By [Signature]

permit a rear yard setback of 22 feet in lieu of the required 30 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 5/12/00  
By [Signature]



Baltimore County  
Zoning Commissioner

August 17, 2000

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

Howard L. Alderman, Jr., Esquire  
Levin & Gann  
305 W. Chesapeake Avenue, Suite 113  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE  
NE/S Green Oak Court, 45' E of the c/l Grove Road  
(3700 Green Oak Court)  
11th Election District – 6th Councilmanic District  
Oak Woods, L.L.C. - Petitioners  
Case No. 00-529-SPHA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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. Tim O'Shea, Oak Woods, L.L.C.  
4009 Cloverland Drive, Phoenix, Md. 21131  
Sierra Homes, 4208 Ebenezer Road, Baltimore, Md. 21236  
Mr. G. Dwight Little, W. Duvall & Assoc., Inc.  
530 E. Joppa Road, Towson, Md. 21286  
Mr. & Mrs. Raymond Bauer, 8915 Grove Road, Baltimore, Md. 21236  
Ms. Jean Scott, 8917 Grove Road, Baltimore, Md. 21236  
People's Counsel; Case File & Code chg. / Bjo





# Petition for Variance

& SPECIAL HEARING  
to the Zoning Commissioner of Baltimore County

for the property located at 3700 Green Oak Court

which is presently zoned DR 5.5

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) 1801.2 C10 (CHART), SECT 301.1 A

TO PERMIT A 22' FT REAR YARD SETBACK IN LIEU OF 30' FT. ALSO A FRONT  
YARD OPEN ON TWO SIDES IN LIEU OF 3 SIDES AND SPECIAL HEARING  
TO AVEND THE LATEST DEVELOPMENT PLAN TO BUILD OUTSIDE OF THE  
ENVELOPE  
ON OAK GROVE

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

Due to the unique configuration of the lot, and required house orientation; the house will not fit without the variance.

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.

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:

Sierra Homes

Name - Type or Print

Signature

4208 Ebenezer Road

410-256-1000

Address

Telephone No.

Baltimore,

Md

21236

City

State

Zip Code

## Attorney For Petitioner:

Howard L. Alderman Jr.

Name - Type or Print

Signature

Levin & Gamm PA

Company

305 W. Chesapeake Ave #113 410-321-4600

Address

Telephone No.

City

State

Zip Code

## Legal Owner(s):

Oak Woods, L.L.C.

Name - Type or Print

Signature

Name - Type or Print

Signature

4009 Cloverland Drive 410-592-2000

Address

Telephone No.

Phoenix

Md

21131

City

State

Zip Code

## Representative to be Contacted:

Chuck Merritt

c/o W. Duvall & Associates, Inc.

Name

530 E. Joppa Rd.

410-583-9571

Address

Telephone No.

Towson,

Md

21286

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING

Reviewed By SM

Date 06-09-00

Case No. 00-529. SPUG

Date 06/15/98

ORDER RECEIVED FOR FILING

# W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners



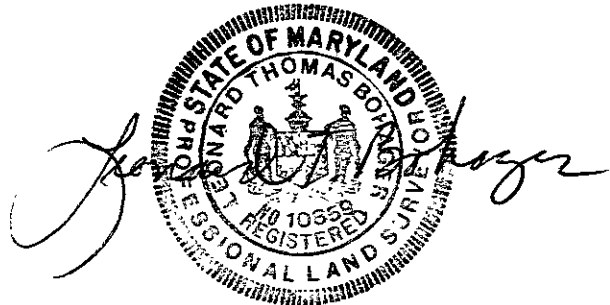
530 East Joppa Road  
Towson, Maryland 21286

Telephone: (410) 583-9571  
Fax: (410) 583-1513

June 5, 2000

## ZONING DESCRIPTION FOR #3700 GREEN OAK COURT

Beginning at a point on the northeast side of Green Oak Court, which is 52 feet wide, at the distance of 45 feet east of the centerline of the nearest improved intersecting street, Grove Road, which is of a variable width. Being Lot 1 in the subdivision of Oak Grove as recorded in Baltimore County Plat Book S.M. 72 folio 32, containing 0.1680 acres, more or less. Also known as #3700 Green Oak Court and located in the 11<sup>th</sup> Election District.



00-529-SP4A

14-17-2000 10:00 AM BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

00-529-SPHA

No. 083245

DATE 06/09/2000 ACCOUNT RCOL CLOS

AMOUNT \$ 100.00

RECEIVED FROM: W. Duane Assoc.

FOR: W. Duane Assoc.

W. Duane Assoc.

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAYEE  
NAME  
W. Duane Assoc.  
ADDRESS  
11507  
CITY  
BALTIMORE

PAID RECEIPT  
DATE  
06/09/2000  
TIME  
11:45 AM  
AMOUNT  
100.00  
BY  
Baltimore County's Main View

00-529-SPHA

CASHIER'S VALIDATION

**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:

3700 Green Oak Court  
NE/S Green Oak Court, 45' E of centerline Grove Road  
11th Election District - 6th Councilmanic District  
Legal Owner(s): Oak Woods, L.L.C.  
Contract Purchaser: Sierra Homes

**Special Hearing:** to permit a front porch open on 2 sides in lieu of 3 sides and to amend the latest Development Plan for Oak Grove. **Variance:** to permit a 22-foot rear yard setback in lieu of 30 feet.

**Hearing:**

Room 402

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) 887-4366.

(2) For information concerning the file and/or hearing, Contact the Zoning Review Office at (410) 887-3398.  
JT7/668 July 18 C405263

## CERTIFICATE OF PUBLICATION

TOWSON, MD, 7/20, 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 7/18, 2000.

THE JEFFERSONIAN,

*S. Wilkinson*

LEGAL ADVERTISING

**CERTIFICATE OF POSTING**

**RE: CASE # 00-529-SPHA  
PETITIONER/DEVELOPER  
(Sierra Homes)  
DATE OF Hearing  
( 8-2-00)**

**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**

**3700 Green Oak Court Baltimore, Maryland 21234\_\_\_\_\_**

**THE SIGN(S) WERE POSTED ON \_\_\_\_\_ 7-18-00 \_\_\_\_\_**  
**(MONTH, DAY, YEAR)**

**SINCERELY,**

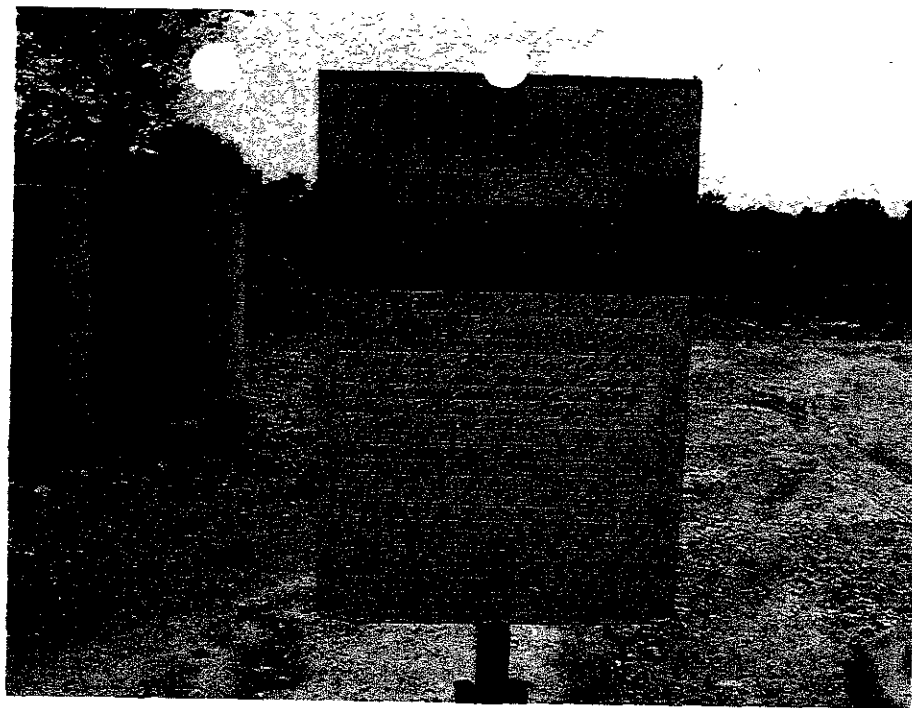
  
**(SIGNATURE OF SIGN POSTER & DATE)**

**\_\_\_\_\_ THOMAS P. OGLE SR. \_\_\_\_\_**

**\_\_\_\_\_ 325 NICHOLSON ROAD \_\_\_\_\_**

**\_\_\_\_\_ BALTIMORE, MARYLAND 21221 \_\_\_\_\_**

**\_\_\_\_\_ 410-687-8405 \_\_\_\_\_**  
**(TELEPHONE NUMBER)**



Posted at 3700 Green Oak Court

RE: PETITION FOR SPECIAL HEARING  
PETITION FOR VARIANCE  
3700 Green Oak Court, NE/S Green Oak Ct,  
45' E of c/I Grove Rd  
11th Election District, 6th Councilmanic

Legal Owner: Oak Woods, LLC  
Contract Purchaser: Sierra Homes  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 00-529-SPHA

\* \* \* \* \*

**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*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13th day of July, 2000 a copy of the foregoing Entry of Appearance was mailed to Chuck Merritt, W. Duvall & Assoc., Inc., 530 E. Joppa Road, Towson, MD 21286, representative for Petitioners.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

**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: 00-529 SP4A

Petitioner: SIERRA HOMES

Address or Location: 3700 GREEN OAK COURT

PLEASE FORWARD ADVERTISING BILL TO:

Name: OAK WOODS LLC

Address: 4009 CLOVERLAND DRIVE

PHOENIX MARYLAND 21131

Telephone Number: 410 592-2000

Revised 2/20/98 - SCJ

00-529 SP4A



Baltimore County  
Department of Permits and  
Development Management

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

July 11, 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: 00-529-SPHA  
3700 Green Oak Court  
NE/S Green Oak Court, 45' E of centerline Grove Road  
11<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owner: Oak Woods, L.L.C.  
Contract Purchaser: Sierra Homes

Special Hearing to permit a front porch open on 2 sides in lieu of 3 sides and to amend the latest Development Plan for Oak Grove. Variance to permit a 22-foot rear yard setback in lieu of 30 feet.

HEARING: Wednesday, August 2, 2000 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with a stylized "SJ" monogram at the end.

Arnold Jablon  
Director

C: Howard Alderman, Jr., Esquire, 305 W. Chesapeake Ave., #113, Towson 21204  
Oak Woods, LLC, 4009 Cloverland Drive, Phoenix 21131  
Sierra Homes, 4208 Ebenezer Road, Baltimore 21235  
W. Duvall & Associates, Inc., 530 E. Joppa Road, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 18, 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, July 18, 2000 Issue – Jeffersonian

Please forward billing to:  
Oak Woods, LLC  
4009 Cloverland Drive  
Phoenix, MD 21131

410-592-2000

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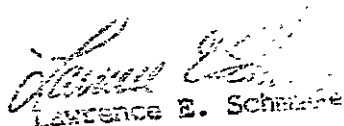
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NE/S Green Oak Court, 45' E of centerline Grove Road  
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HEARING: Wednesday, August 2, 2000 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

  
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

July 26, 2000

Mr. Howard Alderman  
Levin & Gann PA  
305 Chesapeake Avenue, Ste 113  
Towson MD 21204

AUG 1 6

Dear Mr. Alderman:

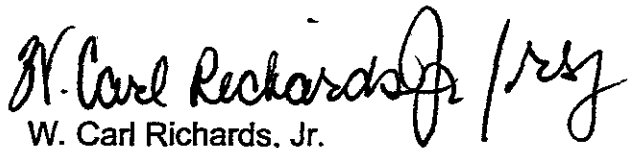
RE: Case Number 00-529-SPHA, 3700 Green Oak Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 6/09/00.

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,

  
W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:rsj

Enclosures

c: Tim O'ghea  
Sierra Homes  
Chuck Meritt





Baltimore County  
Fire Department

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

June 29, 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

AS / 6

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 26, 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:

516, 517, 518, 519, 522, 524, 525, 526, 527, 528,  
~~529~~, 530, 531, 533, 535, 536, 537, 538, 539, 540,  
541, 543,

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

cc: File

15

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RS*

DATE: August 15, 2000

SUBJECT: Zoning Petitions  
Zoning Advisory Committee Meeting of June 26, 2000

DEPRM has no comments for the following zoning petitions:

| Item # | Address                     |
|--------|-----------------------------|
| 516    | 209 Church Road             |
| 518    | 6 Stanson Court             |
| 526    | 122 Allegheny Avenue        |
| 527    | 7931 Ellenham Avenue        |
| 529    | 3700 Green Oak Court        |
| 530    | 3 Lancashire Court          |
| 532    | 1026-1028 York Road         |
| 533    | Burmout Avenue              |
| 534    | 4001 Southwestern Boulevard |
| 535    | 615 Glenrock Road           |
| 536    | 9737 Matzon Road            |
| 537    | 203 Sandhill Road           |
| 540    | 9419 Oak White Road         |
| 541    | 2044 Putnam Road            |
| 542    | 585 Frederick Road          |
| 543    | 110 Woodholme Avenue        |

*completed 7-11-00*

BALTIMORE COUNTY, MARYLAND  
Interoffice Correspondence

DATE: August 1, 2000  
TO: Larry E. Schmidt  
Zoning Commissioner  
FROM: James H. Thompson  
Code Inspections and Enforcement  
RE: Case No. 00-529SPHA  
3700 Green Oak Court

Please be advised that a complaint has just been filed against the legal owner of the above-referenced property, Oak Woods L.L.C.

For your benefit, I have enclosed a copy of the complaint letter along with the reply from the deputy-zoning commissioner.

It is requested that this be taken into account when ruling on the Green Oak Court property.

JHT/hek  
Enclosure

C: Ms. Jean Scott, 8917 Grove Road, Baltimore, Maryland 21234

JUN 29

Ho  
8/2

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** June 29, 2000

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

**SUBJECT:** Zoning Advisory Petition(s): **Case 529.**

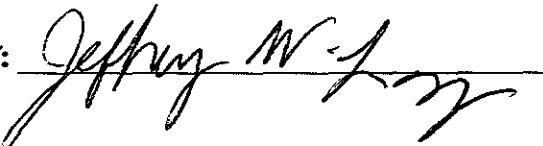
The Office of Planning has reviewed the above referenced case and has no comments to offer.

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



**Maryland Department of Transportation**  
**State Highway Administration**

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

Date: 6-26-00

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

RE: Baltimore County  
Item No. 529

JRA

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,

for

Kenneth A. McDonald Jr., 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



Baltimore County  
Zoning Commissioner

7/27/00  
JT  
g

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

July 26, 2000

Ms. Jean Scott  
8917 Grove Road  
Baltimore, Maryland 21234

Re: Development Plan – Case No. XI-806  
Oak Woods, LLC, Owner/Developer  
E/S Grove Road at end of Orbitan Road

Dear Ms. Scott:

Please be advised that your letter faxed to me, dated July 21, 2000, has been forward to Mr. Arnold Jablon, Director, Department of Permits and Development Management for a reply. We understand your concerns, but it is evident from the information contained in your letter that this an enforcement issue and cannot be addressed by this office. We are sorry that this office is unable to be of any assistance to you in this matter.

Should you have any further questions on the subject, it is suggested that you contact Mr. Jim Thompson, Code Enforcement Supervisor at 410-887-3352.

Very truly yours,

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
c: Arnold Jablon, Director  
Jim Thompson, Supervisor  
Dept. Permits & Development Mgmt.

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For You, For Baltimore County

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Jean Scott  
8917 Grove Road  
Baltimore, Maryland 21234  
Phone 410-661-0872 Fax 410-665-1160

Friday, July 21, 2000

Mr. Timothy M. Kotroco  
Deputy Zoning Commissioner  
401 Bosley Avenue, Suite 405  
Towson, Md. 21204

RE: Development Plan Hearing  
E/S Grove Road at end of Orbitan Road  
11th Election District-6th councilman District  
Oak Woods, LLC-Owners/Developers  
Case No. XI-806

Dear Mr. Katroco,

I am sorry to have to bother you again, but you are the only person that can help me.

This letter is in reference to the triangle part of land to be conveyed to me by the developer. In your decision you stated the approval was "subject to " the restrictions and terms set forth and when applying for any permits, the site plan must reference this case and set forth and address the restrictions of the order.

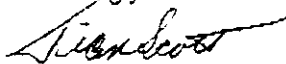
Your order has been ignored and work has continued at this site for some time. Permits allowing water and sewage have been issued and installed, permits to pour footings for three (3) of the homes have been poured and a meeting concerning a front porch variance for one of these homes has been set. They are progressing nicely, but after many months and numerous phone calls, I have not been successful in persuading the developer to finalize the conveyance of the triangle or to resolve important issues pertaining to your order. In other words, I need your help

In your decision, you stated that the triangle should be incorporate into and be made part of the Scott property. This triangle strip also extends into my sons property, but the developer is not incorporating the strip into our existing properties. They have offered us a separate deed for only the triangle. Forcing us to incorporate both parcels at our own cost. A separate deed to a 2' strip of land would adversely effect our ability to ever be rid of this strip.

Another troublesome thing is that they have removed the dirt from part of the triangle area, creating a 3' to 5' deep ditch approximately 67' to 68' long, to carry storm water runoff. In other words I will inherit a "ditch", that will cost money to "refill " with dirt in order to restore it to its natural state. Because of your concern for no additional storm water runoff for my neighbor the "Bauers", I feel certain that you did not intend for me to inherit a storm water ditch.

Mr. Kotroco, unfortunately after many months of waiting, I have concluded that I unless I have your help to enforce your decision, the developer is going to continue to side step on these issues.

Thanking you in advance,



Jean Scott

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

Howard L. Alderman Jr Esq

G DWIGHT LITTLE, PE

ADDRESS

Levin & Gann PA Suite 113

305 W. Chesapeake Ave Towson 21204  
W. Duvall & Assoc.

530 East Joppa Rd Towson 21286



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Raymond & Violet BAUER 8915 GROVE Rd  
Jean Scott 8917 Grove Rd.



BALTIMORE OFFICE  
MERCANTILE BANK & TRUST BUILDING  
TWO HOPKINS PLAZA  
9TH FLOOR  
BALTIMORE, MARYLAND 21201  
410-539-3700  
TELESCOPIER 410-625-9050

LAW OFFICES  
**LEVIN & GANN**  
A PROFESSIONAL ASSOCIATION  
305 W. CHESAPEAKE AVENUE  
SUITE 113  
TOWSON, MARYLAND 21204  
410-321-0600  
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.  
halderman@LevinGann.com

August 2, 2000

PLEASE DELIVER THE FOLLOWING PAGES TO:

| NAME                    | TELEFAX NO.  |
|-------------------------|--------------|
| Roger Sullivan, Esquire | 410-823-7530 |

FROM: HOWARD L. ALDERMAN, JR., ESQUIRE

NUMBER OF PAGES [INCLUDING THIS COVER PAGE]: 5

CLIENT/MATTER: Oak Woods/Oak Grove/Jean Scott

COMMENTS: Roger: in furtherance of my commitment made with Commissioner Schmidt this morning and our subsequent telephone conversation, please find a DRAFT deed of merger of the property owned and to be owned by Jean Scott. Please review this deed and provide me with any changes desired. Thanks, as always, for your on-going cooperation and assistance in this matter.

[ x ] ORIGINAL WILL NOT BE MAILED

If you do not receive all of the pages indicated above, please call 321-0600 as soon as possible.  
My return FAX Number is (410) 296-2801.

Send Confirmation (Event Succeeded) Date 8/2/2000  
Time: 5:46 PM Pages: 5 Duration: 1 min 48  
sec Recipient: Roger Sullivan, Esq. Company:  
Fax Number: 410-823-7530 Subject: Scott/Oak Grove

*cc: Commissioner Schmidt  
Case # 00-529-SM*

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SUITE 113  
TOWSON, MARYLAND 21204  
410-321-0600  
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.  
halderman@LevinGann.com

August 3, 2000

PLEASE DELIVER THE FOLLOWING PAGES TO:

| NAME                                    | TELEFAX NO.  |
|-----------------------------------------|--------------|
| Zoning Commissioner Lawrence E. Schmidt | 410-887-3468 |

FROM: HOWARD L. ALDERMAN, JR., ESQUIRE

NUMBER OF PAGES [INCLUDING THIS COVER PAGE]: 2

CLIENT/MATTER: Oak Woods, LLC/Jean Scott

COMMENTS: Mr. Schmidt: pursuant to the commitment that I made on behalf of one of my clients, Oak Woods, LLC, during the Sierra Homes variance hearing yesterday, I am sending to you a copy of the telefax cover sheet that was used to transmit to Roger Sullivan the deed of merger of the Scott properties. We will keep you apprised. Thank you for your help in reaching a compromise acceptable to Ms. Scott.

[ x ] ORIGINAL WILL NOT BE MAILED

If you do not receive all of the pages indicated above, please call 321-0600 as soon as possible.  
My return FAX Number is (410) 296-2801.

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9TH FLOOR  
BALTIMORE, MARYLAND 21201  
410-539-3700  
TELECOPIER 410-623-9030

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**LEVIN & GANN**  
A PROFESSIONAL ASSOCIATION  
305 W. CHESAPEAKE AVENUE  
SUITE 113  
TOWSON, MARYLAND 21204  
410-321-0600  
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.  
halderman@LevinGann.com

August 17, 2000

PLEASE DELIVER THE FOLLOWING PAGES TO:

| NAME                                                                    | TELEFAX NO.                             |
|-------------------------------------------------------------------------|-----------------------------------------|
| Roger J. Sullivan, Esquire<br>c: Oak Woods, LLC<br>G. Dwight Little, PE | 4108237530<br>4105922010<br>410-5831513 |

FROM: HOWARD L. ALDERMAN, JR., ESQUIRE

NUMBER OF PAGES [INCLUDING THIS COVER PAGE]: 1

CLIENT/MATTER: Oak Grove &amp; The Scotts

COMMENTS: Roger: I received a call from Traci in the Assignment Office regarding a time estimate for the hearing scheduled on 8/24/00. I do not know how to respond. I thought that Ms. Scott had agreed to have her comments regarding the deeds and the reservation clause to be added to each deed (all sent to you by fax on 7/26/00) to me not later than 8/15/00. As of this writing, I have not heard anything from her. I will be out of the office most of the day, so please have your client fax to my office her concurrence or send me your blessing. Thanks and please let me know how you want to handle the scheduled Circuit Court hearing in light of the Development Agreement reached between our two clients. Best wishes.

[ x ] ORIGINAL WILL NOT BE MAILED

**PLEASE NOTE:**

Effective September 01, 2000 our new address will be:  
Levin & Gann, PA  
502 Washington Avenue  
8<sup>th</sup> Floor  
Towson, Maryland 21204

If you do not receive all of the pages indicated above, please call 321-0600 as soon as possible. My return FAX Number is (410) 296-2801.

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IN THE MATTER OF  
OAK GROVE /OAK WOODS LLC  
PDM XI-806 E/S OF GROVE ROAD  
AT END OF ORBITAN ROAD  
11TH ELECTION DISTRICT  
6TH COUNCILMANIC DISTRICT

RE: DEVELOPMENT PLAN APPROVAL

\* BEFORE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. CBA-99-110  
\* \* \* \*

O P I N I O N

This matter comes before the Board on an appeal from the Order of the Hearing Officer, Timothy M. Kotroco, dated March 11, 1999 approving the subject development plan with certain terms and restrictions. The appeal was filed by Jean Scott, a property owner adjacent to the proposed development, through her counsel, Gerard V. Caldwell, Jr., Esquire. The Developer, Oak Woods, LLC, was represented by Howard L. Alderman, Jr., Esquire.

In accordance with Section 26-209 of the Baltimore County Code (BCC), the matter was set for public hearing before the Board on May 6, 1999. A public deliberation took place on May 25, 1999.

Appellant Scott raised two issues before the Board. The first was that Grove Road, north of Orbitan Road, which the Developer intends to improve and widen to a minimum of 18 feet, is a private road and was never intended to be widened or improved. Secondly, Ms. Scott disputes the deed from Zygmunt Romanowski and his wife, dated November 9, 1998, conveying a panhandle right of way of the Romanowski property to Baltimore County, allowing the Developer to widen Grove Road north of Orbitan Road to a minimum of 18 feet.

After taking testimony on the matter, the Hearing Officer found that the Developer had sufficient land to accommodate the

additional paving necessary for an 18-foot wide road on Grove Road by virtue of the Romanowski conveyance to Baltimore County and that the Developer had in fact satisfied the requirements of the Baltimore County Zoning Regulations, the Baltimore County Code, and the development regulations of Baltimore County as to providing access to the proposed 23 homes in the development.

The record reflects that the Developer and the County agencies followed the development requirements of the Baltimore County Code and Development Manual in determining the appropriateness of the proposed development in accordance with Section 26-205 of the Code. At the time of the hearing before the Board, the testimony and evidence indicated that the only unresolved issues were the question of the conveyance of the Romanowski right-of-way and the issue of the 15-foot right-of-way to widen Grove Road north of Orbitan Road.

Under Section 26-209(d), this Board may remand, affirm, reverse or modify the Hearing Officer's decision. Modification or reversal, however, is warranted only upon the grounds that a finding, conclusion or decision of the Hearing Officer exceeded his statutory authority or jurisdiction, resulted from an unlawful procedure, was affected by any other error of law, was unsupported by competent evidence when considered in toto or was arbitrary or capricious. With respect to factual matters, the scope of review is quite narrow and deferential, similar to the standard articulated by Maryland's Court of Special Appeals in People's Counsel v. Mangione, 85 Md.App. 738 (1991), namely, "whether a

reasoning mind reasonably could have reached the factual conclusion that the agency reached; this need not and must not be either judicial fact finding or a substitution of judicial judgment for agency judgment."

Neither the Hearing Officer, nor this Board, has the authority to decide the ultimate issues as to whether or not a right-of-way was granted to the Developer, or the legality of the conveyance by the Romanowskis to Baltimore County of the right-of-way by deed dated November 9, 1998. These determinations must be made by the Circuit Court. (See In the Matter of Meridale Meadows/Evergreen Homes of Maryland, No. CBA-98-101.)

Where adequate information exists to support the findings of the Hearing Officer, the Board, on appellate review of this case, cannot substitute its judgment for that of the Hearing Officer. The Board finds that adequate information exists in the record to support the Hearing Officer's decision concerning the approval of this development plan.

No issues were raised under Section 26-206(c) of the BCC; therefore, the Hearing Officer was obliged to approve the development plan pursuant to Section 26-206(b). This Board must affirm the decision of the Hearing Officer.

O R D E R

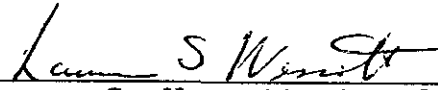
IT IS THEREFORE THIS 9th day of June, 1999 by the  
County Board of Appeals of Baltimore County

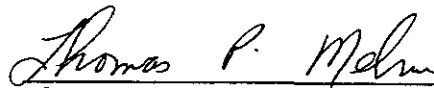
ORDERED that the decision of the Hearing Officer approving the development plan Oak Grove/Oak Woods, LLC, subject to the terms and

conditions set forth therein be and the same is hereby **AFFIRMED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

**COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
\_\_\_\_\_  
Lawrence S. Wescott, Panel Chairman

  
\_\_\_\_\_  
Thomas P. Melvin

  
\_\_\_\_\_  
Lynn Barranger

IN RE: DEVELOPMENT PLAN HEARING  
E/S Grove Road at end of Orbitan Road  
(Oak Grove)  
11<sup>th</sup> Election District  
6<sup>th</sup> Councilmanic District

Oak Woods, L.L.C.  
Owner/Developer

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY

\* Case No. XI-806  
\*

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a development plan prepared by W. Duvall & Associates, Inc., for the proposed development of the subject property by Oak Woods, L.L.C., Owner/Developer, with 23 single family dwellings, in accordance with the development plan submitted into evidence and marked as Developer's Exhibit 1. The subject property consists of a gross area of 10.57 acres, zoned D.R. 5.5, and is located on the east side of Grove Road at the end of Orbitan Road, not far from the intersection of Walther Boulevard and Maryland Route 43 in White Marsh.

As to the history of this project, a concept plan of the proposed development was prepared and a conference held thereon on August 10, 1998. As required, a community input meeting (CIM) was held on September 16, 1998 at the Carney Elementary School. A second CIM was held on October 15, 1998 at the same location. Subsequently, a development plan was submitted and a conference held thereon on February 3, 1999. Following the submission of that plan, development plan comments were submitted by the appropriate reviewing agencies of Baltimore County and a revised development plan incorporating these comments was submitted at the hearing held before me on February 26, 1999.

Appearing at the public hearing required for this project were Timothy S. O'Shea, a representative of Oak Grove, L.L.C., Owners/Developers of the subject property, G. Dwight Little, Professional Engineer with W. Duvall and Associates, Inc., the engineering firm which

DATE 3/1/99  
BY [Signature]

prepared the development plan for this project, Mickey Cornelius, Traffic Engineering expert with The Traffic Group, and Howard L. Alderman, Jr., Esquire, attorney for the Owners/Developers. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including Donald T. Rascoe, Project Manager, and Robert Bowling and Ronald Goodwin, all representatives of the Zoning and Development Review Divisions of the Department of Permits and Development Management (DPDM), Gayle Parker from the Department of Environmental Protection and Resource Management (DEPRM), and Jeffrey Long from the Office of Planning (OP). Several citizens from the surrounding community appeared at the hearing, including Ms. Jean Scott, adjoining property owner, all of who signed the Citizens Sign-In sheet. Ms. Scott was represented by Malcolm Spicer, Esquire.

Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency concerns. In this regard, testimony and evidence received from the Developer's witnesses and the Baltimore County agency representatives was that all issues raised within the comments submitted by the various County reviewing agencies have been resolved and incorporated within the revised development plan. The citizens who attended the hearing, however, raised several issues which needed to be addressed.

The first issue raised concerned a small, triangular parcel of land located adjacent to the northeast corner of Ms. Scott's property. Testimony revealed that this parcel of land was originally going to be dedicated to Baltimore County as part of the right-of-way for the entrance road to the Oak Grove subdivision. However, after discussing this matter further among those in attendance at the hearing, it was determined that it would be better for this triangular parcel of land to be deeded to Ms. Scott for incorporation into her land holdings. The Developer has offered to convey this parcel of land to Ms. Scott if the development plan is approved. Having resolved this issue by way of informal discussion between the parties, it was not necessary to take formal testimony on this matter. However, the Developer shall be required to convey this triangular-shaped parcel to Ms. Scott as a condition of approval of this development plan.

3/1/99  
JES

A second, and perhaps, most important issue, was raised by Ms. Scott and several other citizens in attendance. They are concerned about the Developer's proposal to widen Grove Road to a maximum width of 18 feet. These residents believe an 18-foot width is insufficient, given the proposed development of 23 additional homes in their community. This issue was not fully resolved, and thus, it became necessary to take formal testimony on this matter. Furthermore, Ms. Scott objected to any road improvements being made to Grove Road north of its intersection with Orbitan Road. She opined that Grove Road is a private road, and therefore, cannot be widened. Again, testimony was taken on this issue.

A third issue was raised by Mr. Raymond Bauer, whose family owns several parcels of land in the immediate vicinity of this subdivision. Mr. Bauer is concerned about additional storm water runoff being cast upon his family's properties as a result of the proposed development. After preliminary discussions with Mr. Bauer and the Developer's witnesses, as well as County agency representatives, it was represented that no additional runoff would be cast upon the Bauer family's properties. Thus, as a condition of approval, appropriate conditions and restrictions will be imposed upon the Developer by way of this Order to insure that no additional storm water runoff will be cast onto the lands owned by the Bauer family.

Another issue was raised concerning the water and sewer connections to the proposed development. Some residents were concerned about the inconvenience that existing residents might experience during the Developer's extension of the public water line to the proposed subdivision. Preliminary discussions between all parties in attendance indicated that any inconveniences that might occur as a result of the extension of the water line would be minor, and the installation of the water line itself could be accomplished in one day. Having resolved this issue by way of informal discussion between the parties, It was not necessary to take formal testimony on this issue. However, as a condition of approval of this development plan, I shall impose a restriction at the end of this Order to address this issue.

No other issues were raised during the preliminary phase of the hearing. Thus, the hearing proceeded on the issue of widening Grove Road north of Orbitan Road. Ms. Jean Scott,

a 23-year resident who resides adjacent to the subject property at 8917 Grove Road, testified in opposition to the proposed development. Ms. Scott particularly objects to the road improvements that are to be made by the Developer to Grove Road north of Orbitan Road. She indicated that Grove Road is a private road and was never intended to be widened or improved to public standards. She believes that the 18-foot minimum width required by Baltimore County for the proposed development is insufficient to accommodate the additional traffic that will be generated by the proposed 23 homes. In addition, she testified concerning some prior paving work that was done on Grove Road in July, 1998. Ms. Scott testified that at that time, Grove Road was paved and widened to a width of 15 feet. She indicated that the paving contractor actually paved over land on her side of Grove Road, thereby widening Grove Road from 12 feet to 15 feet along her property line. When Ms. Scott made an inquiry to Baltimore County about this paving project, she found out that Baltimore County had not hired or paid anyone to pave Grove Road. Apparently, the company who paved Grove Road did so without being compensated for their work. Ms. Scott was unable to find out who actually did the paving work; however, she surmised that the road was widened in an effort to accommodate this Developer. She testified that the widening of Grove Road occurred shortly after she was approached to sell her property to this Developer, which she adamantly refused. Ms. Scott further asserted that Grove Road north of Orbitan Road is a private road in that the two homes at the end of this road, known as 3520 and 3522 Grove Road, have private panhandle driveways extending down to Orbitan Road. She believes that as a result of this panhandle configuration, Grove Road was never intended to be a public road, which explains why the panhandles were required in the first place. She is therefore opposed to any widening of Grove Road north of Orbitan Road, for the purpose of furthering the development of the subject property.

12/17/18  
JST  
In response to Ms. Scott's testimony on this issue, the Developer asserts that Grove Road is a public road, and that right-of-way easements have been established on both sides of the road for its future widening. Counsel for the Developer, Mr. Alderman, questioned Ms. Scott about her deed, which establishes a 30-foot wide right-of-way in front of her property.

Furthermore, submitted into evidence as Developer's Exhibit 2 was a County right-of-way deed, dated November 9, 1998, wherein Baltimore County acquired the panhandle right-of-way to the Romanowski property. That deed and the dedication of the panhandle right-of-way to Baltimore County as a public right-of-way, do, in fact, permit this Developer to widen Grove Road north of Orbitan Road to a minimum width of 18 feet. The Developer does not have to trespass onto private lands in order to widen Grove Road in that a sufficient amount of land exists within the right-of-way dedicated by the Romanowski family to perform the road widening.

After considering the testimony and evidence regarding the issue of widening Grove Road north of Orbitan Road, I find that the minimum paving width of 18 feet to be provided by this Developer is sufficient to accommodate the additional traffic that will be generated by the proposed 23 homes. I further find, based upon the testimony of traffic engineering expert Mickey Cornelius, that the 18-foot road width proposed by the Developer is sufficient to accommodate emergency vehicles. It is to be noted that 18-foot road widths are found throughout Baltimore County and are apparently sufficient to accommodate two-way traffic as well as emergency vehicles. Thus, I find that the proposed 18-foot width is appropriate in this instance. I further find that the Developer has sufficient land to accommodate the additional paving necessary for an 18-foot wide road width, by virtue of the Romanowski conveyance to Baltimore County by deed dated November 9, 1998. Thus, the issue concerning the widening of Grove Road north of Orbitan Road is not sufficient to warrant a denial of this development plan. I further find that the Developer has, in fact, satisfied the requirements of the B.C.Z.R., the Baltimore County Code, and the development regulations of Baltimore County as to providing access to the proposed 23 homes.

There being no other issues that remain unresolved, I shall approve the plan consistent with the comments contained herein. However, as stated previously, I shall impose certain conditions and restrictions at the end of this Order to address those issues which were resolved during the preliminary phase of the Hearing Officer's Hearing.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved subject to the restrictions set forth below.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner/Hearing Officer for Baltimore County this 11<sup>th</sup> day of March, 1999 that the development plan for Oak Grove, identified herein as Developer's Exhibit 1, be and is hereby APPROVED, subject to the following terms and restrictions:

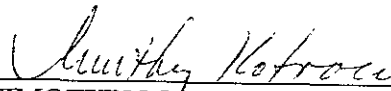
- 1) The Owners/Developers may apply for their building permit and be granted same upon receipt of this Order; however, they are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Developer shall take appropriate sediment control measures, both during and after the construction phase of the proposed development, to insure that no additional storm water runoff will be cast upon the Bauer properties located just south and west of proposed Lots 22 and 23 of Oak Grove.
- 3) The Developer shall take appropriate steps to insure that those residents who are affected by the installation of the water line in Grove Road have continuous and unobstructed access to their properties.
- 4) Once all utilities are installed in Grove Road, the Developer shall be required to pave Grove Road north of Orbital Road at a width of 18 feet from Orbital Road up to and including the entranceway to the Oak Grove development. The Developer shall pave this road in a uniform width and depth and shall not be permitted to patch the road in any area.
- 5) The small triangular parcel of land located between the entrance road and the northeast corner of the Scott property shall be conveyed to Ms. Scott at no cost to her. That triangular parcel of land shall then be incorporated into and made a part of the Scott property. Furthermore, Ms. Scott shall have free and unrestricted accessibility to all public utilities found in the entrance roadbed of this subdivision. Thus, she shall be permitted to connect to the water, sewer and gas lines in the roadbed. Furthermore, the Developer shall provide a driveway apron for the Scott property at no cost to Ms. Scott in the event she wishes to access her property by way of this new roadway.

RECEIVED  
DATE 3/11/99  
BY [Signature]

- 6) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

TMK:bjs

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner/  
Hearing Officer for Baltimore County

NOTE:

- THIS LOT IS NOT LOCATED IN A 100 YEAR FLOODPLAIN.
- NOT IN THE CHESAPEAKE BAY CRITICAL AREA
- NO PRIOR ZONING HISTORY



W. DUVALL & ASSOCIATES, INC.  
ENGINEERS - SURVEYORS - LAND PLANNERS  
530 EAST JOFFA ROAD  
TOWSON, MARYLAND 21286  
TEL (410) 563-4571  
FAX (410) 563-1515



UPTON VILLAGE  
SECTION ONE  
PLAT 42/34

S 36° 20' 05" W  
25.54'

ZYGMUNT &  
FRANCISZKA  
ROMANOWSKI  
5727/723

S 12° 02' 05" W  
41.48'

S 34° 06' 40" E  
13.86'

S 89° 29' 55" E  
82.58'

(2)

(1)

S 58° 15' 25" E  
85.00'

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S 58° 15' 25" E  
85.00'

S 58° 15' 25" E  
85.00'

SHORE ROAD

PATRICIA L.  
JOSEPH E.  
JEAN AUDEN SCOTT  
10592/135

GREEN OAK  
COURT

AREA OF LOT 1  
7318 SF OR 0.168 AC

OWNER

OAK WOODS L.L.C.  
P.O. BOX 28424  
BALTIMORE MD 21234

CONTRACT PURCHASER

SIERRA HOMES  
4208 EENEZER ROAD  
BALTIMORE MD 21236

PLAN TO ACCOMPANY ZONING HEARING  
AND TO AMEND THE DEVELOPMENT PLAN  
OAK GROVE

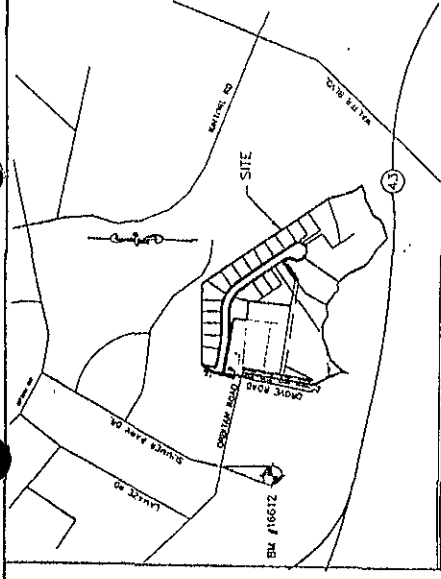
#3700 GREEN OAK COURT

11th ELEC. DISTRICT 6th COUNCILMANIC DIST

SCALE 1"=50' 5/11/00

RAT 72/32

00-529-SPH-A



UNITY MAP

ZONING = DR 5.5  
MAP NE 8E

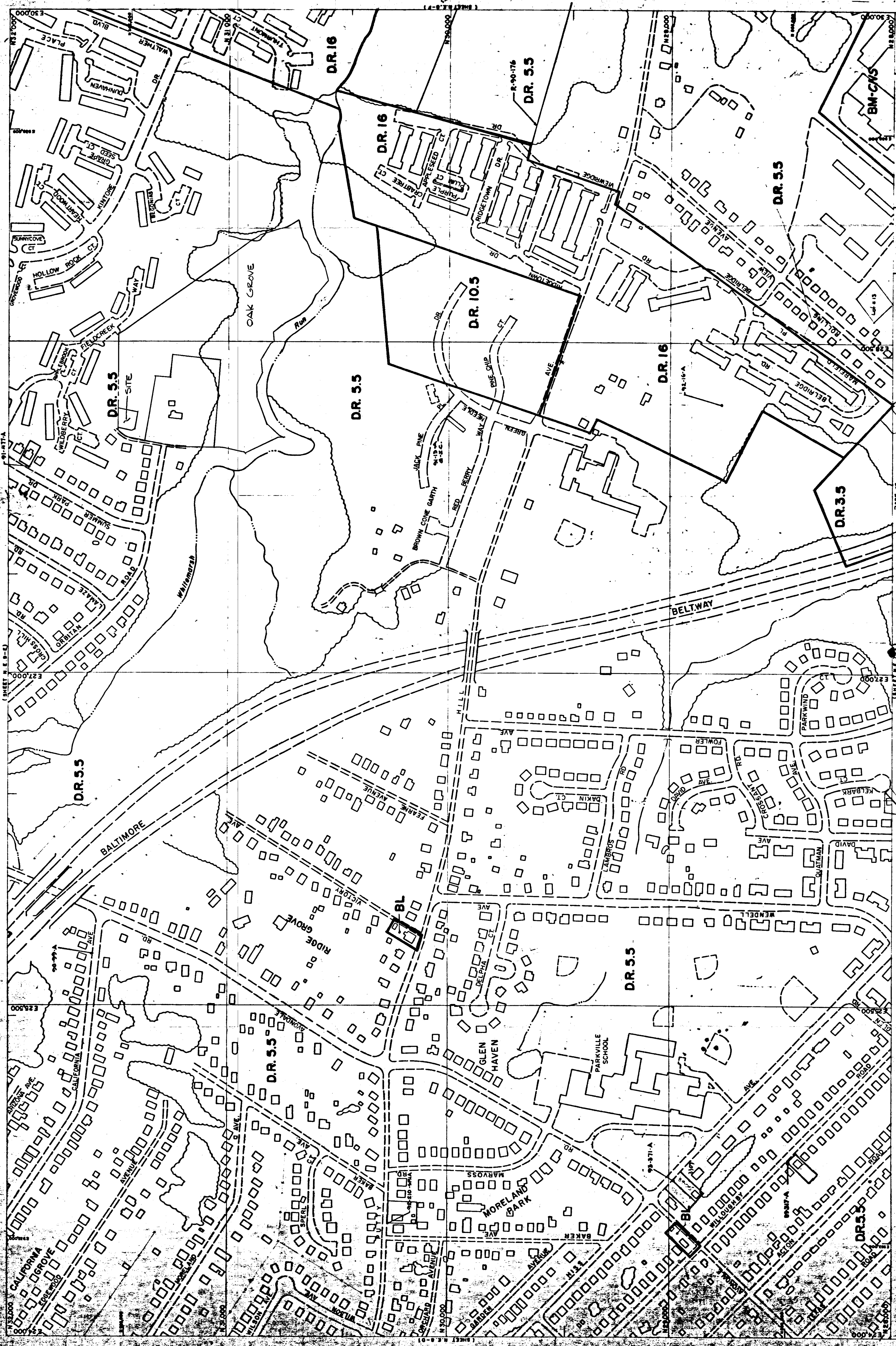
PUBLIC WATER & SEWER

Ed Nol





00-529 Sp44



|                                                                                                                                                              |  |                                                      |                                    |                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------|------------------------------------|----------------------|
| 1995 COMPREHENSIVE ZONING MAP<br>Adopted by the Baltimore County Council<br>Oct. 15, 1992<br>Bill No. 144-95, 145-95, 146-95, 147-95, 148-95, 149-95, 150-95 |  | SCALE<br>1" = 200'                                   | LOCATION<br>FULLERTON<br>PARKVILLE | SHEET<br>N.E.<br>8-E |
| 1995 COMPREHENSIVE ZONING MAP<br>Adopted by the Baltimore County Council<br>Oct. 15, 1992<br>Bill No. 144-95, 145-95, 146-95, 147-95, 148-95, 149-95, 150-95 |  | DATE OF PHOTOGRAPHY<br>JANUARY 1986                  |                                    |                      |
| BALTIMORE COUNTY<br>OFFICE OF PLANNING AND ZONING<br>OFFICIAL ZONING MAP                                                                                     |  | Chairman, County Council<br><i>William A. Howard</i> |                                    |                      |

1995 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 13, 1995  
Bill No. 144-95, 145-95, 146-95, 147-95, 148-95, 149-95, 150-95

Chairman, County Council  
*William A. Howard*

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210