

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
W/S Magledt Road, 530' SW		
centerline of Goldenrod Lane	*	DEPUTY ZONING COMMISSIONER
11th Election District		
5th Councilmanic District	*	OF BALTIMORE COUNTY
(9730 Magledt Road)		
	*	CASE NO. 01-102-SPH
Calvin Watts, Legal Owner and		
Thomas Sperl, Contract Purchaser	*	
Petitioners		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Calvin Watts and the contract purchaser, Thomas Sperl. The special hearing request is for property located at 8730 Magledt Road. The property is zoned DR 3.5. The special hearing request is from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the Final Development Plan of Brittinay III, to enlarge the tract boundary and to add 3 additional lots.

Appearing at the hearing on behalf of the special hearing request were Tom Sperl, Joe Buchanan, Dwight Little, professional engineer who prepared the site plan of the property, and Howard Alderman, attorney at law, representing the Petitioner. Appearing in opposition to the Petitioners' request were Jane and Bill Thompson, nearby residents. A Mr. Tom Fidler, an interested party, did not attend the hearing, however, did telephone the office to request that an order be sent to him.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 9.1 acres, more or less, zoned DR 3.5. The subject property is improved with an existing one-story dwelling, wherein Mr. Calvin Watts has resided for many, many years. Mr. Watts' house and property are situated adjacent to a previously approved

ORDER RECEIVED FOR FILING

Date 11/13/00

By R. G. [Signature]

subdivision known as Brittinay III. Brittinay III is a small residential subdivision consisting of 21 single-family residential lots, most of which have homes existing on them. At this time, Mr. Watts is proposing to subdivide his property into a total of 3 lots, one of which will contain his existing home and 2 new lots. Submitted into evidence as Petitioners' Exhibit No. 1 was a site plan of the property showing Mr. Watts' existing residence and the 2 new lots to be created on the property. In order to proceed with the subdivision of Mr. Watts' property and the inclusion of these lots into the development known as "Brittinay III", the special hearing request is necessary.

Mr. Sperl, who attended the hearing, developed the subject property known as "Brittinay III". He resides at 9714 Magledt Road and has been a long time neighbor of Mr. Watts, the Co-Petitioner herein. Mr. Watts has approached Mr. Sperl to assist him in the subdivision of his property and to purchase the lots once they are created. Mr. Sperl intends to construct homes on the property similar to and in keeping with the other homes within this subdivision.

As stated previously, two residents appeared in opposition to the Petitioners' request. Jane and Bill Thompson reside at 9733 Magledt Road. The Thompsons are concerned over the many mature trees that exist on Mr. Watts' property and are requesting that those trees be preserved to the extent possible. They are also concerned about this particular developer continuing to add lots to this existing subdivision. However, upon reviewing the site plan submitted, there appears to be no other property that has any potential for additional lots. Therefore, this should be the last available acreage that can be added to this subdivision. After considering the testimony and evidence offered at the hearing, I find that the Petitioners' request for special hearing should be granted.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

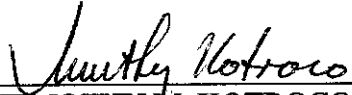
In consideration of the concerns raised by the Thompsons who attended the hearing, I shall impose conditions and restrictions upon the Petitioners in an effort to preserve and protect the existing mature trees that are located in the rear yard of Mr. Watts' property.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of November, 2000, that the Petitioners' Request for Special Hearing from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the Final Development Plan of Brittinay III, to enlarge the tract boundary and to add 3 additional lots, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall be required to preserve and protect, to the extent possible, all existing mature trees located in the area where the proposed houses for Lots 22 and 23 are to be constructed. Only those trees necessary for the construction of the two proposed homes shall be permitted to be removed and any trees necessary for the installation of a driveway to service those homes. All other trees must be preserved and protected.

ORDINANCE NO. 10-11-00
DATE 11/13/00
BY R. J. Gannon

3. The Petitioners shall be required to install a 6 ft. privacy fence and appropriate evergreen screening between the borders of Lots 23 and 24, as shown on the site plan submitted.
4. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 11/13/00
By R. Johnson



Baltimore County
Zoning Commissioner

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

November 14, 2000

Howard Alderman, Esquire
Levin & Gann
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No 01-102-SPH
Property: 9730 Magledt Road

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Hearing has 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 and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Census 2000

For You, For Baltimore County

Census 2000



Printed with Soybean Ink
on Recycled Paper

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

Copies to:

Mr. Calvin Watts
9730 Magledt Road
Baltimore, MD 21236

Mr. Thomas Sperl
4208 Ebenezer Road
Baltimore, MD 21234

Mr. Dwight Little
W. Duvall & Associates, Inc.
530 E. Joppa Road
Towson, MD 21286

Mr. & Mrs. Bill Thompson
9733 Magledt Road
Baltimore, MD 21234

Mr. Tom Fidler
9631 Hickoryhurst Drive
Baltimore, MD 21236

Mr. Joe Buchanan
9712 Magledt Road
Baltimore, MD 21234



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9730 Magledt Road
which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

The Fourth Amended Final Development Plan "Brittinay III" TO
ENLARGE THE TRACT BOUNDARY AND ADD
3 ADDITIONAL LOTS (LOTS 22, 23, 24)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Thomas Sperl
Name - Type or Print
Signature
4208 Ebenezer Road 410-256-1000
Address Telephone No.
Baltimore, MD 21234
City State Zip Code

Attorney For Petitioner:

Name - Type or Print
Signature
Company
Address Telephone No.
State Zip Code

Legal Owner(s):

Calvin Watts
Name - Type or Print
Signature
Name - Type or Print
Signature

9730 Magledt Road
Address Telephone No.
Baltimore, MD 21236
City State Zip Code

Representative to be Contacted:

Chuck E. Merritt
W. Duvall & Associates, Inc.
Name
530 E. Joppa Road 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 JRF Date 9-1-00

REV 9/15/98

ORDER RECEIVED FOR FILING

DATE 11/13/00

Case No. 01-102 SPH

W. DUVALL & ASSOCIATES, INC.

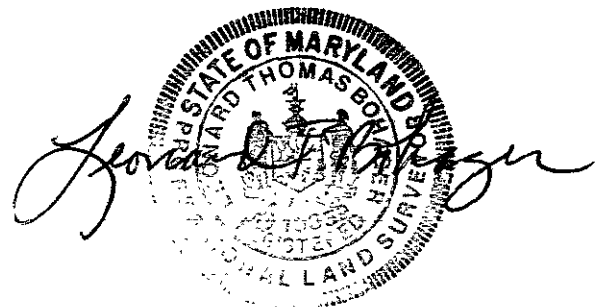
Engineers • Surveyors • Land Planners

530 East Joppa Road
Towson, Maryland 21286Telephone: (410) 583-9571
Fax: (410) 583-1513

August 28, 2000

**ZONING DESCRIPTION FOR
BRITINAY III AND 9730 MAGLEDT ROAD**

Beginning at a point in the center of Magledt Road, 60 feet wide, at the distance of 530 feet southwesterly from the centerline of the nearest improved intersecting street, Goldenrod Lane, which is 50 feet wide; thence North 10 degrees 52 minutes 10 seconds West 466.27 feet; thence North 01 degrees 47 minutes 58 seconds East 409.40 feet; thence South 89 degrees 40 minutes 02 seconds East 430.47 feet; thence South 53 degrees 46 minutes 10 seconds East 349.81 feet; thence South 34 degrees 57 minutes 26 seconds West 100.78 feet; thence North 55 degrees 02 minutes 34 seconds West 24.03 feet; thence South 35 degrees 53 minutes 46 seconds West 62.00 feet; thence South 83 degrees 08 minutes 23 seconds West 12.82; thence South 33 degrees 11 minutes 34 seconds East 37.15 feet; thence South 35 degrees 02 minutes 33 seconds West 313.46 feet; thence South 51 degrees 44 minutes 30 seconds West 131.98 feet; thence South 55 degrees 16 minutes 35 seconds West 33.03 feet; thence South 55 degrees 02 minutes 15 seconds West 100.20 feet; thence South 56 degrees 30 minutes 58 seconds West 166.02 feet to the place of beginning. Being known as the subdivision of Britinay III as recorded in Baltimore County Plat Book #61 folio 11 and 9730 Magledt Road as recorded in Deed Liber 5841 folio 696 and containing a combined 9.24 acres of land, more or less, and located in the 11th Election District.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 05295

DATE 9-1-00 ACCOUNT B-201-0150

AMOUNT \$ 150.00

RECEIVED FROM: WATTS

9730 Magistat for. ITEM# 102

FOR: 502 Taken by J. J. PE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	ACTUAL	TIME
9/01/2000	9/01/2000	10:17:25
PO# 4803	CASHIER LINDA L. W. DRAVER	
Dest	5 50 JONING VERIFICATION	
Receipt #	150469	OFFM
CH MO.	005295	
Receipt Tot	150.00	
150.00 OK		00 OK
Baltimore County, Maryland		

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: #01-102-SPH
9730 Magletoad Road
W/S Magletoad Road, 530 feet
SW of centerline Goldenrod
Lane

11th Election District
5th Councilmanic District
Legal Owner: Calvin Watts
Contract Purchaser:
Thomas Spert

Special Hearing: to ap-
prove the Fourth Amended
Final Development Plan of
Brittney III.

Hearing: Friday, October
13, 2000 at 10:00 a.m. in
Room 108, Baltimore
County Building, 111 West
Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

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

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

JT/9/97 Sept. 26 C422345

CERTIFICATE OF PUBLICATION

TOWSON, MD,

9/28/2000

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 9/26/2000.

THE JEFFERSONIAN,
J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

**RE: CASE # 01-102-SPH
PETITIONER/DEVELOPER
(Thomas Sperl)
DATE OF Hearing
(10-13-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

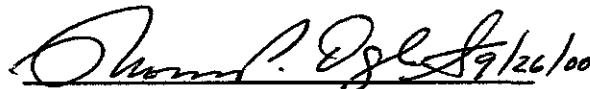
LADIES AND GENTLEMEN:

**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**

9730 Magledt Road Baltimore, Maryland 21236_____

THE SIGN(S) WERE POSTED ON_____ 9-26-00_____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____**THOMAS P. OGLE SR.**_____

_____**325 NICHOLSON ROAD**_____

_____**BALTIMORE, MARYLAND 21221**_____

_____**410-687-8405**_____

(TELEPHONE NUMBER)

RE: PETITION FOR SPECIAL HEARING
9730 Magledt Road, W/S Magledt Rd,
530' SW of c/l Goldenrod Ln
11th Election District, 5th Councilmanic

Legal Owner: Calvin Watts
Contract Purchaser: Thomas Sperl
Petitioner(s)

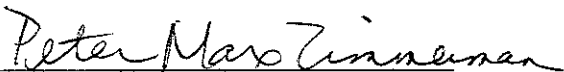
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. ~~01-102-SPH~~

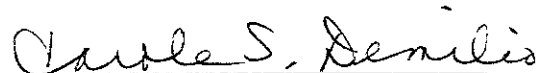
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 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



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

September 8, 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: 01-102-SPH
9730 Magledt Road
W/S Magledt Road, 530 feet SW of centerline Goldenrod Lane
11th Election District – 5th Councilmanic District
Legal Owner: Calvin Watts
Contract Purchaser: Thomas Sperl

Special Hearing to approve the Fourth Amended Final Development Plan of Brittinay III.

HEARING: Friday, October 13, 2000, at 10:00 a.m. in Room 106, Baltimore County



GJZ

Arnold Jablon
Director

C: Calvin Watts, 9730 Magledt Road, Baltimore 21236
Chuck E. Merritt, W. Duvall & Associates, Inc., 530 E. Joppa Rd., Towson 21286
Thomas Sperl, 4208 Ebenezer Road, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY: SEPTEMBER 27, 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, September 26, 2000 Issue – Jeffersonian

Please forward billing to:
Thomas Sperl
4208 Ebenezer Road
Baltimore, MD 21234

410 256-1000

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: 01-102-SPH
9730 Magledt Road
W/S Magledt Road, 530 feet SW of centerline Goldenrod Lane
11th Election District – 5th Councilmanic District
Legal Owner: Calvin Watts
Contract Purchaser: Thomas Sperl

Special Hearing to approve the Fourth Amended Final Development Plan of Brittinay III.

HEARING: Friday, October 13, 2000, at 10:00 a.m. in Room 106, Baltimore County


Lawrence E. Schmidt
672

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 01-102 SPH

Petitioner: THOMAS SPERL

Address or Location: 9730 MAGLEDT ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: THOMAS SPERL

Address: 4208 EBENEZER ROAD

BALTO MD 21234

Telephone Number: 410 256-1000



Baltimore County
Department of Permits and
Development Management

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

October 6, 2000

Chuck E. Merritt
W. Duvall & Associates, Inc.
530 E. Joppa road
Towson, MD 21286

Dear Mr. Merritt:

RE: Case Number: 01-102-A, 9730 Magledt Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 1, 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. Gdz
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Calvin Watts, 9730 Magledt Road, Baltimore 21236
Thomas Sperl, 4208 Ebenezer Road, Baltimore 21234
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** October 6, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For September 18, 2000
Item No. 102

The Bureau of Development Plans Review has reviewed the subject zoning item. If this Fourth Amended Development Plan is approved, a plat must be submitted for recordation in accordance with the plan.

It shall be the responsibility of the developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

RWB:HJO:jrb

cc: File



September 19, 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 September 11, 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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS REGARDING THE FOLLOWING:

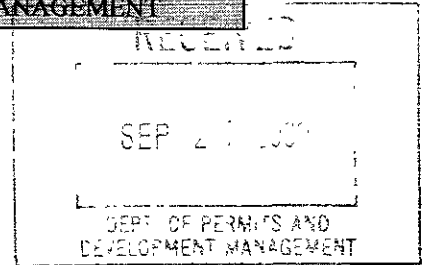
ITEM #'S 070, 071, 072, 073, 074, 075, 079, 080, 081, 082, 083,
084, 085, 086, 087, 088, 089, 092, 093, 094, 095, 097,
098, 099, 100, 101, 102, 103, AND 104

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 *MS*

DATE: September 19, 2000

SUBJECT: Zoning Item #102
9730 Magledt Road

Zoning Advisory Committee Meeting of September 11, 2000

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- X Development of this property may need to comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Reviewer: Glenn Shaffer

Date: September 19, 2000

gk
10/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 19, 2000

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

SUBJECT: 9730 Magledt Road

INFORMATION:

Item Number: 01-102

Petitioner: Calvin Watts

Zoning: DR 3.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the proposed amendment to the Final Development Plan of Brittinay III. Planning staff has determined that the relationship between lots 23 and 24 could result in future conflicts between both lots due to the fact that the existing garage on lot 24 will be in the immediate rear yard of any dwelling built on lot 23.

Planning staff has also determined that the relationship between lot 19 and 22 could also become problematic. Furthermore, the configuration of lot 22 is inconsistent with the development pattern currently existing along Brooking Court.

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: 10.2.00

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

RE: Baltimore County
Item No. 102 JRF

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,

/s/ 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

Revised 4/17/00

Case Number _____

PLEASE PRINT LEGIBLY

CITIZEN'S SIGN-IN SHEET

[illegible]

Case Number _____

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

[illegible]

Calvin Watts
9730 Magledt Road
Baltimore, Md. 21234

October 13, 2000

Baltimore County, Md.
Hearing Officer

RE: 9730 Magledt Road

To Whom It May Concern,

I have been a resident of Baltimore County, Md., all of my life, and having lived at 9730 Magledt Road for over thirty years. I am requesting Baltimore County approval of the subdivision of my property. I find that as I plan my retirement, the possibility exists in the future that I may choose to reside in a retirement community, such as OakCrest Village.

The subdivision of my property will provide funding, combined with my retirement, to make this transition as smooth as possible. I realize that a privacy fence and screening will be necessary, however, it is a welcome trade-off to the one acre of additional lawn that I no longer will have to maintain.

I apologize for not being here in person, however, I have a prior doctor's appointment with a test which has been scheduled for several months.

Your cooperation in this approval would be greatly appreciated, as this would make the future which all senior citizens await become a reality.

Pet Ex #2

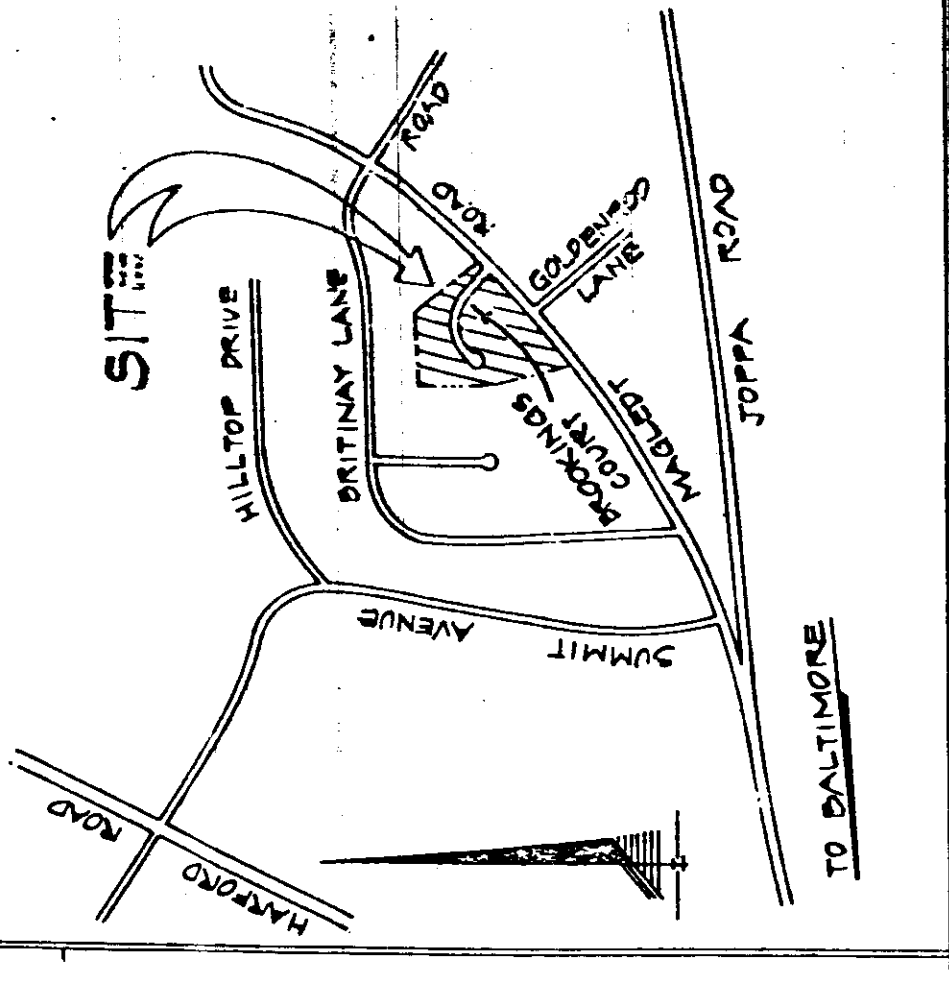
Sincerely,

Calvin Watts

Calvin H. Watts

ADDITIONAL GENERAL NOTES :

- UNDERGROUND FUEL TANKS LOCATED ON LOTS 2 AND 3 HAVE BEEN REMOVED.
- PLAN OF BRITAIN III APPROVED BY COUNTY REVIEW GROUP ON JULY 23, 1987.
- TREES WITHIN THE 35 FT. SETBACK LINE AROUND THE SITE WILL BE RETAINED WHERE POSSIBLE.
- STORM WATER MANAGEMENT FOR THIS SITE IS INCLUDED IN DESIGN OF FACILITY LOCATED WITHIN BRITAIN II.
- SITE AREA : GROSS AREA = 9.1 ACRES ± (INCLUDES 30 OF MAGLETT RD.)
NET AREA = 7.1 ACRES ±
- LOCAL OPEN SPACE : REQUIRED = 650 ± PER LOT (24 LOTS) (G50 R) = 15,600 ±
PROPOSED = 17,068.5 ± = 0.41 ACRES ±
- PARKING : REQUIRED = 2 SPACES PER LOT (24 LOTS) (A2) = 48 SPACES
PROPOSED = 4 SPACES
- DENSITY CALCULATIONS : ALLOWED : 8.9 AC. ZONED OR 3.5 (8.9) (A2.5) = 31.2 UNITS
0.2 AC. ZONED OR 5.5 (0.2) (A2.5) = 1.1 UNITS
32.5 DWELLING UNITS ALLOWED
PROPOSED : 21 LOTS FOR SALE
LOTS 2, 3 & 24 ARE EXISTING
- CONCILIANT DISTRICT #6
- CENSUS TRACT 4114.04
- WATERSHED 4, SUBWATERSHED 10
- THERE ARE NO KNOWN WETLANDS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIAL SITES ON SITE.
- OPEN SPACE TO BE MAINTAINED BY BALTIMORE COUNTY.
ACCESS VIA BRITAIN II.
- TRASH COLLECTION TO BE BY BALTIMORE COUNTY.
- SIDEWALKS ARE REQUIRED ADJACENT TO PUBLIC ROADS SERVING THIS SITE. THE WALKS SHALL BE 4 FT. WIDE AND SHALL BE INSTALLED TO CONFORM WITH BALTIMORE COUNTY STANDARDS, WHICH PLACES THE BACK EDGE OF THE SIDEWALK 2 FT. OFF THE PROPERTY LINE, OR THE ADJACENT UNENCUMBERED AREA.
- NO CLEANING, GRADING OR CONSTRUCTION IN STREAM BUFFER AREA WITHOUT APPROVAL OF DEPRM.



LOCATION PLAN

SCALE : 1" = 100'

NON-MATERIAL CHANGE:
(8-27-91) A REMOVE STORM-
DRAIN FROM LOT 24 AND LOTS 6, 7
OWNER/DEVELOPER
RYAN OPERATIONS

GENERAL NOTES :

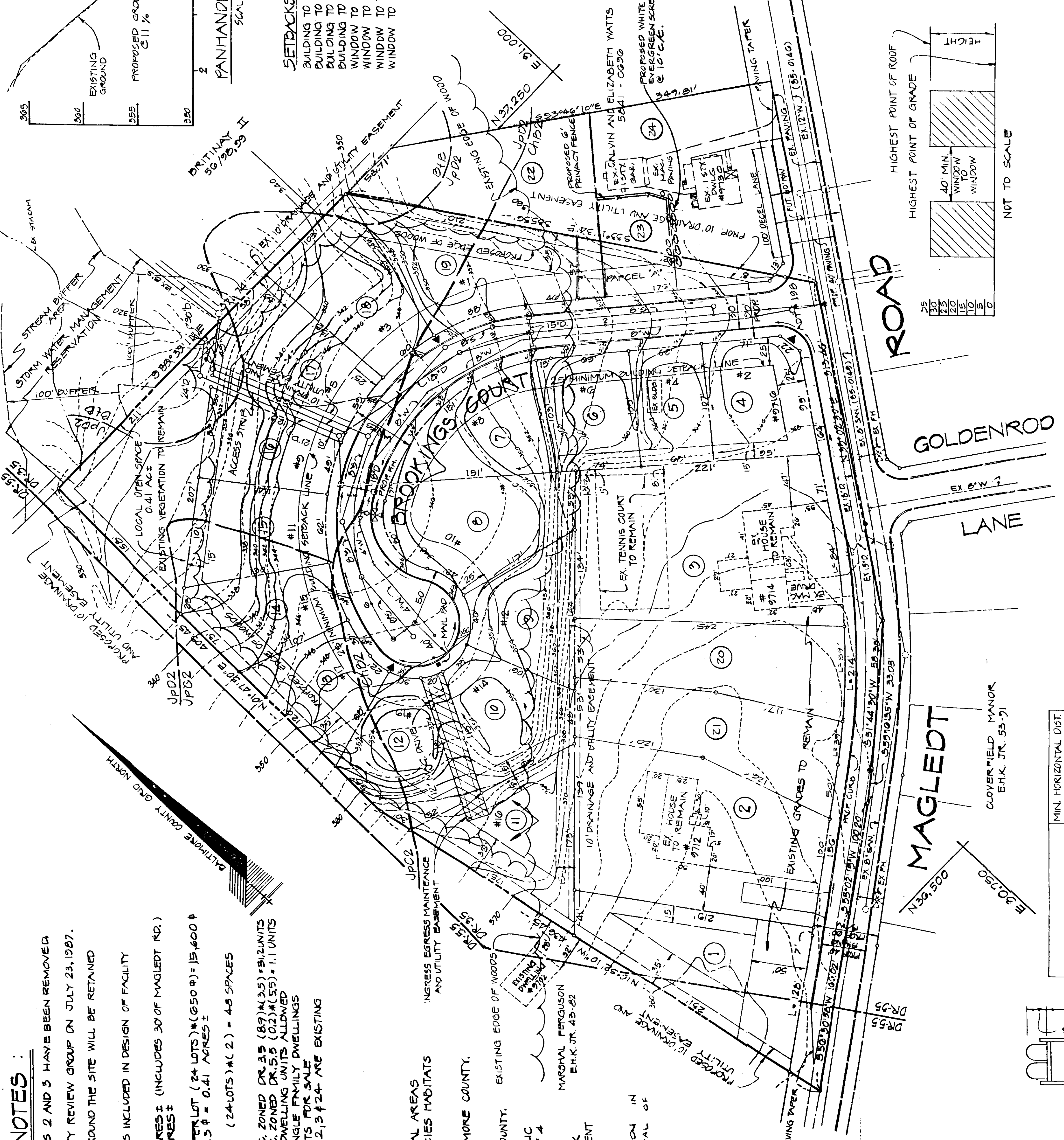
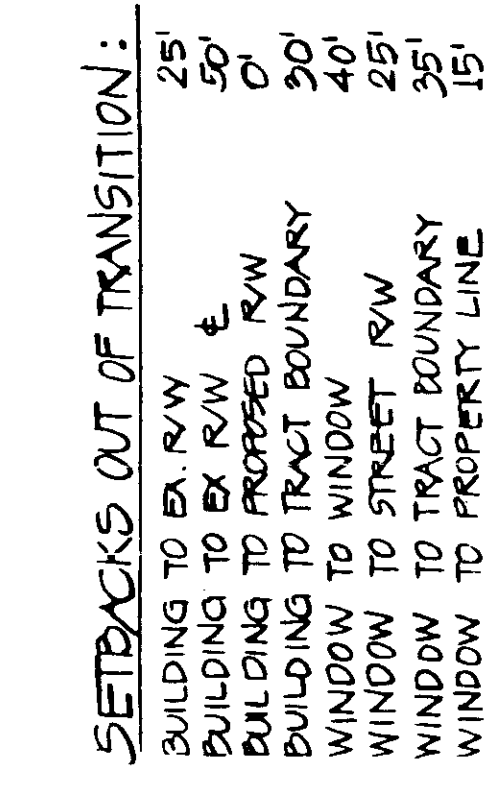
- ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES AND PROTECTIVE INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 402 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATION (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.)
- ACCESSORY STRUCTURES, FENCES AND PROTECTIVE INTO YARD CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
- THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF FOR BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS, THAT IT CONFORMS WITH PRESENT POLICY, DENSITY AND BUILDING CONTROLS AS THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OR PARTS OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN THEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A DWELLING CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.
- THE EXACT LOCATION OF CURBWAYS FOR DRIVEWAYS OR PARKING PAD-ENTRANCES IS TO BE DETERMINED BY OWNER WHEN EXACT BUILDING MODELS BECOME AVAILABLE BUT PRIOR TO INSTALLATION OF STREET CURBS.
- IF DRAINAGE, UTILITY AND WALKWAY EASEMENTS ARE FENCED, THEY AT LEAST 5 FEET MUST REMAIN OPEN FOR PEDESTRIAN ACCESS.
- THIS DEVELOPMENT PLAN COMPLIES WITH THE CRG PLAN AN ALL CRG COMMENTS.
- A DENOTES STREET LIGHT STANDARD.
- PRIVATE PARKING AREAS DRIVEWAYS AND PARKING DRIVES SHALL BE PAVED ACCORDANCE WITH THE PROVISIONS OF SECTION 1A.2.2 OF THE C.M.R.P. OR ZONING POLICY B.M.11 (DURABLE DUSTLESS BITUMINOUS CONC., MAGADANT OR PORTLAND CEMENT CONC.)
- AVERAGE DAILY TRIPS = (24 LOTS) * (10.4) = 250 A/D
- EXISTING WELLS AND SEPTIC AREAS WILL BE BACKFILLED AND ABANDONED IN ACCORDANCE WITH BALTIMORE COUNTY HEALTH DEPARTMENT REGULATIONS.
- EXISTING BUILDINGS ON LOTS 2, 3 & 24 TO REMAIN. EXISTING SHED ON LOT 5 TO BE RAZED.
- THERE ARE NO HISTORIC BUILDINGS ON THIS SITE.

SETBACKS OUT OF TRANSITION:

BUILDING TO EX. R/W	25'
BUILDING TO EX. R/W	50'
BUILDING TO PROPOSED R/W	0'
BUILDING TO TRACT BOUNDARY	30'
WINDOW TO WINDOW	25'
WINDOW TO STREET R/W	25'
WINDOW TO TRACT BOUNDARY	35'
WINDOW TO PROPERTY LINE	15'

PANHANDLE PROFILE LOT II

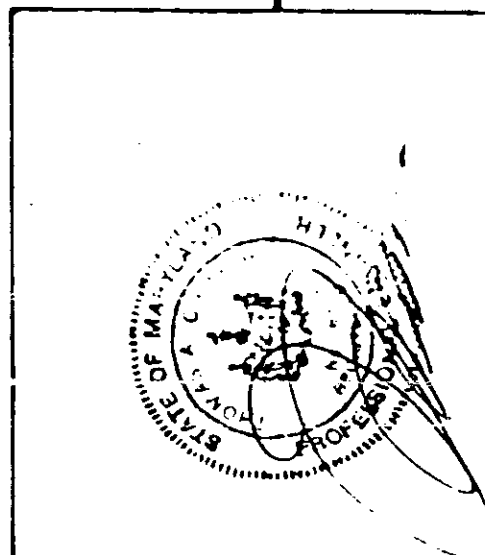
SCALE : HOR. : 1" = 50'
VERT. : 1" = 5'



REASON FOR FIRST AMENDMENT : 3/31/82
CREATE WIDER LOTS BY REDUCING TOTAL NUMBER OF LOTS FROM 22 LOTS TO 19 LOTS.
ADJUST GRADES AND UTILITIES FOR NEW LOTS.

NOTE :

NO LOTS HAVE BEEN SOLD WITHIN 300' OF THESE REVISIONS.
NON-MATERIAL CHANGE
RYAN OPERATIONS
(8-24-91) - REMOVED STORM-
DRAIN BETWEEN LOTS 6 & 8 AND
LOTS 6 & 7



FINAL DEVELOPMENT PLAN

BRITAIN III

ELECTION DISTRICT NO. II BALTIMORE COUNTY MARYLAND

OWNER / DEVELOPER:
RYAN OPERATIONS
20251 CENTURY PLVD.
GERRYTOWN, MD 20874 (301) 461-0744

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
BALTIMORE 6603 YORK ROAD (301) 577-2600 MARYLAND

REASON FOR FOURTH AMENDMENT (8-22-00)
ADD THE ADJACENT PROPERTY TO THE TRACT AND CREATE TWO NEW LOTS.

HEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of April, 2000, that the Petitioner's Request for Special Hearing from Section 500.7 of the Baltimore County Zoning Regulations, to amend the 3rd Amended Final Development Plan for the re-subdivision of Lots 2 and 3 to create two additional lots, be and is hereby GRANTED.
IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.

REASON FOR THIRD AMENDMENT (2-2-00)
1. ADD LOTS 20 AND 21 TO DEVELOPMENT,
BY RESUBDIVIDING LOTS 2 & 3.
2. THIS REFINEMENT WAS APPROVED BY THE DRC ON JAN. 31, 2000. (DRC #013100M)

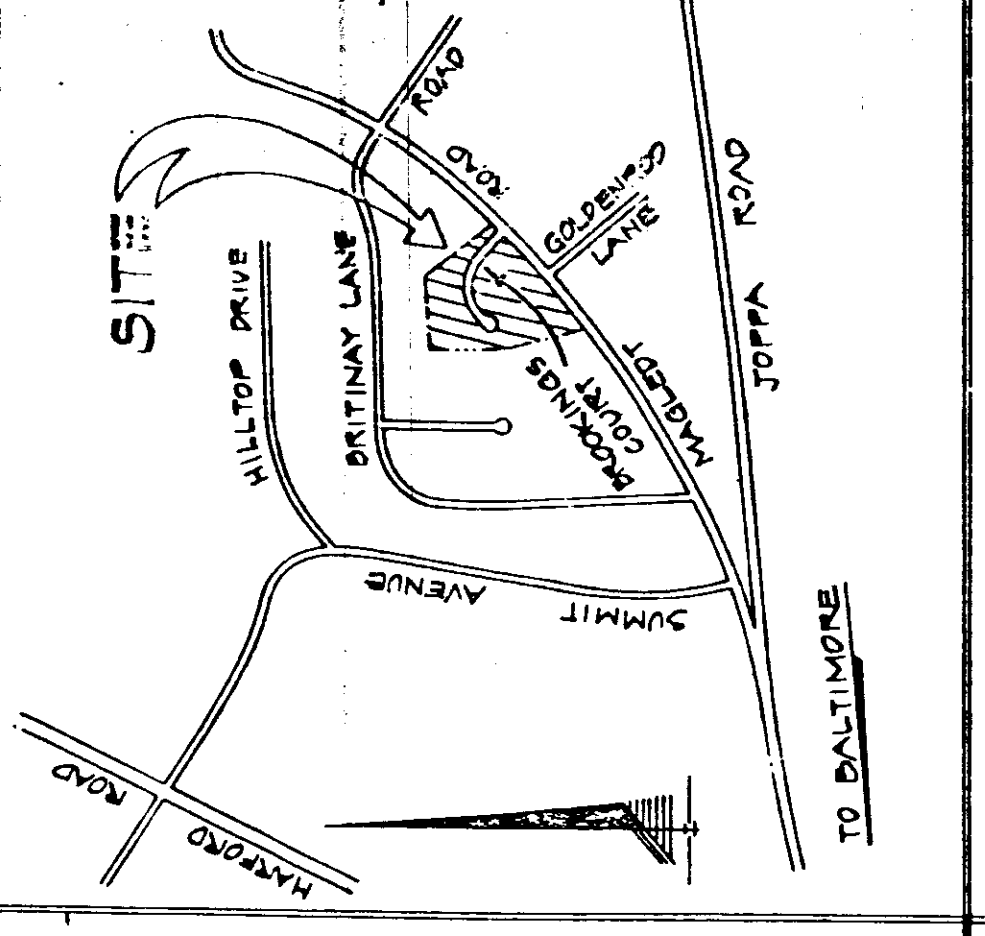
FOR THE REVISED CRG AND THIRD AMENDED FINAL DEVELOPMENT PLAN, THE PETITIONER REQUESTS THAT THE BOARD OF ZONING APPEALS (BZA) APPROVE THE REVISED CRG AND THIRD AMENDED FINAL DEVELOPMENT PLAN IN CASE # 00-367-5PH

W. DUVAL & ASSOCIATES, INC.
1000 EAST JEFFERSON AVE.
BALTIMORE, MD 21201
TEL: (410) 341-4811
FAX: (410) 341-1515

Deputy Zoning Commissioner
FOR BALTIMORE COUNTY

ADDITIONAL GENERAL NOTES :

- 15) UNDERGROUND FUEL TANKS LOCATED ON LOTS 2 AND 3 HAVE BEEN REMOVED.
- 16) PLAN OF BRITAIN III APPROVED BY COUNTY REVIEW GROUP ON JULY 23, 1987.
- 17) TREES WITHIN THE 35 FT. SETBACK LINE AROUND THE SITE WILL BE RETAINED WHERE POSSIBLE.
- 18) STORM WATER MANAGEMENT FOR THIS SITE IS INCLUDED IN DESIGN OF FACILITY LOCATED WITHIN BRITAIN III.
- 19) SITE AREA : GROSS AREA = 7.1 ACRES ± (INCLUDES 30' OF MAGLETT RD.)
NET AREA = 7.1 ACRES ±
- 20) LOCAL OPEN SPACE : REQUIRED = 650 SF PER LOT (24 LOTS) * (650 SF) = 15,600 SF
PROPOSED = 17,068.5 SF = 0.41 ACRES ±
- 21) PARKING : REQUIRED = 2 SPACES PER LOT (24 LOTS) * (2) = 48 SPACES
PROPOSED = 4 SPACES
- 22) DENSITY CALCULATIONS : ALLOWED : 8.9 AC ZONED OR 3.5 (8.9) * (3.5) = 31.2 UNITS
2.5 AC ZONED OR 5.5 (2.5) * (5.5) = 13.8 UNITS
32.5 DENSITY UNITS ALLOWED
PROPOSED : 21 SINGLE FAMILY DWELLINGS
24 LOTS FOR SALE
LOTS 2, 3, 4, 24 ARE EXISTING
- 23) CONCLIMATIC DISTRICT #6
- 24) CENSUS TRACT 4114.04
- 25) WATERSHED 4, SUBWATERSHED 10
- 26) THERE ARE NO KNOWN WETLANDS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIAL SITES ON SITE.
- 27) OPEN SPACE TO BE MAINTAINED BY BALTIMORE COUNTY.
ACCESS VIA BRITAIN III.
- 28) TRASH COLLECTION TO BE BY BALTIMORE COUNTY.
- 29) SIDEWALKS ARE REQUIRED ADJACENT TO PUBLIC ROADS SERVING THIS SITE. THE WALKS SHALL BE 4 FT. WIDE AND SHALL BE INSTALLED TO CONFORM WITH BALTIMORE COUNTY STANDARDS, WHICH PLACES THE BACK EDGE OF THE SIDEWALK 2 FT. OFF THE PROPERTY LINE, OR THE ADJACENT UNENCUMBERED AREA.
- 30) NO GRADING, GRADING OR CONSTRUCTION IN STREAM BUFFER AREA WITHOUT APPROVAL OF DEPRM.



LOCATION PLAN
SCALE : 1" = 1000'

NON-MATERIAL CHANGE:
(8-27-91) 3) REMOVE STORM DRAIN FROM BETWEEN LOTS 2, 3, 4 AND LOTS 6, 7
OWNER/DEVELOPER:
RYAN OPERATIONS

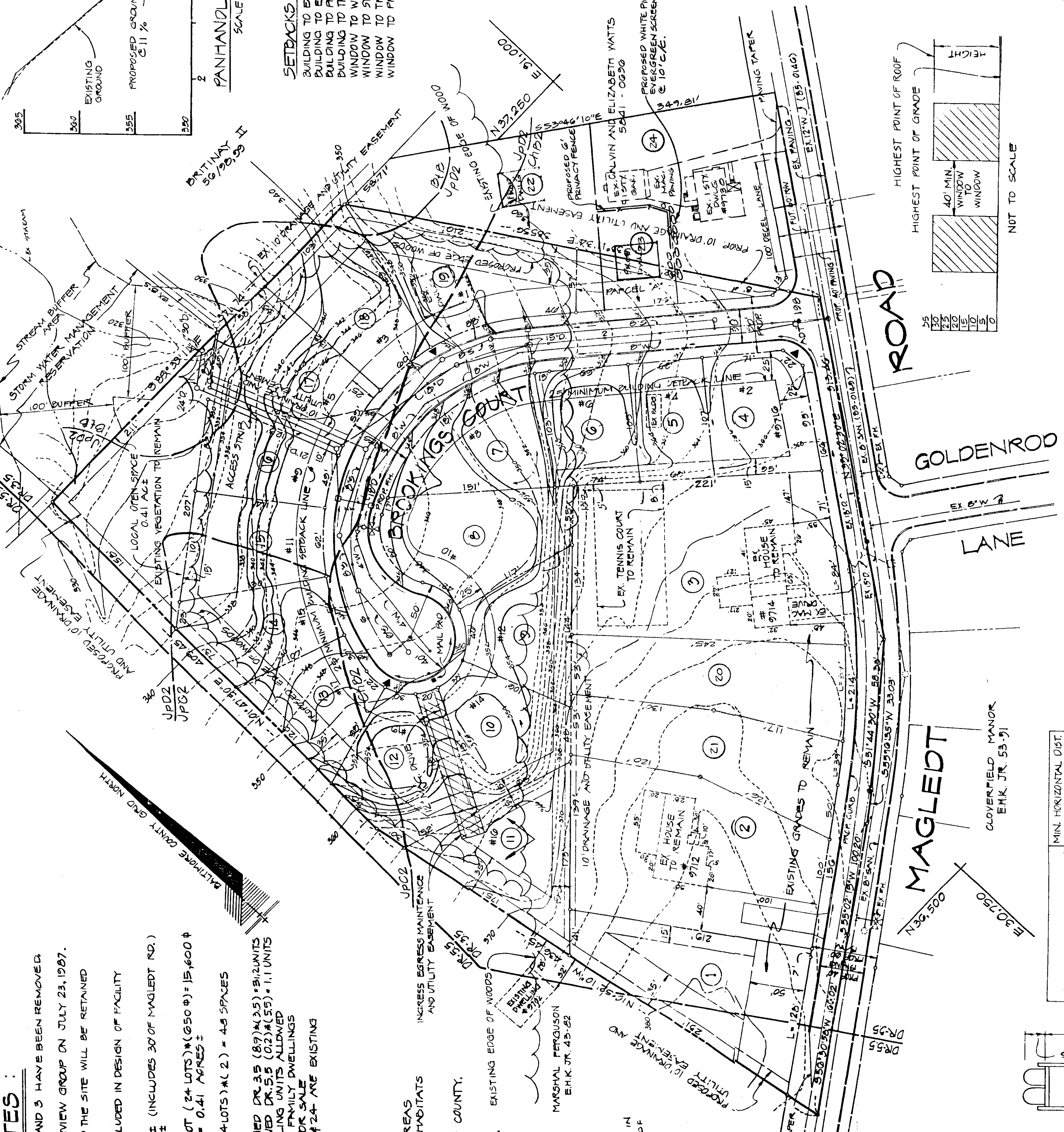
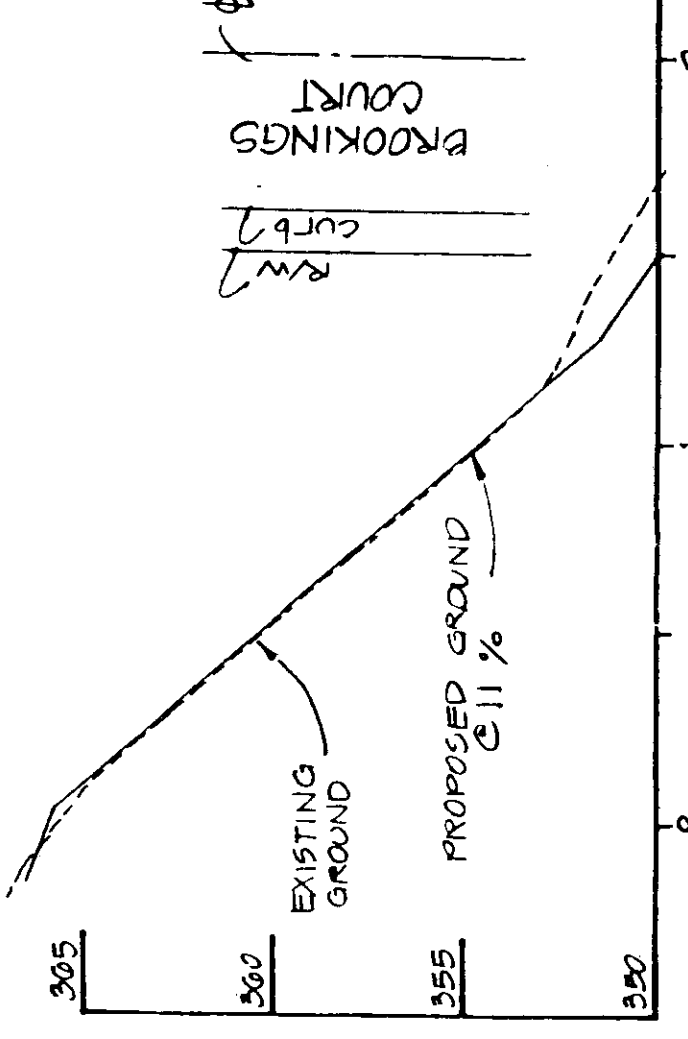
GENERAL NOTES :

- 1) ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES AND PROTECTIONS WITHIN TACKS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT COMPANY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATION (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.)
- 2) ACCESSORY STRUCTURES, FENCES AND PROTECTIONS INTO YARD CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDROIC SOILS.
- 3) THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF FOM BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS, THAT IT COMPLES WITH PRESENT POLICY, DENSITY AND BULK CONTROLS AS THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OR PARCEL OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN THEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A DWELLING IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.
- 4) THE EXACT LOCATION OF CURB CUTS FOR DRIVEWAYS OR PARKING TAG ENTRANCES IS TO BE DETERMINED BY OWNER WHEN EXACT BUILDING MODELS BECOME AVAILABLE BUT PRIOR TO INSTALLATION OF STREET CURBS.
- 5) IF DRAINAGE, UTILITY AND WALKWAY EASEMENTS ARE FENCED THAN AT LEAST 5 FEET MUST REMAIN OPEN FOR PEDESTRIAN ACCESS.
- 6) THIS DEVELOPMENT PLAN COMPLIES WITH THE ORS PLAN AN ALL ORS COMMENTS.
- 7) A LANDSCAPE PLAN MUST BE APPROVED BY THE OFFICE OF PLANNING PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- 8) A DENSITIES STREET LIGHT STANDARD.
- 9) PRIVATE PARKING AREAS DRIVEWAYS AND HANDRAILS DRIVES SHALL BE PAVED ACCORDANCE WITH THE PROVISIONS OF SECTION 12.1.2 OF THE CHMCP OR ZONING POLICY B.M.I.I. (DURABLE DUSTLESS BITUMINOUS CONC., MAGADMT OR PORTLAND CEMENT CONC.)
10. AVERAGE DAILY TRIPS - (24 LOTS) * (10.4) = 250 ADT
- 11) EXISTING WELLS AND SEPTIC AREAS WILL BE BACKFILLED AND ABANDONED IN ACCORDANCE WITH BALTIMORE COUNTY HEALTH DEPARTMENT REGULATIONS.
- 12) EXISTING BUILDINGS ON LOTS 2, 3, 4, 24 TO REMAIN, EXISTING SHED ON LOT 5 TO BE RAZED.
- 13) THERE ARE NO HISTORIC BUILDINGS ON THIS SITE.

SETBACKS OUT OF TRANSITION:

- BUILDING TO EX. R/W 25'
BUILDING TO EX. R/W 50'
BUILDING TO PROPOSED R/W 30'
BUILDING TO TRACT BOUNDARY 40'
WINDOW TO WINDOW 25'
WINDOW TO STREET R/W 25'
WINDOW TO TRACT BOUNDARY 35'
WINDOW TO PROPERTY LINE 15'

PANHANDLE PROFILE LOT II
SCALE : HOR. 1" = 50'
VERT. 1" = 5'



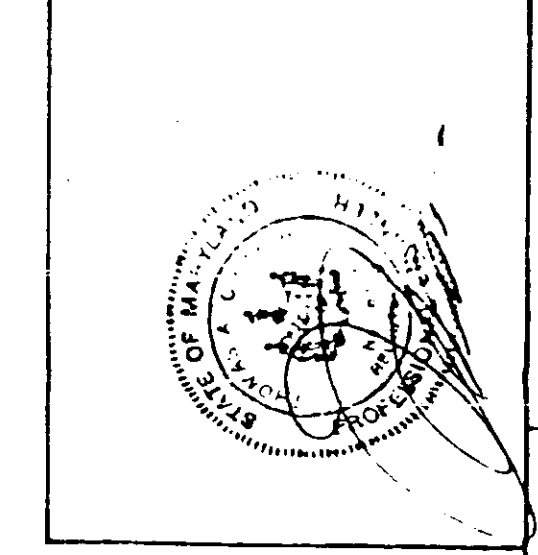
REASON FOR FIRST AMENDMENT : 3/2/1/82
CREATE WIDER LOTS BY REDUCING TOTAL NUMBER OF LOTS FROM 22 LOTS TO 19 LOTS.
ADJUST GRADES AND UTILITIES FOR NEW LOTS.

NOTE :
NO LOTS HAVE BEEN SOLD WITHIN 300' OF THESE REVISIONS.

NON-MATERIAL CHANGE
REASON FOR SECOND AMENDMENT :
DRAIN BETWEEN LOTS 6 & 8 AND LOTS 6 & 7

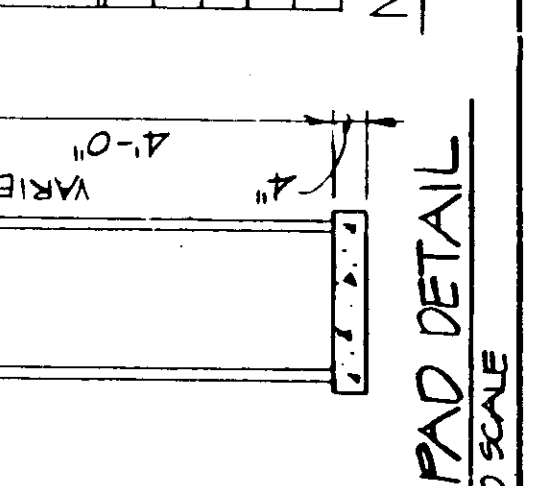
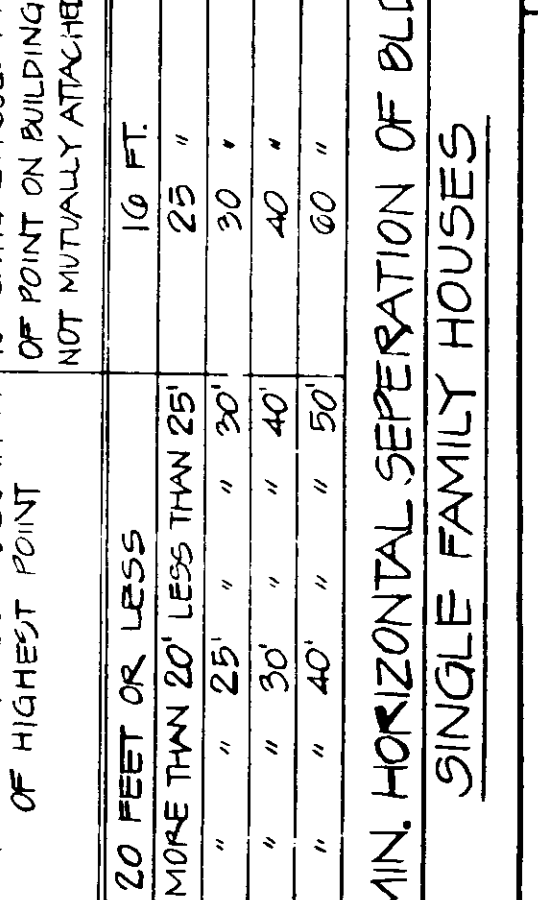
REASON FOR FOURTH AMENDMENT (8-22-00)
ADD THE ADJACENT PROPERTY TO THE TRACT AND CREATE TWO NEW LOTS.

REASON FOR THIRD AMENDMENT (2-2-00)
1. ADD LOTS 20 AND 21 TO DEVELOPMENT,
BY RESUBDIVIDING LOTS 2 & 3.
2. THIS REFINEMENT WAS APPROVED BY THE DRC ON JAN. 31, 2000. (DRC #013100M)



MIN. HORIZONTAL SEPERATION OF BLDG.
SINGLE FAMILY HOUSES

ABOVE GRADE ELEVATION OF HIGHEST POINT	MIN. HORIZONTAL DIST. TO VERTICAL PROJECTION OF POINT ON BUILDING NOT MUTUALLY ATTACHED
20 FEET OR LESS	10 FT.
MORE THAN 20 FEET	25 "
" 25 " 30 "	30 "
" 30 " 40 "	40 "
" 40 " 50 "	50 "
" 50 " 60 "	60 "



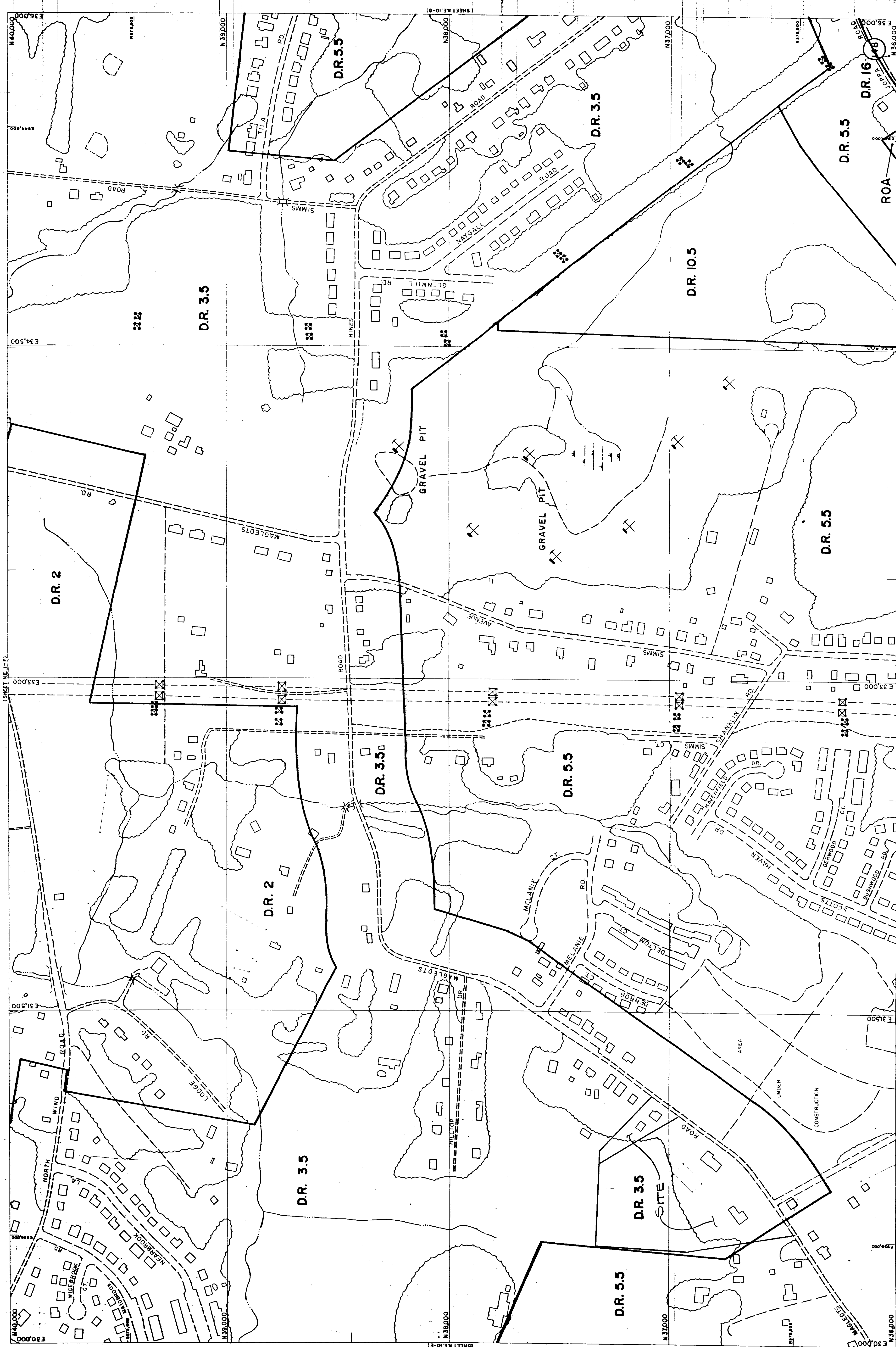
Drawing	Sheet	Contract	Date	Scale	Project
3-5-3	1	8-27-91	3/2/1/82	1" = 50'	BRITAIN III

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
BALTIMORE 6603 YORK ROAD (301) 571-2600 MARYLAND

REASON FOR THIRD AMENDMENT (2-2-00)
1. ADD LOTS 20 AND 21 TO DEVELOPMENT,
BY RESUBDIVIDING LOTS 2 & 3.
2. THIS REFINEMENT WAS APPROVED BY THE DRC ON JAN. 31, 2000. (DRC #013100M)

REASON FOR FOURTH AMENDMENT (8-22-00)
ADD THE ADJACENT PROPERTY TO THE TRACT AND CREATE TWO NEW LOTS.

OFFICE OF PLANNING AND ZONING
Approved by: [Signature]
Director of Planning
Date: [Date]
Director of P.D.M. Date: [Date]



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

1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
BILL# Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96
Kevin Kamenev
Chairman, County Council

SCALE 1" = 200' ±	LOCATION CARNEY PERRY HALL	SHEET N E 10 - F
DATE PHOTOGRAPHY JANUARY 1966		

N - NE M - NW
R - SE Q - SW