

IN RE: DEVELOPMENT PLAN HEARING * BEFORE THE
AND PETITION FOR VARIANCE *
S/S Marcella Avenue * HEARING OFFICER
SW corner Greens Lane *
2nd Election District * OF BALTIMORE COUNTY
2nd Councilmanic District *
(Marcella Woods) * Case Nos. II-587 and #01-039-A

Marcella Woods, LLC *
Petitioner *

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County as a requested approval of a Development Plan filed by the legal owner of the subject property, Marcella Woods, LLC. The Developer is requesting approval of a Development Plan with a total of 9 single family residential lots, located on the west side of Greens Lane, south of Liberty Road. In addition to the requested approval of this Development Plan, the Petitioner is also requesting the following variances:

1. A variance from Section 1B01.2C1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 22 ft. front yard setback in lieu of the required 25 ft. front yard setback for the existing single-family dwelling on Lot #1;
2. A variance from Section 1B01.2C1.b of the B.C.Z.R., to permit a 14 ft. side yard setback to a public street right-of-way (Greens Lane) in lieu of the required 15 ft. side yard setback for the existing single-family dwelling on Lot #1; and
3. A variance from Section 303.1 of the B.C.Z.R., to permit a 25 ft. front yard setback to a public street right-of-way (Greens Lane) in lieu of the averaged or maximum 50 ft. front yard setback for the proposed single-family dwelling on Lot #9.

It should be noted that the first two variance requests are for an existing house located at the intersection of Marcella Avenue and Greens Lane. The third and remaining variance request is for the proposed house for Lot #9.

Appearing at the Development Plan and Variance hearing were Brian Chan, appearing on behalf of Marcella Woods, LLC, Alan Scoll, Ernest Sheppe and Franceso Gentile, all appearing on

ORDER RECEIVED FOR FILING

Date

10/25/00

By

R. J. Jenson

behalf of D.S. Thaler & Associates, Inc., the engineering firm who prepared the Development Plan of the property. The Developer was represented by David Gildea, attorney at law. As is customary, representatives from the various Baltimore County reviewing agencies also attended the hearing, namely, Terry Gibson and Walt Smith (Zoning), and Robert W. Bowling (Development Plans Review), all from the Office of Permits & Development Management; R. Bruce Seeley and Don Stires from the Department of Environmental Protection and Resource Management, Mark Cunningham from the Planning Office; and Jan Cook from the Department of Recreation and Parks. Appearing as interested citizens in the matter were Kenneth Oliver and Joe Spiccioli, nearby residents and representatives of the Fieldstone Community Group.

As to the history of the proposed development plan project, a concept plan conference was held May 15, 2000, followed by a community input meeting held at the Winfield Elementary School on June 13, 2000. A development plan conference followed on September 13, 2000 and a Hearing Officer's Hearing was held on October 10, 2000 in Room 407 of the County Courts Building.

At the preliminary stage of the development plan hearing, I attempt to determine what, if any, issues or comments remain unresolved at the time of the hearing before me. Mr. Gildea, representing the Developer, indicated that he was unaware of any unresolved issues. In addition, there were no County issues raised. However, the two gentlemen appearing on behalf of adjacent residents raised a couple of issues which warranted the taking of testimony.

The first issue raised involved the location of the house to be built on Lot #9. Mr. Oliver and Mr. Spiccioli are very much interested in preserving and protecting some very old mature trees that are currently situated on the property. The Developer has used their best efforts to protect and preserve those trees by way of the spacing of these lots, as well as the house locations on each lot itself. In an attempt to save some very mature trees on Lot #9, the Developer has opted to place the

building envelope for that house closer to Greens Lane than that which is permitted by the regulations. Therefore, in order to preserve and protect those trees, a variance is requested to allow the house on Lot #9 to be situated 25 ft. from Greens Lane in lieu of the 50 ft. required.

Mr. Oliver and Mr. Spiccioli agree with preserving the trees on the rear of Lot #9. However, Mr. Oliver indicated that his preference would be that no house be built at all on Lot #9, which would not only preserve and protect the trees located thereon, but would also maintain the average setback of houses to Greens Lane.

Testimony and evidence offered at the hearing indicated that many of the homes in this area have a generous setback from Greens Lane. Furthermore, as was brought to my attention through the testimony of Mr. Spiccioli, many of the houses in the Fieldstone Community are actually constructed out of field stone. Hence, the origin of the name of that community. Mr. Spiccioli indicated, that in return for the granting of a variance for Lot #9, the houses to be built on Lots #4 and #9 should also be constructed out of field stone, given their close proximity to the older existing community and their high visibility. This, in his opinion, would cause the new houses to be more in keeping with the older homes in this area.

Also appearing at the hearing and offering testimony on this issue was Mr. Dave Green, a representative of the Office of Planning. Mr. Green also indicated the preference of the Planning Office for the houses on Lots #4 and #9 to be constructed out of field stone. Mr. Green asked for field stone on at least three sides of the houses, given that those sides would be visible from Greens Lane. The rear of the houses to be built on Lots #4 and #9 could be built from other construction materials. Mr. Green asked that in the event the variance is granted for Lot #9, that conditions and restrictions be placed on the Developer to insure that the houses be constructed out of field stone.

Date 10/25/00
By R. J. Jenson

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

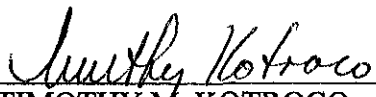
As stated previously, the issues raised by the citizens in attendance, as well as Mr. Green on behalf of the Office of Planning, were meritorious. While the Development Plan submitted into evidence as Developer's Exhibit No. 1 shall be approved, I shall make my approval contingent on certain conditions and restrictions.

THEREFORE, IT IS ORDERED by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County this 25th day of October, 2000, that the Petitioner's Request for variance from: (1) Section 1B01.2C1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 22 ft. front yard setback in lieu of the required 25 ft. front yard setback for the existing single-family dwelling on Lot #1; (2) from Section 1B01.2C1.b of the B.C.Z.R., to permit a 14 ft. side yard setback to a public street right-of-way (Greens Lane) in lieu of the required 15 ft. side yard setback for the existing single-family dwelling on Lot #1; and (3) Section 303.1 of the B.C.Z.R., to permit a 25 ft. front yard setback to a public street right-of-way (Greens Lane) in lieu of the averaged or maximum 50 ft. front yard setback for the proposed single-family dwelling on Lot #9, be and it is hereby APPROVED.

IT IS FURTHER ORDERED, that the Development Plan for Marcella Woods submitted into evidence as Developer's Exhibit No. 1, be and it is hereby APPROVED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The houses to be constructed on Lots #4 and #9 shall be constructed out of field stone building materials. These material must be used on the front and both sides of each house to be built on these two lots. The rear of those houses may be of some other suitable construction material. Prior to the issuance of any permit for Lot #4 or Lot #9, the Developer or builder must submit for review and approval to the Office of Planning, elevation drawings of the houses to be constructed on Lots #4 and #9. The Planning Office shall insure that the houses to be built will be of similar character and building materials to the houses existing in the Field Stone Community.
2. The Developer must preserve and protect the 30" tree located between Lots #5 and #6 as shown on the Development Plan. In addition, the Developer must also preserve and protect the 34", 51", 36" and 48" trees identified on the Development Plan as Tree Nos. 6-9, respectively. Prior to the issuance of any grading permits for this project, the Developer shall erect orange plastic fencing commonly seen on construction sites around the critical root areas for the trees previously identified. This Developer must use all efforts to not only preserve and protect the trees themselves, but also their root systems. A representative from the Department of Environmental Protection shall be required to perform a site inspection, to insure the appropriate location of the safety fencing prior to the issuance of any grading permit for this development. In the event any of the aforementioned trees are cut down or damaged during the construction phase of this development, then a stop work order must be issued for any permit that has been issued for any of the lots which are the subject of this development or any permits associated with the development of this property. Any and all work on the subject property must cease until such time as a public hearing can be held on the issue of the loss or damage to any of the aforementioned trees and an appropriate remedy or penalty imposed.

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


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER/
HEARING OFFICER
FOR BALTIMORE COUNTY

TMK:raj



Baltimore County
Zoning Commissioner

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

October 25, 2000

David K. Gildea, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Hearing Officer's Hearing No. II-587
& Petition for Variance #01-039-A
(Marcella Woods, LLC)
Property: S/S Marcella Avenue,
SW corner Greens Lane

Dear Mr. Gildea:

Enclosed please find the decision rendered in the above-captioned cases. The Development Plan and variance request have been approved, in accordance with the enclosed Order.

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

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



Copies to:

D. S. Thaler & Associates, Inc.
7115 Ambassador Lane
P. O. Box 47428
Baltimore, Maryland 21244

Mr. Kenneth N. Oliver
8818 Greens Lane
Randallstown, Maryland 21133

Mr. Joe Spiccioli
3606 Stoneybrook Road
Randallstown, Maryland 21133



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9001 Marcella Avenue

which is presently zoned DR-3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, leg owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto a made a part hereof, hereby petition for a Variance from Section(s)

See attached.

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

To be presented at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations. or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zonil regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Whiteford, Taylor & Preston L.L.P.

Company

210 W. Pennsylvania Ave. 832-2066

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

Legal Owner(s):

Marcella Woods, LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

P.O. Box 626

(410) 371-631

Address

Telephone N

Timonium, MD 21093

City

State

Zip Code

Representative to be Contacted:

David K. Gildea

Name

210 W. Pennsylvania Ave.

832-206

Address

Telephone No

Towson, MD 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By UC

Date

7/26/00

Case No. 01-039-A

7/15/00

DROP-OFF

No Review

ORDER RECEIVED FOR FILING

Date

By

ATTACHMENT TO PETITION FOR VARIANCE
9001 Marcella Avenue

1. Variance from Baltimore County Zoning Regulations Section 1B01.2C1.b – to permit a 22 foot front yard setback in lieu of the required 25 foot front yard setback for the existing single family dwelling on Lot #1.

2. Variance from Baltimore County Zoning Regulations Section 1B01.2C1.b – to permit a 14 foot side yard setback to a public street right-of-way (Greens Lane) in lieu of the required 15 foot side yard setback for the existing single family dwelling on Lot #1.

3. Variance from Baltimore County Zoning Regulations Section 303.1 – to permit a 25 foot front yard setback to a public street right-of-way (Greens Lane) in lieu of the averaged or maximum 50 foot front yard setback for the proposed single family dwelling on Lot #9.

June 26, 2000

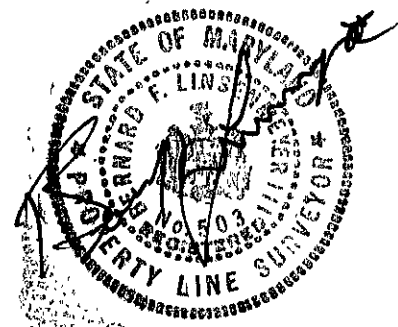
ZONING DESCRIPTION

Marcella Woods

Beginning for the same at a point 26 feet, more or less, southeast of the intersection of the centerlines of Marcella Avenue and Greens Lane, thence running the following courses and distance, with all bearings referenced to the MCS Meridian;

1. South 28°14'45" East 164.07 feet, more or less, thence,
2. North 61°45'15" East 25.00 feet, more or less, thence,
3. South 28°14'45" East 200.73 feet, more or less, thence,
4. South 84°01'27" West 404.25 feet, more or less, thence,
5. North 05°48'51" West 347.85 feet, more or less, thence,
6. North 83°57'34" East 128.70 feet, more or less, thence,
7. South 02°07'06" East 18.35 feet, more or less, thence,
8. North 84°48'30" East 114.43 feet, more or less, to the point of beginning.

Containing 2.5045 acres of land, more or less.



01-039-A

August 15, 2000

**GENERAL DESCRIPTION FOR PROPOSED LOT NO. 9
MARCELLA WOODS
(for zoning purposes only)**

Beginning at a point at the southwesterly right-of-way of Greens Lane as proposed to be widened to a 60-foot right-of-way, said point being approximately 560 feet from the intersection of Greens Lane and Liberty Road, and running more or less as follows:

1. Southeasterly along the right-of-way of Greens Lane, approximately 85 feet;
2. Turning westerly along the existing tract boundary, approximately 173 feet;
3. Turning northerly, approximately 82 feet;
4. Turning easterly and returning to the point of beginning, approximately 142 feet.

Containing approximately 0.29 acres of land, more or less.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 083705

DATE 1/26/00 ACCOUNT 001-6150

AMOUNT \$ 250.00

RECEIVED FROM: Whiteford Taylor Preston

FOR: 01-039-A

Drop Off — No Review

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
FUND 8000000000
DATE 1/27/2000 14:24:50
REQ NO 001-6150-0001
REQ LINE 1
REQ AMOUNT 250.00
REQ BALANCE 0.00
REQ TOTAL 250.00
REQ CASHIER 001-6150-0001
REQ OFFICE 001-6150-0001
REQ CITY BALTIMORE
REQ STATE MD
REQ ZIP 21201
REQ COUNTRY USA

01-039-A

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 083729

DATE 08-17-00 ACCOUNT R001 6150

AMOUNT \$ 100.00

RECEIVED FROM: Whiteford Taylor + Preston L.L.P.

FOR: Revision Fee 01-039-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
FUND 8000000000
DATE 8/17/2000 09:13:28
REQ NO R001-6150-0001
REQ LINE 1
REQ AMOUNT 100.00
REQ BALANCE 0.00
REQ TOTAL 100.00
REQ CASHIER R001-6150-0001
REQ OFFICE R001-6150-0001
REQ CITY BALTIMORE
REQ STATE MD
REQ ZIP 21201
REQ COUNTRY USA

01-039-A

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:

Case: #01-039-A
9001 Marcella Avenue
SW/S Greens Lane, approximately 600 feet SE
of center line Liberty Road
2nd Election District -- 2nd Councilmanic District
Legal Owner(s): Marcella Woods, LLC

Variance: to permit a 22 foot front yard setback in lieu of the required 25 foot front yard setback for the existing single family dwelling on lot #1. **Variance:** to permit a 14 foot side yard setback to a public street right-of-way (Greens Lane) in lieu of the required 15 foot side yard setback on Lot #1. **Variance:** to permit a 25-foot front yard setback in lieu of the averaged or maximum 50 foot yard setback on lot #9.
Hearing: Tuesday, October 10, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, with Marcella Woods NDH.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
9/15/99 Sept. 21 C420705

CERTIFICATE OF PUBLICATION

TOWSON, MD, 9/21/, 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 9/21/, 2000.

THE JEFFERSONIAN,
J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

**RE: CASE # 01-039-A
PETITIONER/DEVELOPER
(Marcella Woods)
DATE OF Hearing
(10-10-00)**

**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**

Posted on Marcella Ave. & Greens Lane Baltimore, Maryland 21133_____

THE SIGN(S) WERE POSTED ON_____ 9-20-00 _____
(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 VARIANCE
9001 Marcella Avenue, SW/S Greens Ln,
appx. 600' SE of c/I Liberty Rd
2nd Election District, 2nd Councilmanic

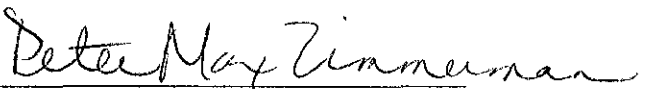
Legal Owner: Marcella Woods, LLC
Petitioner(s)

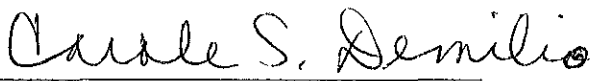
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-39-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 9th day of August, 2000 a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

01-039-A



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

August 18, 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: 01-039-A

9001 Marcella Avenue

SW/S Greens Lane, approximately 600 feet SE of centerline Liberty Road

2nd Election District – 2nd Councilman District

Legal Owner: Marcella Woods, LLC

Variance to permit a 25-foot front yard setback in lieu of the averaged or maximum 50 foot yard setback on lot #9.

HEARING: Tuesday, October 10, 2000 at 9:00 a.m. in Room 407, County Courts Building 401 Bosley Avenue, with Marcella Woods HOH.

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the initials "GDZ" written below it.

Arnold Jablon
Director

C: Whiteford, Taylor & Preston LLP, David K. Gildea, 210 W. Pennsylvania Ave.,
Towson 21204

Marcella Woods, LLC, Brian Chan, President, P. O. 626, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY .SEPTEMBER 22, 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
Friday, September 22, 2000 Issue – Jeffersonian

Please forward billing to:

Whiteford, Taylor & Preston LLP
David K. Gildea
210 W. Pennsylvania Avenue
Towson, MD 21204

410-832-2066

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: 01-039-A

9001 Marcella Avenue

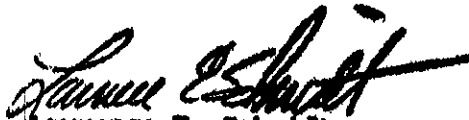
SW/S Greens Lane, approximately 600 feet SE of centerline Liberty Road

2nd Election District – 2nd Councilman District

Legal Owner: Marcella Woods, LLC

Variance to permit a 22 foot front yard setback in lieu of the required 25 foot front yard setback for the existing single family dwelling on lot #1. Variance to permit a 14 foot side yard setback to a public street right-of-way (Greens Lane) in lieu of the required 15 foot side yard setback on Lot #1. Variance to permit a 25-foot front yard setback in lieu of the averaged or maximum 50 foot yard setback on lot #9.

HEARING: Tuesday, October 10, 2000 at 9:00 a.m. in Room 407, County Courts Building 401 Bosley Avenue, with Marcella Woods HOH.


Lawrence E. Schmidt
GDZ

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

October 6, 2000

David K. Gildea
Whiteford, Taylor & Preston LLP
210 W. Pennsylvania Avenue
Towson, MD 21204

Dear Mr. Gildea:

RE: Case Number: 01-039-A, 9001 Marcella Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 26, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. 672
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Brian Chan, President, Marcella Woods, P O Box 626, Timonium 21093
People's Counsel





Baltimore County
Fire Department

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

August 23, 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 AUGUST 7, 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:

037, 038, 039, 041, 042, 043, 044,

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

cc: File

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



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *mc/RBS*

DATE: September 11, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of August 7, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
037	8617 Oakleigh Road
038	6771 Real Princess Lane
039	9001 Marcella Avenue
042	510 Maryland Avenue
043	512 Maryland Avenue
045	6605 Dogwood Road
005 Revised	7424 Longfield Drive

Jeri
10/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 10, 2000

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

SUBJECT: 9001 Marcella Avenue

INFORMATION:

Item Number: 01-039

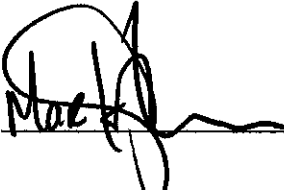
Petitioner: Marcella Woods LLC.

Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a 22 foot front yard setback in lieu of the required 25 foot front yard setback and a 14 foot side yard setback for the existing single family dwelling on Lot #1. However, this office does not support the request to permit a 25 foot setback to a public right-of-way (Greens Lane) in lieu of the average or maximum 50 foot front yard setback for the proposed single family dwelling on lot # 9. The character of Greens Lane could be compromised if front setbacks along Greens Lane are not maintained.

Prepared by: 

Section Chief: 

AFK:MAC:



Maryland Department of Transportation
State Highway Administration

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

Date: 8.4.00

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

RE: Baltimore County
Item No. 039 WCR

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

01-039-A

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

ZAC AGENDA

Item Number: 039

Case Number: 01-039-A

Type: Commercial

Reviewer: WCR

Legal Owner: Marcella Woods, LLC

Contract Purchaser: NA

Critical Area: No

Election District: 2nd

Councilmanic District: 2nd

Property Address: 9001 Marcella Avenue

Location: SW/S Greens Lane, approximately 600 feet SE of centerline of Liberty Road

Existing Zoning: D.R.3.5

Area: 0.29 acre

Proposed Zoning: VARIANCE to permit a 25 foot front yard setback in lieu of the averaged or maximum 50 foot front yard setback on Lot #9.

*HOLD -
per WCR -
Problems*

Attorney: David K. Gildea

Miscellaneous: Drop-Off, No Review

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: July 26, 2000

TO: Hearing Officer

FROM: W. Carl Richards, Jr. 
Supervisor, Zoning Review

SUBJECT: Zoning Case 01-039-A
9001 Marcella Avenue (Lot 1)
8933 Greens Lane (Lot 9)

This application was drop filed and, after a cursory review by myself, was accepted at the insistence of the applicant. If the use remains a dwelling on Lot 1, the two variances requested for Lot 1 are not necessary. Zoning policy only requires variances for existing dwellings when the use is changing or when there is a deficient setback to a newly created lot division line. A future use was not indicated and would not be permitted without an amendment to the Final Development Plan or possible rezoning. The zoning acceptance of this application in no way indicates approval of any future use other than a single family dwelling for Lot 1.

WCR:scj

01-039-A

~~Brian, Jennifer R.~~

Full Name:
Company:

Brian Chan

~~Reflexion Choice Corp~~

Marcella Woods, LLC

Business Address:

P.O. Box 626
Timonium, MD 21093

Business:

(443) 570-2176

Home:

(410) 321-8809

Mobile:

(443) 570-2176

Business Fax:

(410) 821-7152

E-mail:

bchan@home.com

Categories:

Holiday Cards

Sophia -

This is the info you requested. I have also enclosed a \$100 - check for the revision fee. Thanks for your help. Call if questions.

Thanks,

David J. Chan

832-2066

01-039-A

Called David several times
to tell him that he
must come in, change
& initial petition forms.
We still need a correct
description. He has yet
to call me back. Soph
8/11/02

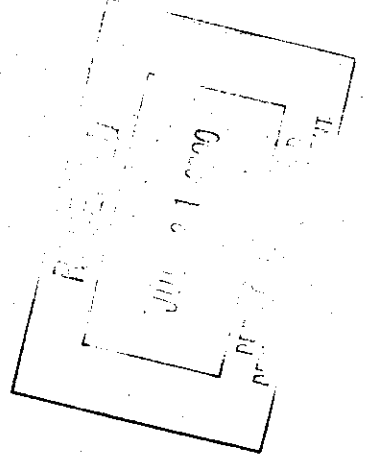
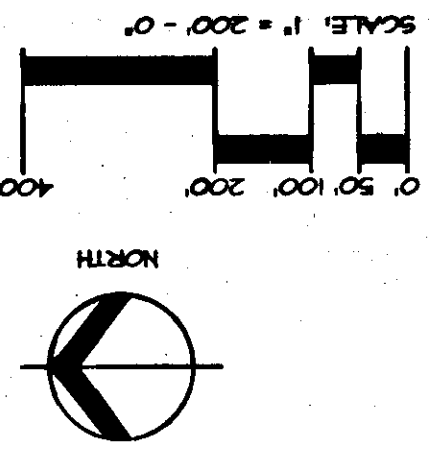
A-PED-10

DST&A

CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
LAND PLANNERS

D. S. THALER & ASSOC., INC.

THIS ASSOCIATOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
(410) 944-4100 (410) 944-3647

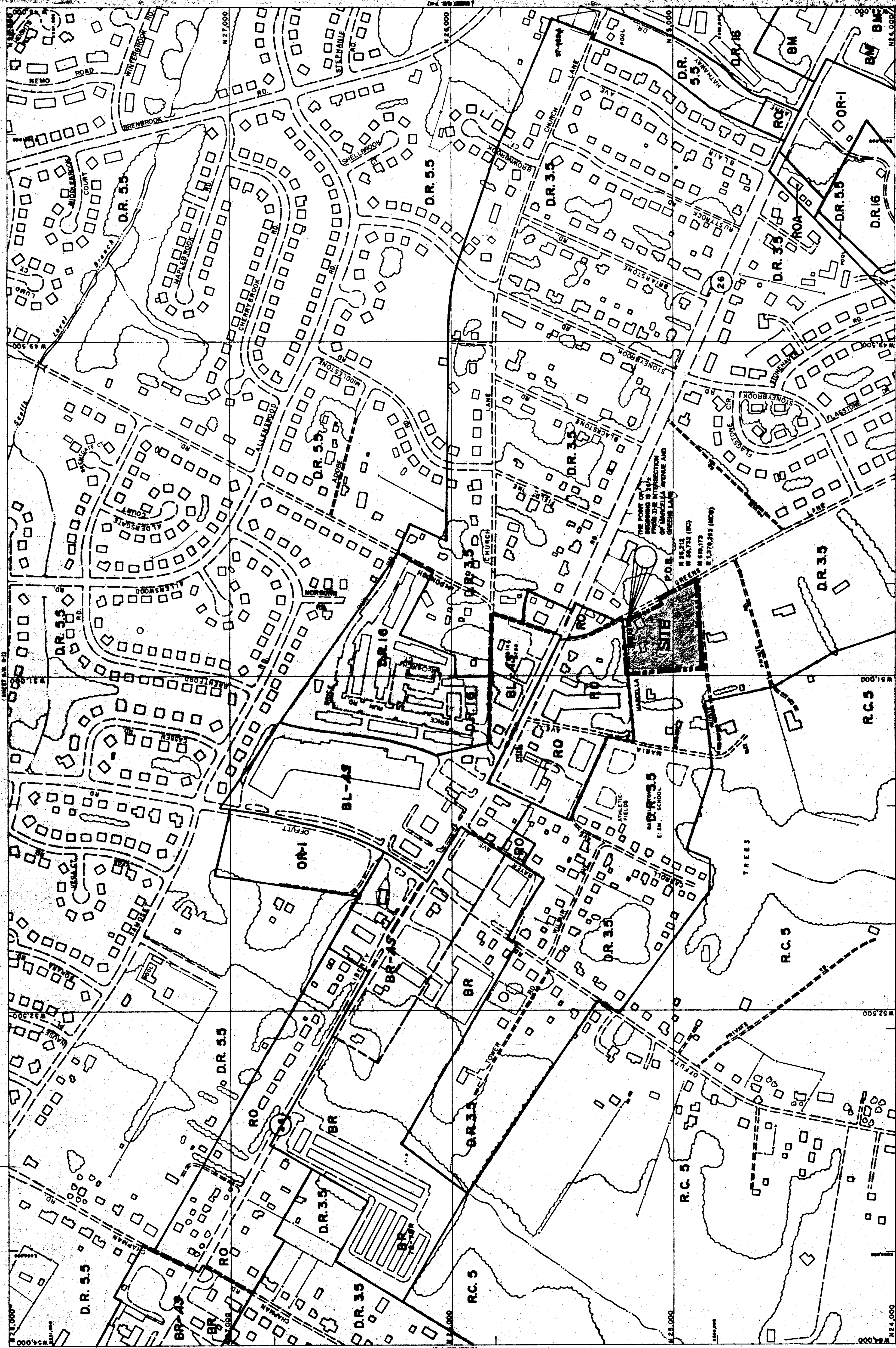


DATE: 6-26-00

ELECTION DISTRICT: 2
COUNCILMANIC DISTRICT: 2

MARCELLA WOODS

1946 Baltimore County 200 Scale Zoning Map
To Accompany Zoning Petition



SCALE	LOCATION	SHEET
1" = 200'	RANDALLSTOWN	N.W. 7-1
DATE OF PHOTOGRAPHY		
JANUARY 1986		

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

1946 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1946
BMC Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96
Kevin Kanevsky
Chairman, County Council

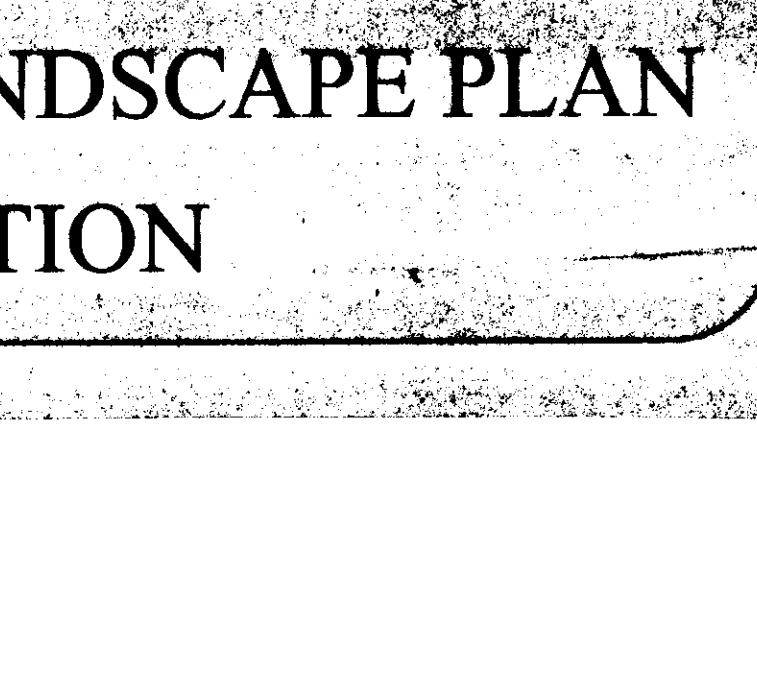
P-3W
THIS MAP HAS BEEN REPRODUCED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHANANT-JORDAN, INC., BALTIMORE, MD. 21110

01-039-A

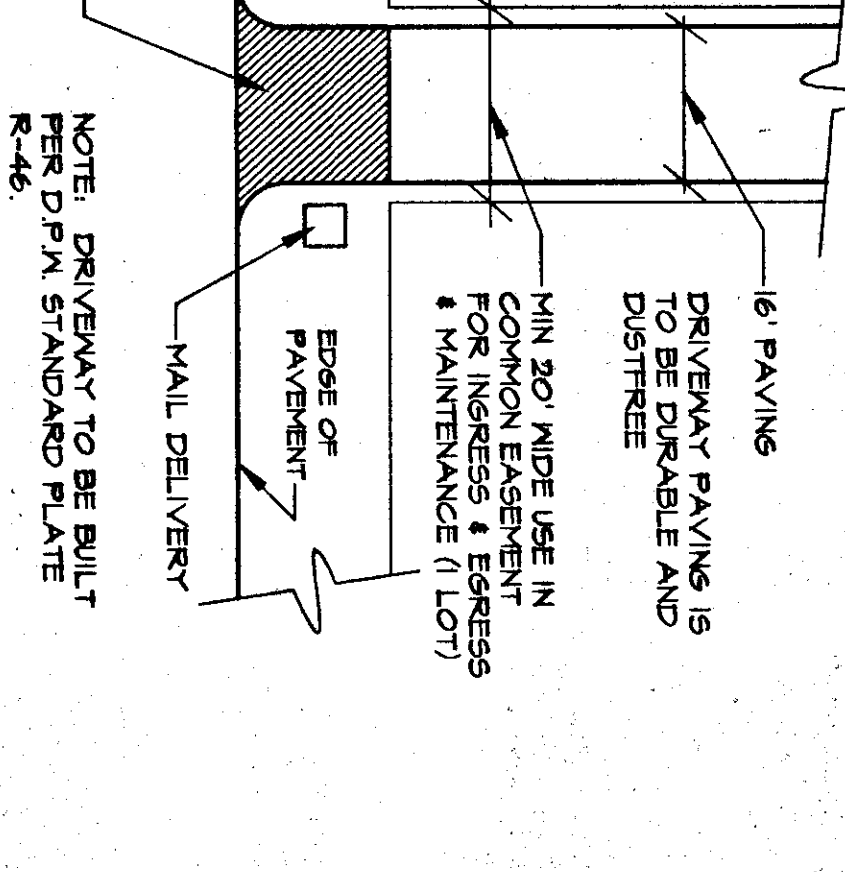
1. DEVELOPMENT
NAME: Marcela Woods

-
- RANDALLSTOWN
- MCDONOUGH P...
- C-87
- R.D.
- D.R.-B-B
- RD
- | | B | 0.32 |
|---------|---|------|
| Chamber | | |
| Case | | |
- * Denotes Prime and Productive

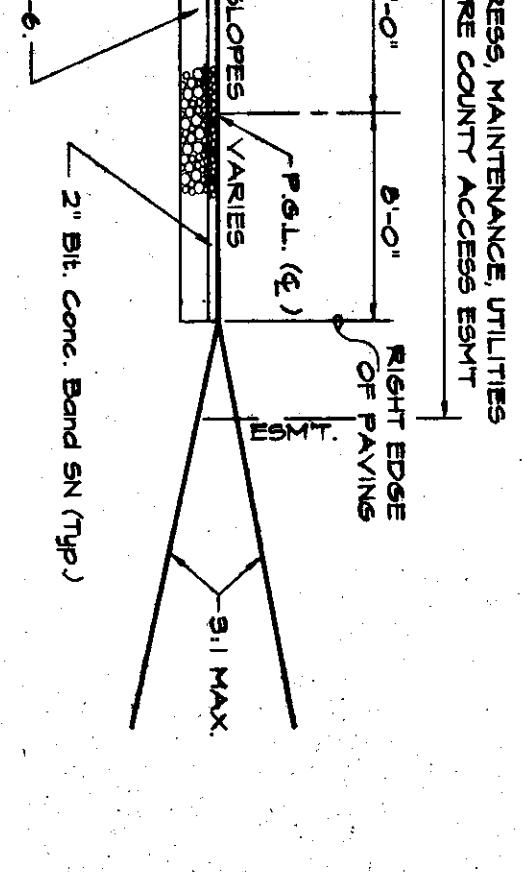
CLASS K HOMES WITH STREETS AND FACTORY BASEMENTS PARKING



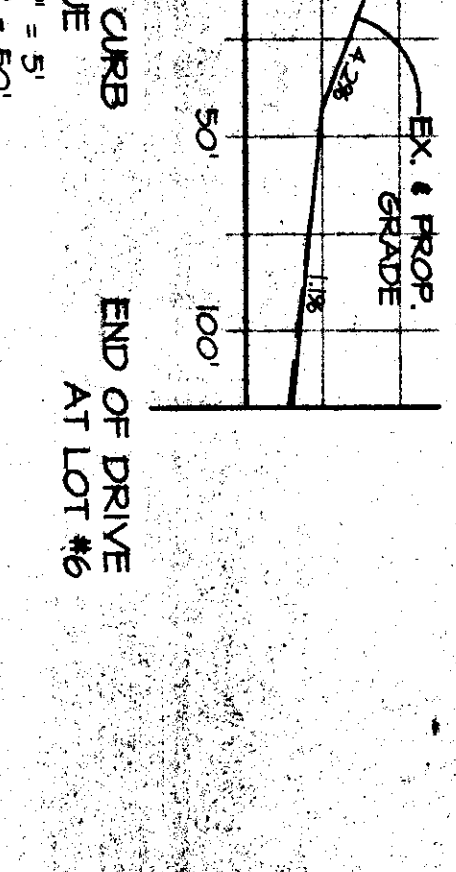
N.T.S.



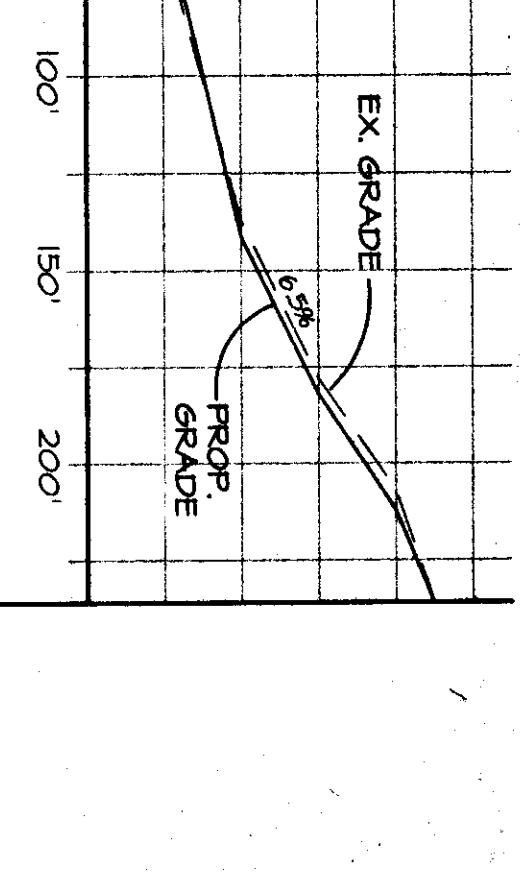
THURSDAY



2017



三



TANA

Total Projected Enrollment	Students Above or (Below) Capacity	# of Pupil as a Percentage of SRC
450	(14)	96.6%
1,121	(36)	97.3%
1,459	(76)	95.1%

STA

is "suitable" based on criteria pertinent of Public Works and the Environment and Resource Management.

STING

which allows compliance with the regulation change, the setback must be met. (DR Zones)

ATTACHED	
D 9, 9.5 B.5, C.2 f 16 Sones (Feed)	25
---	---
16 x 30 High 20 High 15 High 25 15	30
30	30

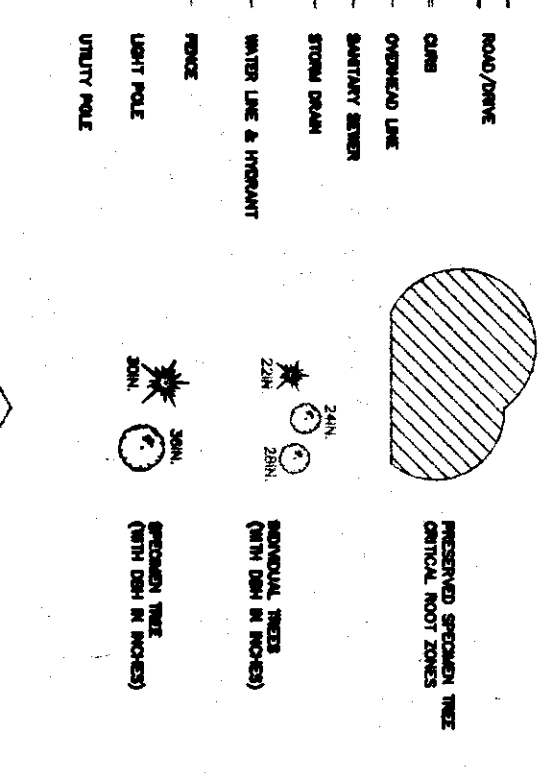
FICAT

UNDER OATH THAT THERE
IS NO OTHER DEVELOPMENT WITH
THE APPLICANT, A PERSON WITH A
DEVELOPMENT, OR A PERSON WHO
HAS ON BEHALF OF THE PROPOSED

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力

- THE COUNTY ZONING REGULATIONS REQUIRE A 25 FOOT FRONT YARD SETBACK FOR A 25 FOOT FRONT YARD DWELLING ON LOT #4.

1



DEVELOPMENT PLAN, SCHEMATIC LANDSCAPE PLAN
& PLAT TO ACCOMPANY ZONING PETITION

MARCELLA WOODS

01-039-A

2-A

Mr. Spiccioli, who is the president of the Fieldstone Community Group, submitted into evidence a letter dated October 9, 2000 which illustrates the concerns of his community. I shall give consideration to the points raised in Mr. Spiccioli's letter when imposing conditions and restrictions at the end of this Order.

The issues raised by the citizens in attendance were not sufficient to warrant that the Development Plan be denied. However, they do justify the imposition of conditions and restrictions on this approval.

As to the variance requested for Lot #9, I believe it is appropriate to grant that variance. The Petitioner, in an effort to save the very large mature trees located in that area, has positioned the house closer to Greens Lane than the average setback. I believe the positioning of the house is justified and the variance shall be granted. The remaining two variances involved the existing house located on Lot #1. Inasmuch as those variances are being requested for an existing condition, they too shall be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and their property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

ORDER RECOMMENDED FOR ENTRY
10/25/00
J. P. J. J. J.



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

August 21, 2000

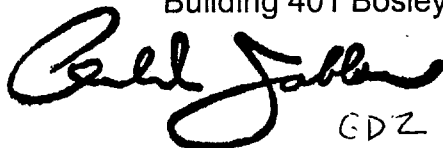
NOTICE OF ZONING HEARING

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: 01-039-A
9001 Marcella Avenue
SW/S Greens Lane, approximately 600 feet SE of centerline Liberty Road
2nd Election District – 2nd Councilman District
Legal Owner: Marcella Woods, LLC

Variance to permit a 22 foot front yard setback in lieu of the required 25 foot front yard setback for the existing single family dwelling on lot #1. Variance to permit a 14 foot side yard setback to a public street right-of-way (Greens Lane) in lieu of the required 15 foot side yard setback on Lot #1. Variance to permit a 25-foot front yard setback in lieu of the averaged or maximum 50 foot yard setback on lot #9.

HEARING: Tuesday, October 10, 2000 at 9:00 a.m. in Room 407, County Courts Building 401 Bosley Avenue, with Marcella Woods HOH.



GDZ

Arnold Jablon
Director

C: Whiteford, Taylor & Preston LLP, David K. Gildea, 210 W. Pennsylvania Ave.,
Towson 21204
Marcella Woods, LLC, Brian Chan, President, P. O. 626, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY .SEPTEMBER 22, 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.

