IN THE MATTER OF THE APPLICATION OF PAMELA L. & PAUL S BUCKLEY - LEGAL OWNERS /PETITIONERS FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE S/S PULLEN AVENUE AT E/S NEWBURG AVENUE (139 NEWBURG AVENUE) 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 01-123-SPH

* * * * * * * * *

OPINION

Paul S. and Pamela L. Buckley come before the Board to appeal a decision of the Zoning Commissioner denying a request for special hearing to approve a waiver of public works standards requiring a 9-foot widening of Pullen Avenue and associated improvements, including curb, gutter and sidewalks. The original decision of the Zoning Commissioner was dated November 15, 2000. On December 15, 2000, the Buckleys filed a Motion for Reconsideration with the Zoning Commissioner. In the Motion, the Buckleys indicated that they did not object to the installation of the required sidewalk and curbing and accepted a majority of the findings and conclusions issued by the Zoning Commissioner. However, they requested a modification of the Order to reduce the required road widening from a total of 30 feet to 24 feet. The Zoning Commissioner provided a copy of the Motion to the Department of Public Works (DPW) "for the agency's consideration. The Petitioner's memorandum with handwritten notes in the margin made by Thomas Hamer, Deputy Director of the Department of Public Works (DPW), was included in the case file and considered. The notes were not submitted to the Buckleys for their comments. In January 2001, the Motion for Reconsideration was denied by the Zoning Commissioner.

The Buckleys filed a timely appeal to this Board, and a hearing was held before the Board on January 15, 2002. Mr. Buckley appeared on behalf of himself and his wife. There was no representation by the County at the hearing.

Public deliberation was held on January 30, 2002.

Background

The site plan shows that the subject property is roughly triangular in shape and consists of a gross area of 1.899 acres, zoned D.R. 2. The property is located on the south side of Pullen Avenue, immediately adjacent to that road's intersection with Newburg Avenue in Catonsville. Pullen Avenue is a street of short length, which connects with Newburg Avenue to the west and Miller Avenue to the east. Only two properties front Pullen Avenue along this stretch, the subject property and an immediately adjacent lot which is owned by the State of Maryland. Presently, the subject property is improved with a two-story single-family dwelling which bears the address 139 Newburg Avenue and has been sold by the Buckleys. The Buckleys have owned the property for approximately 1 year and propose a minor subdivision of the property into three lots. One lot will contain the existing dwelling, 139 Newburg Avenue. The second dwelling will be immediately adjacent to Pullen Avenue on the northeast side of the property and is under construction. It will be occupied by the Buckleys. A third lot will be located to the rear of the site and, according to the testimony at the hearing, has been sold to the owners of 139 Newburg Avenue. The County required an easement on the property by the owner of 139 Newburg Avenue to access the third lot. At the present time, there does not appear to be any intention to develop the third lot, and it is noted that, if such development took place, the lot would be considered a "panhandle lot."

Pullen Avenue is 36 feet wide at the bottom of the street where a National Guard Armory and parking lot is located at the corner of Mellor Avenue and Pullen Avenue. The Armory and parking lots occupy both sides of Pullen Avenue at the two respective corners. At that point, Pullen Avenue is 36 feet wide. Evidence indicates that, at the time the widening took place, the rest of Pullen Avenue was not widened. There is speculation that the owners of the property at the time would not given an easement to the County in order to improve Pullen Avenue with

curbs, gutters and sidewalks, and therefore it remained unimproved. Pullen Avenue narrows from the point where it is 36 feet wide in front of the National Guard Armory to approximately 20.5 feet.

The Buckleys propose a minor subdivision of the property and requested a waiver of the proposed widening to 30 feet because of the expense involved and the fact that many of the roads in the area have been narrowed to slow or calm traffic in the area. Such steps included the narrowing of roads by specifically placing large planters in the roadways. The Petitioners indicated that they had received bids from a contractor to widen the roadway to 30 feet, which would cost $46,575.

As stated above, Petitioners were willing to widen the road to 24 feet and install the curbs, gutters and sidewalk.

The file contains numerous statements from neighbors indicating their opposition to the widening of Pullen Avenue to more than 21 feet.

Decision

The Board has noted that the Petitioners are erecting only one new house on the three-lot piece of property. Section 26-172 of the *Baltimore County Code* (BCC) states:

> (a) At the request of a department director, the hearing officer may grant a waiver of any or all requirements of divisions 3, 4 and 5 of these regulations if the hearing officer finds that
>
> (1)a. the size, scope and nature of a proposed development does not justify strict compliance with these regulations;
>
> b. a waiver would be within the scope, purpose, and intent of these regulations; and
>
> c. all county laws, ordinances and regulations have been complied with; or
>
> (2) compliance with these regulations would cause unnecessary hardship.
>
> (3) A waiver shall be in accordance with the Flood Plain Management regulations.

While there has been no request from the department director, the Board finds that the size, scope and nature of the proposed development does not justify strict compliance with the regulations. In addition, a waiver would be within the scope, purpose and intent of the regulations, and all other County laws, ordinances and regulations would be complied with because of the agreement by the Developer to install the sidewalks, gutters and curbs.

The compliance with these regulations for the proposed 36-foot widening would appear to cause hardship on the Developer as well as the neighborhood. While the Board may not consider the cost of making the improvements requested by the County, the Board can consider the fact that the neighbors and the Petitioners are concerned about the traffic on the street with the widening of Pullen Avenue. In addition, Pullen Avenue has been 21 feet wide for the last 50 years since the street was widened at the intersection with Mellor Avenue. This does not appear to have caused any problems for the County, and therefore the proposed widening to 24 feet would not appear to impose any additional problems. While DPW has expressed some concern with respect to parking if the street is not widened to 30 feet, it is difficult to understand how the parking situation would pose a problem since it does not appear to have posed any problem for the last 50 years. However, should the parking on Pullen Avenue become a problem, the County can always install "no parking" signs to alleviate any congestion which might occur as a result of the widening of the street.

ORDER

THEREFORE, IT IS THIS 4th day of March, 2002 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing seeking approval of a waiver of public works standards to waive the requirement for a 9-foot widening of Pullen Avenue and to allow

the widening to 24 feet, including curb, gutter and sidewalks in accordance with Petitioners' request, be and is hereby **GRANTED.**

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, Chairman

Margaret Worrall

Richard K. Irish

IN RE: PETITION FOR SPECIAL HEARING S/S Pullen Avneue at E/S Newburg Avenue 1st Election District 1st Councilmanic District (139 Newburg Avenue) Paul S. Buckley, et ux Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 01-123-SPH

* * * * * * * * * * *

RULING ON MOTION FOR RECONSIDERATION

This matter comes before the Zoning Commissioner for consideration of the Motion for Reconsideration filed by the owners of the subject property, Pamela and Paul Buckley (Petitioners), in accordance with Rule 2(K) of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County. The Petitioners request reconsideration of the November 15, 2000 Findings of Fact and Conclusions of Law and Order issued in the above-referenced proceedings. The Petitioners timely filed their Motion for Reconsideration as an 8-page typewritten document. Attached thereto are 3 exhibits depicting the subject road (Pullen Road) and neighborhood.

This matter had originally come before the Zoning Commissioner under a Petition for Special Hearing to approve a waiver of Public Works standards requiring a 9 ft. widening of Pullen Avenue and associated improvements, including curb, gutter and sidewalks. Following public hearing, Findings of Fact and Conclusions of Law and Order were issued by the undersigned Zoning Commissioner on November 15, 2000. The Petition for Special Hearing was denied, for reasons fully set forth in that written opinion and order.

Petitioners now request a reconsideration of that decision. Within their motion, they indicate that they do not object to the installation of the required sidewalk and curbing. They "accept the majority of the findings and conclusions" issued by the undersigned Zoning

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Date 01/16/01
By P. Gemesatz

Commissioner. The Petitioners do, however, request a modification of the Order to reduce the required road widening from a total of 30 ft. to 24 ft.

The basis for the Petitioners' request is fully outlined within their motion and will not be repeated here. In summary, they indicate that most residents of the locale support the waiver and that same would be more appropriate for the road network in this locale. The Petitioners also argue that the need to slow traffic in the area justifies a narrower road. It is claimed that a narrower road will promote a calming of traffic. The Petitioners also aver that most of the streets in the area are 24 ft. wide and that a consistent width would be required here.

I have considered the points and arguments raised in the Petitioners' motion. Out of a fundamental sense of fairness, I have provided a copy of the motion to the Department of Public Works ("DPW") for that agency's consideration. A copy of the Petitioners' memorandum, with handwritten notes in the margin made by Thomas Hamer, Deputy Director of DPW, has been included in the case file and considered.

DPW opposes the Petitioners' request for reconsideration. Mr. Hamer's notations indicate that the required 30 ft. widening actually represents a reduction from public works standards. Specifically, it is noted that original road drawings for Pullen Road provided for an ultimate 36 ft. width. DPW argues that it has voluntarily decreased this requirement to 30 ft. and that an additional reduction in width is not appropriate. Other points raised by DPW are that Pullen Avenue, in this location, is of relatively short length and that it would therefore be unlikely for motorists to reach excessive speeds. Additionally, it is noted that a reduction of the roadway's width to 24 ft. would not allow parking and could create congestion. As is the case with the Petitioners' written motion, Mr. Hamer's notations are self-explanatory.

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Date 01/16/01
By R. Ignestro

Although I am appreciative of the Petitioners' arguments, I do not believe that the points and authorities raised within their motion support the granting of the relief requested. DPW's insistence that the road be widened to a distance of at least 30 ft. is consistent with that department's charge to provide an appropriate and non-congested road network that safely serves the public. The standards upon which DPW relies have been carefully crafted and should be deviated from only in exceptional circumstances. Although the points raised by the Petitioners have some merit, due deference should be given to the DPW's standards and that agency's expertise. I not believe that the required circumstances exists here.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of January, 2001, that the Petitioners' Motion for Reconsideration, to request a modification of the relief sought to reduce the road widening from a total of 30 ft. to 24 ft., be and is hereby DENIED.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

12/15/00

BEFORE THE
ZONING COMMISSIONER OF
BALTIMORE COUNTY

IN RE: PETITION FOR SPECIAL HEARING	*	
S/S Pullen Avenue at E/S Newburg Avenue	*	
(139 Newburg Avenue)	*	Case No. 01-123-SPH
1st Election District	*	
1st Council District	*	

MOTION FOR RECONSIDERATION

In accordance with Rule 2(K) of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County, Pamela and Paul Buckley ("Petitioners") hereby request that the Zoning Commissioner reconsider his November 15, 2000 Findings of Fact and Conclusions of Law ("Order") in the above-referenced proceeding. Specifically, Petitioners seek a modification of the Order as it relates to the width of the road widening directed by the Department of Public Works.

I. SUMMARY OF POSITION

This Request for Reconsideration is limited in nature. Petitioners accept the majority of the findings and conclusions of the November 15, 2000 Order. Petitioners do not object to the installation of the required sidewalk and curbing. The primary basis for the original waiver request was to challenge the widening of Pullen Avenue. For example, Petitioners stated at the hearing that they did not object to the Office of Planning's minimum recommendation of installing sidewalks. We likewise have no objection to the curb and gutter installation.[1]

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[1] The Order states that "most other streets have curb, gutter and sidewalk." Actually, in the course of producing the measurements on Attachment No. 3, Petitioners realized that almost none of the streets in the neighborhood have curb, gutters and sidewalks along the entire street. Thus, even with this limited waiver Pullen will be notably upgraded in relation to the neighborhood streets.

The proposed road widening of Pullen Avenue to 30 feet does raise some serious concerns. Petitioners believe that the Order should be modified to grant a partial waiver of the Public Works' road construction condition to reduce the road widening from a total of 30 feet to no less than 24 feet.[2] A road width of 24 feet for Pullen Avenue would be consistent with: neighborhood road width; Baltimore County Code provisions on street design and construction; the desire of the neighborhood residents (safety and traffic concerns); and minimize the otherwise unnecessary hardship on Petitioners by avoiding some unduly expensive construction on one section of the roadway.

Widening already reduced, from 36' to 30'

In short, granting a limited waiver of the Public Works' road construction condition to reflect a reduced road width of 24 feet would still meet the County's desire to upgrade Pullen Avenue while meeting the needs of the neighborhood residents and the Petitioners.[3]

II. NEIGHBORHOOD CONCERNS AND NEARBY ROAD WIDTHS

Neighborhood residents oppose widening Pullen Avenue. In a brief time, 19 residents of the neighborhood (including all of the contiguous neighbors of the subject lot) signed a petition opposing the widening of Pullen Avenue. It is unusual to get 19 citizens to agree on just about any topic in such a short time period. I would expect that a significant number of neighborhood residents would also oppose the addition of two more houses on Pullen Ave. I am also leery of how any "petition" is presented for signature

[2] A drawing that shows the current width of Pullen is appended as Attachment No. 1. The drawing also shows the comparative widths of the Public Works' recommendation and Petitioners' alternative suggestion.

[3] Petitioners have proceeded to commence tying up any other loose ends with our Minor Subdivision Application, including the submittal of the panhandle application requested by the Office of Planning. It is our understanding that the roadwork being required by Public Works is typically performed in accordance with a "Right-of-Way Improvement Agreement". Granting this limited waiver will result in a modification of the road widening condition in the Agreement Petitioners will execute.

However, the quick response of the neighbors really isn't surprising given the controversy that the neighborhood has gone through over the last couple of years fighting for and initiating traffic calming procedures. The placement of "pinch points" narrowing Newburg Avenue from 30 feet to 17 feet has been the subject of numerous articles and letters to the editor in the Catonsville Times, including several interviews with Councilman Moxley. Public Works' required widening of Pullen Avenue to the same 30-foot width is diametrically in opposition to all of the traffic calming activity.[4]

The Order concludes that the widening of Pullen Avenue to 30 feet will not promote excessive speed. Even if it does, the Order states, traffic calming devices can be installed. Petitioners respectfully disagree on both counts. As an initial matter, retrofitting roads with traffic calming devices is a poor substitute to good road design and construction practice. The placement of the pinching devices on Newburg Avenue was a difficult and controversial decision. The increased safety of reduced traffic speeds was weighed against the safety hazards imposed by the placement of large obstacles into the roadway. After all, the road pinchers are essentially large concrete planters. An inattentive or judgement impaired driver could cause serious harm to themselves and their passengers if they hit the unnatural obstruction.

In addition, the width of Pullen where it intersects Newburg will have a direct correlation on the speed of traffic down Pullen Avenue. The traffic calming study cited curb width and radius at an intersection as two factors that contribute to vehicle speed. Experience

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[4] The Public Works' condition initially circumvented public input into the decision. By forcing a 'developer' to widen the road as a condition of subdividing a lot, the County initially denied the public the ability to review and comment on the road improvement. This was inconsistent with the spirit of cooperation and openness between County officials and residents that has been the rule during the traffic calming discussions. The Notice posting of the Special Hearing provided an

and common sense confirms that the width of a road has an impact on speed. The 1997 study notes the propensity of the 'cut-through' drivers on Newburg Avenue to travel at excessive speeds. Giving those drivers a wider turn onto Pullen Avenue may indeed unnecessarily invite unsafe vehicle operation - - and this matters to those of us that live in the neighborhood!

the radius at Newburg + Polbu has been reduced accordingly from original design

Pullen Avenue is close to Catonsville High School. This was recognized in the Order and the Office of Planning's comments. In fact, Pullen Avenue is a very common walkway for students that live west of Newburg. Thus, vehicle speed in this neighborhood is very important no matter how 'short' the road may be. Moreover, Petitioners and a significant number of the neighbors have small children. The large number of signatures in opposition to the widening of Pullen Avenue is a testament to how strongly the neighborhood feels about the proposed widening. Petitioners are unaware of any support from the neighborhood for widening Pullen Avenue.

Finally, Petitioners' alternative proposal of a 24-foot width is consistent with the rest of the neighborhood. Attachment No. 3 notes the width of the roads in the immediate neighborhood. Petitioners measured the road width of the streets that were the subject of the July traffic calming study. In addition to Pullen Avenue, there are 16 other streets that are bounded by Frederick Road, S. Rolling Road and Mellor.

There are also a number of 30' roadways & not 1 sided 30' wide Hoyt under Newburg Ave between Newburg Ave & Mellor Ave, a very similar purpose roadway

75% of the streets are consistent with a width of 24 feet. Indeed, many of the streets in this established residential neighborhood are narrower than 24 feet. Granting a limited waiver of the Public Works' road widening condition would result in Pullen Avenue being more consistent with the rest of the neighborhood.

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opportunity for the residents of the neighborhood to provide input. The Petition introduced in this case is the only comment made by residents – and it reflects opposition to the widening.

Only 5 of the 16 streets have sections that are 30 feet wide. Of those 5 streets, 2 are not consistently 30 feet wide. Newburg Avenue has 5 'pinch points' that narrow the width to 17 feet. Forest Lane is 24 feet wide at some points and 30 feet wide at others. Finally, two other 30 foot-wide streets are cul-de-sacs and do not permit through traffic. Currently, there is a single open-ended road that is at least 30 feet wide along its entire length (Gary Drive). Just one. Thus, if the Public Works' road widening condition is upheld, Pullen Avenue will be only the second 30 foot-wide through street in the 17 street neighborhood![5] Therefore, providing consistency with neighborhood streets isn't a basis for ordering a minimum 30-foot width.

Moguder is a nearly identical 30' roadway in the same neighborhood Mellor to Newburg with stop signs at each end.

III. BALTIMORE COUNTY CODE STREET DESIGN PROVISIONS

Granting the limited waiver would, however, be consistent with the County's provisions for street design and construction. Section 26-263 describes several important considerations that can be factored into road design and construction decisions. Several are relevant here.

The Section states that "anticipated traffic load or speed" may be considered. The testimony adduced in this matter shows how important a concern traffic speed and volume is to the residents. It also states that utilities and other street-side facilities may be considered. At the bottom of the subject property there are two telephone/electricity poles that are not much more than 30 feet apart. *See,* Attachment No. 1. Widening the road beyond the existing 28 foot width at that point to a full 30 feet (plus sidewalk) may force an expensive and unnecessary relocation of the south-side telephone pole. As explained more fully below, this may be avoided by granting Petitioner's limited waiver.

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[5] Pullen is the only street in the neighborhood that has a section in excess of 30 feet. The east portion of the road, down near the Armory parking lots, is 36 feet wide. See Attachment No 1.

Section 26-263(2) also states the design may "minimize grading." The significant alteration of the grade on the south side of Pullen is discussed in the next section and is the primary reason why Petitioners face an "unnecessary hardship" as a result of Public Works' condition.[6]

IV. UNNECESSARY HARDSHIP CAUSED BY CONSTRUCTION CONDITION

Petitioners have previously provided the County's rough estimate of the road construction condition. It is rough because it was made without a site assessment of the special construction requirements. On two occasions Petitioners have sought a fixed price bid to complete the road widening and construction required by Public Works. On both occasions the contractor would not provide a firm estimate because of the extensive grading necessary at the bottom of the subject lot near the border with the Armory's parking lot. There is a severe drop in the grade several feet off of the south side of the roadway. Petitioners' limited waiver request alleviates this concern.

Attachment No 1 is a drawing of Pullen Avenue that depicts the current width as well as Petitioners' limited waiver (minimum of 24 feet) and Public Works' 30 foot condition. As the Zoning Commissioner is aware from his site visit, Pullen is irregularly shaped. It would remain so even under Public Works' proposed configuration since the required 30 foot width would still have to taper out to the existing 36 feet at the bottom of the street.[7]

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[6] The Order states that relief can't be granted or denied based on economic impact. Petitioners are unaware of any decision that limits the "hardship" waiver standard to non-economic factors. Even if there is such a standard, there is the argument that Public Works' condition may constitute an unconstitutional taking without just compensation. Petitioners believe that there has not been a showing that their development causes the required road improvements (which have been on the books, but not funded, for over 50 years). There is no nexus for the required upgrade, particularly the 30-foot width.

[7] Attachment No. 2 is a copy of a portion of the plat submitted with the Minor Subdivision application. It confirms the width and shape of Pullen Avenue.

Petitioners' alternative width proposed for Pullen Avenue addresses the "unnecessary hardship" we seek to avoid. *See*, Section 26-172(a)(2) Waivers. The limited waiver sought by Petitioners would still provide for a widening of the upper, west portion of Pullen by about 3 feet. However, where the existing pavement is 24 feet or more, Petitioners would propose to only install the curb/gutter to maintain the existing width that tapers out. Thus, Petitioners' alternative creates a road width of at least 24 feet. The bottom of the subject property is already somewhat in excess of 28 feet wide. By being able to 'cap' the existing roadway with a curb/gutter near the steep fall-off near the road, rather than widening the road to a full 30 feet, Petitioners have been advised by road contractors that the 'ditch' will no longer be an impediment to the road work.

Moreover, while the ditch area isn't technically a floodplain or environmentally sensitive area, it does start a natural depression that runs the length of the property line between the subject property and the Armory lot down to (and into) a stream on the adjacent parcel owned by the State. Backfilling even a portion of the ditch, or trench, would be inconsistent with the "non-disturbance" or buffer zone required by another Department during the Minor Subdivision process. The non-disturbance area is in the southeast corner of the subject lot down near the stream. It is Petitioners' understanding that natural run-off terrain shouldn't be disturbed if at all possible. The road widening condition imposed by Public Works appears to violate that principle.

As an aside, Petitioners' limited waiver request appears to satisfy other elements of Section 26-172 that was cited in the Order. For all of the reasons stated above, Petitioners believe that the nature of our Minor Subdivision Application does not "justify strict compliance" with the Public Works' condition. In addition, the requested limited waiver is also

within the scope, purpose and intent of the regulations and otherwise complies with all other county laws, ordinances and regulations.

V. CONCLUSION

It is respectfully submitted that a grant of the limited waiver of the Pullen Avenue road widening condition is justified. While it is the Petitioners' preference to simply install curb and gutters at the current road width, a minimum 24-foot width is not unreasonable. The grant of Petitioners' narrow waiver request will serve the best interests of the neighborhood residents and the Petitioners without doing any harm to Public Works' goal of upgrading the curb and sidewalk along the road.

ACCORDINGLY, this 15th day of December 2000 Petitioners respectfully request that the Motion for Reconsideration be granted and a revised Order be entered that approves the limited waiver request.

If such a waiver would be granted, it would be partial for lack of prohibited both sides of Pullen from Nowell to where 30' is available of 24' width. Also, if approved, the condition of Pullen Avenue should be increased over that currently proposed (i.e. 25→30')

Respectfully submitted,

Pamela L. Buckley

December 15, 2000

Pamela L. Buckley

Paul S. Buckley

123 Oak Drive
Catonsville, MD 21228

December 15, 2000

Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
Towson, MD. 21204

Re: Motion for Reconsideration – Case No. 01-123-SPH

Dear Commissioner Schmidt:

Enclosed please find a Motion for Reconsideration of the November 15, 2000 decision in the above-referenced matter. A copy of this Motion has been served on the People's Counsel, all of the attendees at the October 18, 2000 Special Hearing and filed in the case file. If it needs to be forwarded to any other parties, please let me know.

Thank you for your prompt attention to this matter. If you have any questions, please contact us at (H)(410) 747-6480 or (W)(202) 624-6622.

Very truly yours,

Pamela L. Buckley

Pamela L. Buckley

Paul S. Buckley

Paul S. Buckley

Enclosure

CC: People's Counsel
Attendees at 10/18/00 Special Hearing
County Case File

IN RE: PETITION FOR SPECIAL HEARING S/S Pullen Avenue at E/S Newburg Avenue (139 Newburg Avenue) 1st Election District 1st Council District	* * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Paul S. Buckley, et ux Petitioners	* *	Case No. 01-123-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Paul S. and Pamela L. Buckley. The Petitioners request a special hearing to approve a waiver of public works standards requiring a 9-foot widening of Pullen Avenue and associated improvements, including curb, gutter and sidewalks. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in this case were Paul and Pamela Buckley, property owners, and George and Kim Anderson, tenants of the subject property. Also appearing in support of the request were Meg Christian and Marybeth Brohaun. There were no Protestants or other interested persons present.

An examination of the site plan shows that the subject property is roughly triangular in shape, and consists of a gross area of 1.899 acres, zoned D.R.2. The property is located on the south side of Pullen Avenue, immediately adjacent to that road's intersection with Newburg Avenue in Catonsville. Pullen Avenue is a street of short length, which connects with Newburg Avenue to the west and Mellor Avenue to the east. In fact, only two properties front Pullen Avenue along this stretch; the subject property, and an immediately adjacent lot which is owned by the State of Maryland. Presently, the subject property is improved with a two-story single family dwelling, which bears the address 139 Newburg Avenue. This house is located in the northwest corner of the site and roughly faces Newburg Avenue and its intersection with Pullen Avenue. As noted above, Mr. & Mrs.

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Anderson lease the subject property and reside therein as tenants of the property owners, Mr. & Mrs. Buckley.

Apparently, Mr. & Mrs. Buckley have owned the property for approximately one year, since October 1999. Although they pointedly claim to not be "developers", their short period of ownership is of note, as is their intentions to subdivide this property. Specifically, the Petitioners propose a minor subdivision of the property into three lots. One lot will contain the existing dwelling, known as 139 Newburg Avenue. A second dwelling will be immediately adjacent to Pullen Avenue on the northeast side of the property, and a third dwelling will be located to the rear of the site and served by way of an extended driveway. This dwelling essentially encompasses the rear 1/3 of the subject parcel.

Apparently, the property owners sought approval of their plans through the County's "minor subdivision process." As part of that process, the Department of Public Works required that the Petitioners make certain improvements to Pullen Avenue. These improvements include the widening of Pullen Avenue and the installation of curb, gutter and sidewalk.

At the hearing, the Petitioners offered information in support of their request that a waiver from this standard should be granted in this case. They noted that Pullen Avenue is presently 21 feet wide and that the requested 9-foot widening will result in a 30-foot wide paved section. They believe that such widening is inappropriate for Pullen Avenue, in part, due to the fact that it is a short stretch of road from Newburg Avenue to the west and to Mellor Avenue to the east. The Petitioners also note that this community at large has recently taken steps to slow or calm traffic in the area. Such steps included the narrowing of roads in the community by specifically placing large planters thereon. The Petitioners offered a copy of the Traffic Calming Proposal for the community which was authored in July 1997 by leaders of the community association. The Petitioners also noted the cost for these improvements, which is anticipated to be approximately $40,000. The Petitioners claim that this cost would constitute an economic hardship upon them and offered that argument in support of their request for a waiver. In addition, the Petitioners submitted written statements signed by several of their neighbors allegedly in support of the request. Although these statements do indicate support for the waiver request, at least

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two of the individuals who signed those statements indicated that only one additional house should be added to this property.

Although there were no Protestants present, opposition to the Petitioners' request is in the file in the form of Zoning Advisory Committee (ZAC) comments. These comments are submitted by reviewing County agencies as recommendations to this Zoning Commissioner. The Office of Planning comments indicate that the property is located within a community conservation area and is within walking distance of Catonsville High School. Therefore, the Office of Planning opposes the granting of any waiver, particularly for sidewalks. That agency also apparently objects to the proposed subdivision, particularly the third lot to the rear of the property. Their comment notes that the panhandle driveway providing access to that lot is not permitted by right, and should not be allowed here. A lengthy comment was also received from Thomas A. Hamer, Deputy Director of the Department of Public Works. His comment speaks for itself, but in summary, recommends a denial of the request.

Following the hearing, I visited the subject site and drove the community. Observations made during that site visit are particularly relevant in reaching the conclusion that the request should be denied. First, as noted above, there are only two lots on the south side of Pullen Avenue in this stretch, i.e., the subject property and the adjacent lot owned by the State of Maryland. A field investigation revealed that the frontage for the adjacent lot had been widened and was improved with curb. The frontage of the subject lot is inconsistent with those improvements, and indeed, inconsistent with other streets in the area. Most other streets have curb, gutter and sidewalk. The frontage of the subject property is entirely unimproved, as the lawn of the property ends at the paved section of the street. Thus, it is appropriate that the frontage of this property be widened and improved so as to be consistent with the adjacent property owned by the State and the streets in the area.

Moreover, I am unconvinced that a waiver of these improvements would slow vehicles. Pullen Avenue is a short stretch of road and motorists will have a limited distance to reach excessive speeds between Mellor Avenue and Newburg Avenue. As noted above, in an effort to slow motorists, the community has installed large planters on the roads, thereby effectively narrowing these residential

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streets. A similar approach could be utilized here. In any event, I do not agree with the Petitioners' argument that the required road improvements would promote excessive speed.

Also, I am not persuaded by the Petitioners' claims of economic hardship. Indeed, economic gain or loss is not a relevant factor for consideration in this case. The Zoning Commissioner cannot grant or deny relief based on economic impact. Nonetheless, I note the fact that the Petitioners have owned the property for a short period of time and do not reside thereon. As to their claim that they are not "developers," this Zoning Commissioner pointedly asked during the hearing whether a reduction in the development of the site by the removal of the third lot might justify a waiver of public works standards. In such a scenario, only one additional dwelling and the traffic generated therefrom would be added. In response to my inquiry, the Petitioners indicated that they were not willing to eliminate that lot.

Finally, I accept the written recommendations submitted by the Department of Public Works and the Office of Planning. In this case, there is insufficient proof to justify a waiver of public works standards, pursuant to the requirements set out in Section 26-172 of the Baltimore County Code. Thus, the Petition for Special Hearing must be denied.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of November, 2000 that the Petition for Special Hearing seeking approval of a waiver of public works standards to waive the requirement for a 9-foot widening of Pullen Avenue and associated improvements, including curb, gutter and sidewalks, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 11/15/00
By

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 139 Newburg Avenue
which is presently zoned DR-2

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 A waiver of Public Work STANDARDS to waive the requirement for a 9 foot widening of Pullen Avenue and associated improvements, including curb, gutter and sidewalk.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Pamela L. Buckley
Name - Type or Print

Pamela L. Buckley
Signature

PAUL S. Buckley
Name - Type or Print

Paul S. Buckley 9/13/00
Signature

123 OAK Drive (W)(202)624-6622 (H)(410)747-6480
Address — Telephone No.

Catonsville MD 21228
City — State — Zip Code

Representative to be Contacted:

PAUL S. Buckley
Name

123 OAK Dr (W)(202)624-6622 (H)(410)747-6480
Address — Telephone No.

Catonsville MD 21228
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 9/13/00

ORDER RECEIVED FOR FILING
Date 9/15/98
By REV

Case No. 01-123-SPH

123

Attachment to Petition for Special Hearing
139 Newburg Avenue
Catonsville, MD. 21228

Re: Petition for Special Hearing
Request for Waiver of Road Construction Conditions
BC Minor Subdivision #00040M

This Special Hearing Petition addresses road construction Comment/Conditions placed by the Department of Public Works on a Minor Subdivision Application in Catonsville. Specifically, the Petition seeks a variance from the road-widening, curb/sidewalk and street light installation conditions that the Department of Public Works placed on a Minor Subdivision application. The waiver should be granted since the conditions are unreasonable, unnecessary and do not ultimately serve the best interests of the neighborhood as well as the public interest.

Background

A Minor Subdivision Application (Minor Sub # 00040M) was submitted earlier this year on behalf of Pamela L. Buckley and Paul S. Buckley (Petitioners). The Minor Subdivision Application sought to subdivide of an existing parcel of land (approximate 1.9 acres) in Catonsville, Maryland within the existing D.R. 2 classification. The land was acquired in order for the Petitioners to build a home on the subdivided lot. Petitioners have lived in the neighborhood for over 10 years, roughly 4 blocks from the property. The existing home and garage are under a contract for sale to Kim Keller and George Anderson. The closing of the sale of the existing home can not be conducted until the Minor Subdivision process has been completed.

The immediate plans are for construction of only the Petitioner's new house on the subdivided lots. Petitioners have worked extensively with Ms. Keller and Mr. Anderson on an arrangement that would permit the third of the lots in the subdivision to remain undeveloped, at least for the immediate future. Petitioners, and Ms. Keller and Mr. Anderson, have a significant stake in the future of the third lot since they all will live on the parcel that is the subject of the Minor Subdivision Application. Thus, even if the lot is developed in the future, there is a far larger chance that the structure that is erected on the lot will more closely conform to the existing homes in the 100+ old neighborhood.

The Minor Subdivision Application review process has resulted in numerous Comments/Conditions, the vast majority of which are not at issue here. Petitioners stand prepared to comply with over 2 dozen different Comments/Conditions. The Comments/Conditions range from requiring Petitioners to voluntarily deed over a portion of

the parcel to Baltimore County to recommending, but not requiring, landscaping on one side of the property. However, Petitioners strongly believe a waiver of the road construction conditions will result in an enhanced neighborhood. In contrast, retention of the road construction conditions will likely result in a deterioration of the neighborhood. The deterioration will be of both safety and esthetics.

The balance of this Petition follows the format provided in the instructional packet.

A. THE PROPERTY IS UNIQUE

The road construction conditions are incongruous to the proposed usage of 139 Newburg Avenue. The unduly expensive and burdensome road construction condition cannot be reconciled with the proposed use - - building a single home in the near term. This stands in contrast to a more typical commercial development application where the costs of the required road construction are spread over numerous lots and homeowners. In addition, as noted below, the physical layout where the proposed road widening is being required will necessarily add uniquely expensive remedial preparation costs to accommodate the road construction conditions.

B. PRACTICAL DIFFICULTIES AND UNDUE HARDSHIP

(1) Practical Difficulties.

Complying with the road construction condition presents immense difficulties. As described more fully below, the conditions have been conservatively estimated at over $40,000. That is an unreasonable and possibly insurmountable burden for a non-commercial builder of a single house to bear. Thus, the conditions economically force a result – commercial development of the site – that is not favored by the current residents of the property that adjoins the lot. Just as important is that the road widening condition is remarkably at odds with the County's current efforts to 'calm' traffic in the residential neighborhood.

(a) Compliance with the construction condition would unreasonably prevent the proposed use and render conformance unduly burdensome. As explained more fully below in the section on Undue Hardship, the costs of complying with the road construction conditions will unreasonably prevent Petitioners from building a single house on the subdivided property. The over-$40,000 cost of complying is far too steep a price for such a small property development, especially since other recommended and required conditions will also be imposing costs in the thousands. The construction of a house on the subdivided lot is a permitted use in a D.R. 2 zone. However, the lot configuration, Petitioner's non-commercial plans and the physical

layout combine to result in an inescapable conclusion that the road construction conditions are simply unreasonable and render the permitted use unnecessarily burdensome.

(b) The immediate neighbors favor granting the waiver/variance. A grant of this variance request will provide a number of benefits to the neighborhood. First, Petitioners strongly believe that the proposed road widening is diametrically inconsistent with recent 'road calming' activities on adjoining roadways. Baltimore County has instituted road narrowing, or pinching, techniques at several locations on Newburg Avenue - - the street that runs perpendicular to Pullen Avenue. It is indeed curious that the County should embark on a highly controversial 'road narrowing/calming' plan simultaneously with an effort to expand the roadways on adjoining streets. The existing 21-foot width of Pullen Avenue is consistent with many of the neighboring streets (and wider than the width of the 'road/calming/narrowing' devices).

More important is that the Petitioners (as well as Ms. Keller and Mr. Anderson) have a stake in the neighborhood. All currently live in the neighborhood and have a significant stake in its appearance. Petitioners have gone to great lengths to choose a house plan for the lot that will blend nicely into the neighborhood. For example, the plan reflects a Victorian-style peak in the front of the home just as the existing house on the lot does. In addition, the plan has a front porch that runs the length of the house just as many homes have along the intersecting street, Newburg Avenue. Petitioners have also contracted with a local architect to make additional external modifications that should help avoid a "brand new" look in a 100 year-old neighborhood.

The resulting look of the lot may be quite different if we are economically forced to sell the lot to a for-profit Developer. There are no zoning or code requirements that Petitioners are aware of that would force the Developer to go to the same lengths to preserve the look of the neighborhood. In addition, a potential Developer would not be foreclosed from seeking a variance and building additional lots at the nearly 2 acre site.

Petitioners have also budgeted to provide some landscaping along the fence that borders the Armory parking lot in order to screen it and add some additional "green" appearance. The expensive landscaping will go a long way towards removing some of the eyesore effect of the barren, rundown look of the adjoining blacktop parking lot. We have generally discussed all of these goals with the potential neighbors along Newburg Avenue and they are very supportive. None of the immediate potential neighbors have voiced any opposition to our plans. In addition, the planned landscaping is in accordance with one of the 'recommendations'

made by one of the County agencies that is not a requirement that a commercial developer would be bound by.

(c) Petitioners are willing to comply with the other two dozen or so conditions placed on the property. Unfortunately, complying with the required road conditions would be inconsistent with the public interest.

In short, Petitioners and their future neighbors, don't believe the road and sidewalk conditions imposed by the Department of Public Works are in the best interests of the neighborhood. While Petitioners understand the general policy of having 'Developers' help the County pay for road improvements that increased traffic usage causes, we simply don't believe that policy is applicable or productive in this instance. Petitioners are not developing a five-home cul-de-sac community. We do, however, want to have the opportunity to remain in the neighborhood and enhance it with our plans for the lot on Pullen Avenue.

(2) <u>Undue Burden</u>

The road construction conditions are unduly burdensome and confiscatory. As an initial matter, the required roadwork and improvements are not being caused by the Petitioner's plan to build a single house or even add the additional lot that will not be have any house constructed on it in the near term if the waiver is granted. The required road construction is a 53 year-old County plan to improve the road.

The cost of the road widening and infrastructure improvements imposed by the Department of Public Works have been conservatively estimated at over $40,000.[1] The figure is conservative since the slope of the area to be widened will need extensive fill and excavation. It is likely that the preparation necessary prior to widening the road will be more expensive than the County has estimated.

(a) Any County requirement that is imposed on a resident must have a logical nexus, or relation, to the purported underlying event. The road construction conditions utterly fail in this regard. Petitioner's plan to add two lots to the existing site at 139 Newburg Avenue does not impose any incremental burden on the infrastructure that is remotely proportionate to the conditions. County officials candidly admit that the road construction conditions predate the Minor Subdivision Application by over 50 years and are driven by needs caused by residents in the surrounding neighborhood as well and general traffic usage in Catonsville. In fact, County officials have stated their belief that recent traffic calming activities in the

[1] A letter from the agency indicates that a non-binding estimate of the roadwork is approximately $34,000. Inspection and other associated fees increase that amount to over $40,000.

area (which are wholly unrelated to the Petitioners' plans) increase the need for the road construction conditions.

The over $40,000 cost imposed on Petitioners is confiscatory. For example, a condition that required the Petitioner's to build a new baseball field on the nearby recreation center being constructed on Mellor Avenue would also benefit the local populace, but would fail basic constitutional principles against taking property without just compensation. The required road widening and other construction activities have the same confiscatory effect. Petitioners agree that road construction requirements are not necessarily impermissible. In fact, if the subject application were for a large subdivision proposal (e.g., 25 houses) than the condition would be defensible. This is not the case for a 2-lot expansion, especially where Petitioners intend to build only a single hose in the foreseeable future and live there.

(b) As noted above, it is highly questionable whether the over $40,000 required road construction condition will even benefit the neighborhood. Thus, the application of the road construction conditions to this property is peculiarly unreasonable. By taking actions that will undoubtedly increase traffic speed and flow, the proposed road 'improvements' will undercut recent efforts to increase safety and living conditions for the residents of the over 100 year old neighborhood. This demonstrates Petitioner's point that the required condition will not, on balance, even benefit the Petitioners if they were to proceed and build on one of the lots. We have two small children and are opposed to efforts to increase both the speed and amount of traffic that occurs in our neighborhood. To this extent, the required road construction conditions are counter-productive and further harm the value of the subject property. Again, these conditions would not necessarily be unreasonable if the subject property was a commercial residential development that needed an enlarged access road to serve tens or dozens of new houses.

As an aside, the curb and sidewalk conditions aren't necessary to serve residents on the street. The pedestrian traffic on the road is very light. As noted above, Petitioners live in the neighborhood and have not seen any significant pedestrian usage of Pullen Avenue where the road conditions apply. This occurs because of the simple fact that there is little or nothing to "walk to" on the road. In addition, between October 1999 - January 2000 Petitioners spent a lot of time working to restore the existing 100-year old house. During those three months we did not see many pedestrians walking along Pullen Avenue. For the few pedestrians that do walk along Pullen, there is a sidewalk on the north side of the road. A sidewalk on the south side wouldn't be practical since it would dead end at the Armory parking lot - - there is no place to "walk to" on that side of the road. Finally, many of the streets in the neighborhood do not have curbing or sidewalks – including Petitioners' current home on Oak Drive.

(b) The hardships described above were not the result of Petitioners' actions. The proposed road construction plan is over 50 years old and the traffic calming activities in the neighborhood predate the Minor Subdivision Application by years.

NO INCREASE IN RESIDENTIAL DENSITY IS SOUGHT.

The variance request does not seek any modification in the residential density of the area.

C. VARIANCE REQUEST COMPORTS WITH COUNTY REGULATIONS.

The Petitioners' request does agree with the spirit and intent of local regulations. As noted above, there are over a dozen Comments/Conditions that Petitioner is not challenging -- including granting over 1/10 of an acre of land to Baltimore County at its insistence. Furthermore, there are other Comments/Conditions related to forest conservation easements and forest/stream buffers that the Petitioners are not challenging even though they do impose restrictions on the use of the land. Finally, as described above, the immediate neighbors agree that the road construction requirements are inconsistent with the public interest. For example, several residents believe that installing curbs along the south side of Pullen Avenue (Petitioners' side of road) will cause environmental damage by accelerating run-off into storm drains and, hence local waterways. The current, natural configuration permits rainwater to roll down a long segment of land (over 300 feet). This minimizes the speed and amount of run-off that flows into storm drains. The water that gets absorbed by the soil is filtered prior to getting to the water table.

D. GRANTING THE VARIANCE IS NECESSARY AND IN THE PUBLIC INTEREST.

As explained above, granting the variance from the road construction conditions is both necessary and appropriate. The information above demonstrates that the road construction conditions are not only unduly burdensome and confiscatory but also decrease the safety and living conditions of the surrounding neighborhood. One only has to read the numerous Letters to the Editors submitted to the Catonsville Times over the last six months to realize how contentious the 'road calming' activities were in the residential neighborhoods. Upholding road-widening conditions that are inconsistent with all of the recent activity simply doesn't make sense for the County, its residents or the Petitioners.

DESCRIPTION
PORTION OF BUCKLEY PROPERTY
THAT IS SUBJECT TO SPECIAL HEARING
139 NEWBURG AVENUE

Parcel that is the subject of Special Hearing:

Beginning at a point on the south side of Pullen Avenue (variable width) at its intersection with the east side of Newburg Avenue (50 feet wide), thence along said Pullen Avenue (1) East for 300 feet, thence (2) South for 17 feet, thence (3) West along said Pullen Avenue for 300 feet, thence (4) North for 17 feet to the place of beginning. Containing 0.117 acres of land (5,100 sq. ft.) more or less and being located in the First Election District, First Councilmanic District of Baltimore County, Maryland.

139 Newburg Legal Property Description:

Beginning at a point on the south side of Pullen Avenue (variable width) at its intersection with the east side of Newburg Avenue (50 feet wide), thence along said Pullen Avenue (1) N 73° 12' 37" E 300.00 feet, thence (2) S 15° 27' 48" E 515.38 feet, thence (3) N 48° 14' 43" W 560.00 feet to the east side of said Newburg Avenue, thence binding thereon, (4) N 42° 07' 07" E57.19 feet and (5) N 15° 27' 48" W 8.00 feet to the place of beginning. Containing 1.899 acres of land more or less and being located in the First Election District, First Councilmanic District of Baltimore County.

01-123-SPH

RE: Case No.: 01-123-SPH

Petitioner/Developer: PAUL S. BUCKLEY

Date of Hearing/Closing: _____

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 139 Newburg Ave

The sign(s) were posted on 3/26/01
(Month, Day, Year)

Sincerely,

Gary C. Freund 3/26/01
(Signature of Sign Poster and Date)

GARY C. FREUND
(Printed Name)

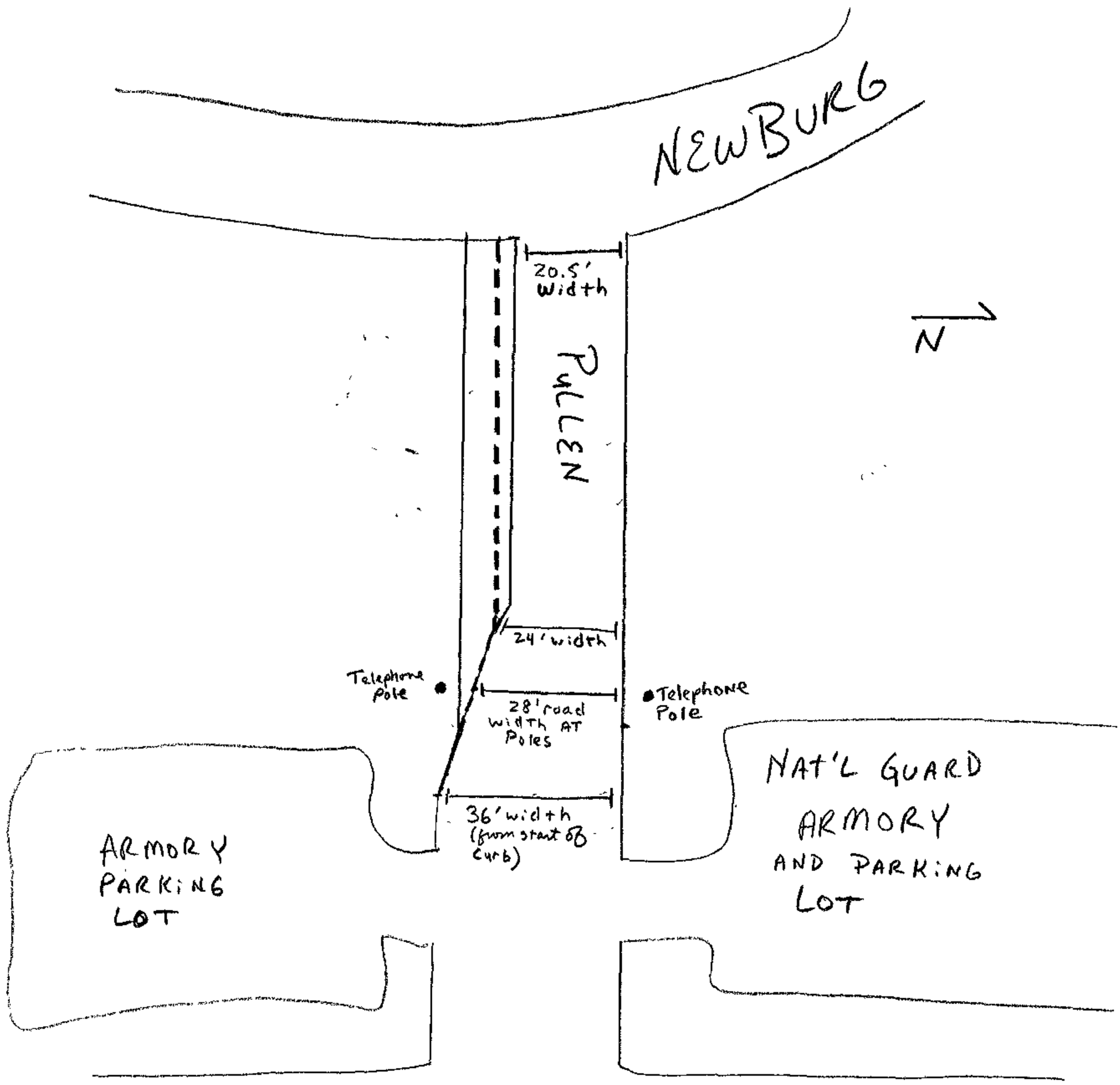
_____
(Address)

_____
(City, State, Zip Code)

_____
(Telephone Number)

Attachment No 1

Current Road width of Pullen Avenue

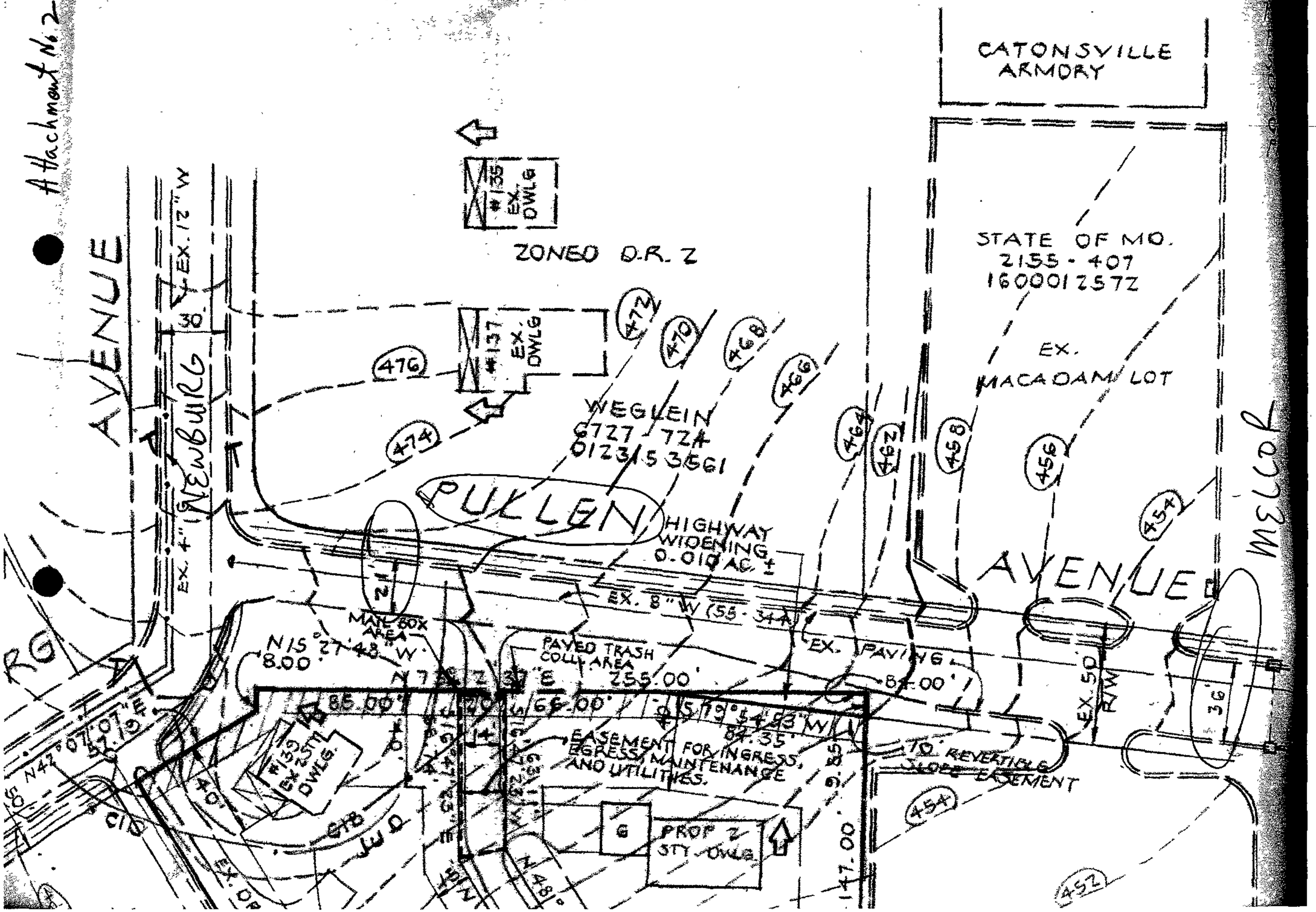


MELLOR

Key: Pencil – current Dimensions of Pullen
Blue Dashes – Proposed 24 foot width
Red – Public Works 30 foot width

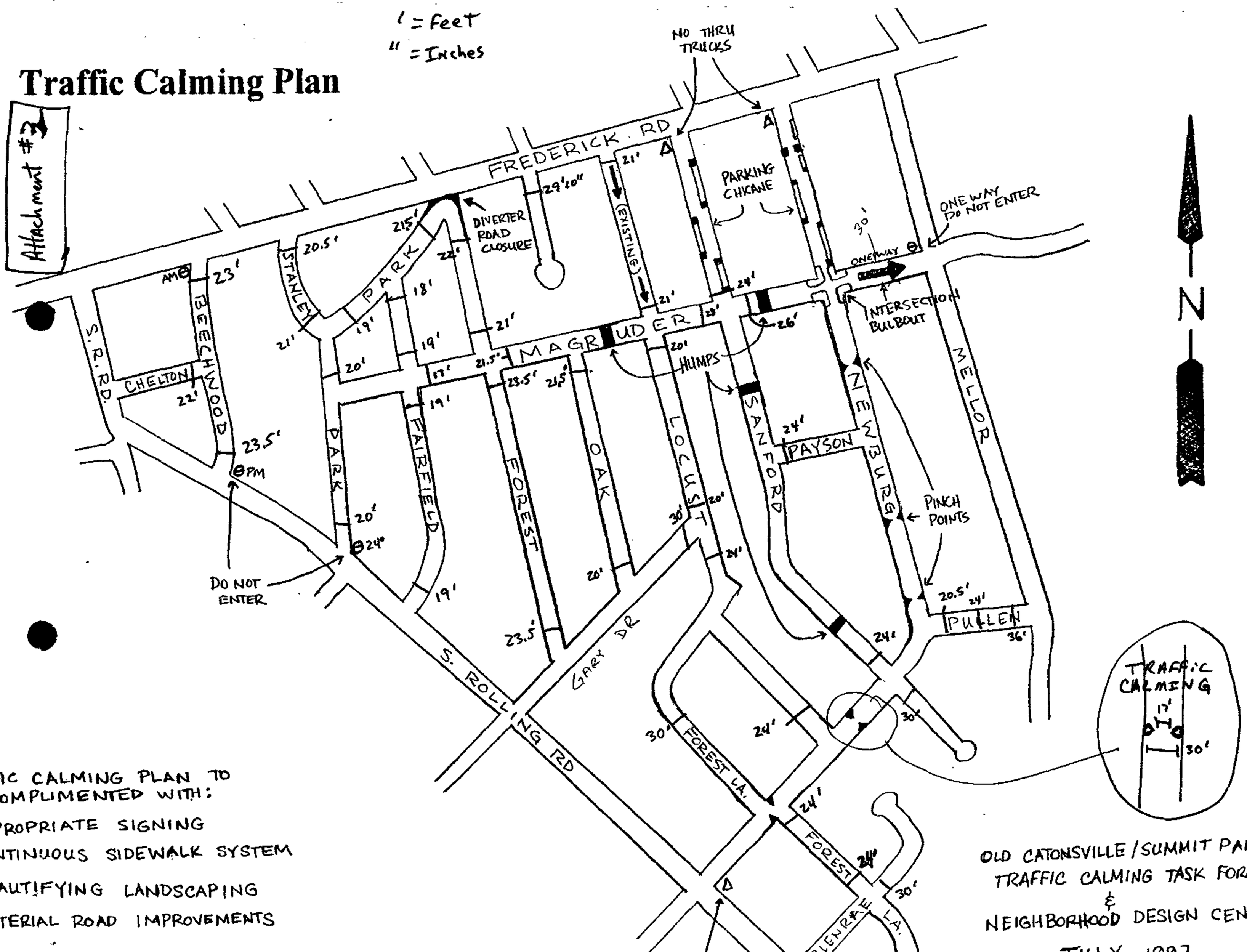
Scale of Pullen Widths
1/16 of Inch = 2 feet

Attachment No. 2



Traffic Calming Plan

Attachment #3



FIC CALMING PLAN TO
COMPLIMENTED WITH:

PROPRIATE SIGNING

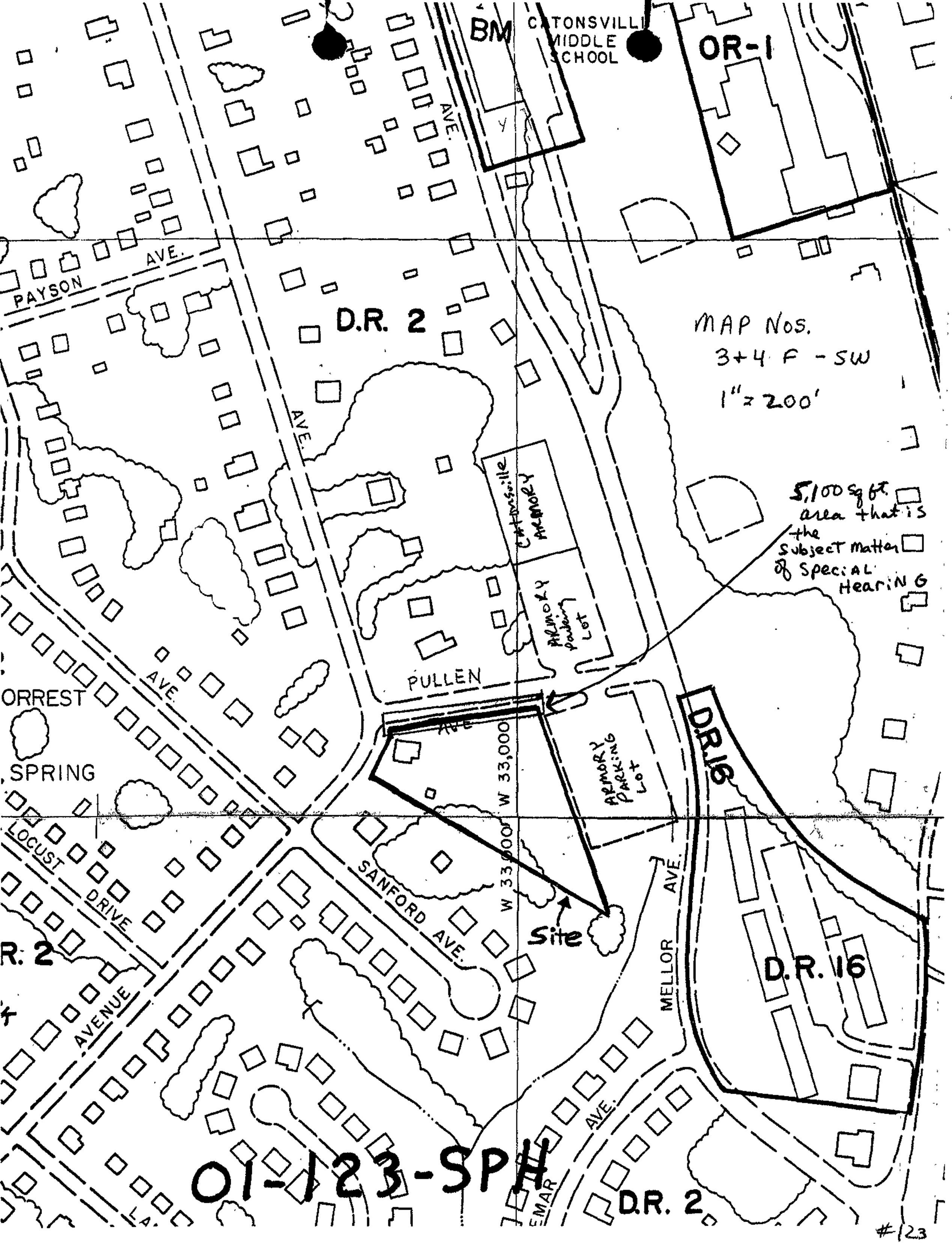
NTINUOUS SIDEWALK SYSTEM

AUTIFYING LANDSCAPING

TERIAL ROAD IMPROVEMENTS

OLD CATONSVILLE / SUMMIT PAR
TRAFFIC CALMING TASK FORC
&
NEIGHBORHOOD DESIGN CENT

JULY 1997


BM
CATONSVILLE MIDDLE SCHOOL
OR-1
AVE.
PAYSON AVE.
D.R. 2
MAP Nos.
3+4 F - SW
1" = 200'
AVE.
Catonsville Armory
Armory Parking Lot
5,100 sq ft area that is the subject matter of Special Hearing
PULLEN AVE
D.R. 16
ORREST
SPRING
LOCUST DRIVE
W 33,000
Armory Parking Lot
SANFORD AVE.
Site
MELLOR AVE.
D.R. 16
R. 2
AVENUE
AVE.
01-123-SPH
D.R. 2
#23

RECEIVED
FEB 15 2001
By GDZ

(W) (202) 624-6622
(W-fax) (202) 624-6789
(H) (410) 747-6480

123 Oak Drive
Catonsville, MD 21228

February 15, 2001

Mr. Arnold Jablon, Director
Baltimore County
1111 W. Chesapeake Ave.
Room 111
Towson, MD. 21204

Re: Notice of Appeal Case No. 01-123-SPH

Dear Mr. Jablon:

In accordance with instructions from one of your appeals clerks, we are submitting this appeal of a January 16, 2001 Order of the Zoning Commissioner in the above-captioned proceeding. A check in the amount of $210.00 is also enclosed. As instructed, the balance of this letter will outline the reasons for the appeal. We understand that a hearing on this matter will be scheduled and we will have the opportunity to address the members of the Board of Appeals.

Background

In early 2000, Pamela and Paul Buckley (Petitioners) filed a minor subdivision request with Baltimore County for permission to subdivide a parcel of land adjacent to the parking lot for the National Guard Armory in Catonsville. Petitioners have lived in the neighborhood for the past 10 years and wished to remain there. The Petitioners had purchased the two-acre lot at 139 Newburg Avenue in late 1999 with the goal of rehabbing the existing 100-year old house and obtaining permission to build on the back lot. The existing house has been reconditioned and a contract for sale has been obtained. The closing on the sale of the existing house awaits only the County's approval of the minor subdivision application. A grant of this appeal (and waiver request) will simply require an adjustment to an agreement on road-work to be performed.

While lengthy, the minor subdivision process has produced acceptable results, with one notable exception. The Department of Public Works (DPW) has imposed a condition requiring Petitioners to complete a road improvement project that has been on the books, but not completed for over fifty years. During the year this minor subdivision application has been pending, no mention has been made that Petitioners' two additional lots were in any the driving cause for the fifty-year old road improvements. Petitioners originally sought a waiver of the road construction condition. The Zoning Commissioner denied the request for waiver. As described further below, the Motion for Reconsideration was filed that focussed on only the most objectionable and burdensome aspects of the DPW condition. The Petitioners' Motion was also denied, the basis given was a reliance on post-

Motion comments solicited from DPW. Petitioners were not given the opportunity to see or respond to the new DPW comments - - some of which raised new assertions for the first time.

Reasons for Appeal

Petitioners have pursued this appeal for a simple reason. DPW's condition, as evidenced by its subsequent comments, doesn't reflect important countervailing considerations of the neighboring residents and the Petitioners. In short, the full required road widening that has been upheld by the Zoning Commissioner's Order isn't in the public interest.

While this short letter can't outline all of the infirmities with the approval of the condition, there has been a failure to properly balance DPW's general standards with the specific circumstances present here. For example, DPW's latest comments apparently cite road congestion as the basis for opposing the waiver. This isn't very compelling given the fact that Pullen Avenue has been ten feet narrower than DPW's standards for over fifty years and no steps have been taken since that time to correct the condition. Petitioners have agreed to widen the roadway by about four feet - - leaving a width that is fully consistent with the balance of the neighborhood roads without imposing costly construction burdens.

DPW also apparently comments on a lack of space for on-street parking. As an initial matter, the two lots sought by Petitioners are going to be the only homes on the road and they are required to have off-street parking. In addition, there are numerous streets in the neighborhood that are narrower than Pullen and do not have any restrictions. However, if having a restriction on street parking is required by the requested waiver, then Petitioners don't object. Surely there must be an objective standard that would confirm that a 24-foot road may not have parking on one side. Also, many of the immediate neighbors have opposed the widening. The traffic management of the contiguous Newburg Avenue has been contentious to say the least. The nineteen neighbors that signed a petition in support of Petitioners' waiver request had all of the salient facts before them, including the number of lots that were in the minor subdivision.

Petitioners' firmly believe that the neighborhood's support for their waiver request emanates, in part, on the extensive lengths Petitioners have gone to handle the planned home construction in a way that will enhance the neighborhood - - not detract from it. The efforts include obtaining design modifications to their planned home and agreement to provide extensive landscaping that will serve to buffer the unsightly armory parking lot. Also, quite obviously, the neighbors know how cars operate in the neighborhood. While DPW's 'calculations' may indicate a lack of excessive speed on Pullen, they don't equate with the actual conditions. The speed of cars on Pullen is excessive and widening the road as DPW suggests will only worsen the situation. Perhaps DPW hasn't properly evaluated the road conditions, including the slope.

In conclusion, Petitioners respectfully request that the Board grant a limited waiver of one of the conditions placed on the subdivision of 139 Newburg Avenue by DPW. Specifically, the circumstances of this case support a modest alteration of the road widening condition. The resulting road widening along with the installation of sidewalk, curb and gutter will result in a notable improvement of the street conditions at no cost to the County. More important, is that the limited waiver balances the interests of the County residents generally with those of the neighborhood and the Petitioners. The wide support for this petition by those who live in the neighborhood and the unnecessary extra costs it would impose on Petitioners, justifies the waiver.

Thank you for your consideration of this matter and we look forward to appearing at the appeal hearing.

Very truly yours,

Pamela L. Buckley

Pamela L. Buckley

Paul S. Buckley 2/15/01

Paul S. Buckley

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

September 13, 2001

NOTICE OF ASSIGNMENT

CASE #: 01-123-SPH

IN THE MATTER OF: ***Pamela L. & Paul S. Buckley*** **–Legal Owners**
139 Newburg Avenue 1st Election District; 1st Councilmanic

11/15/2000 – ZC's Order in which special hearing request was DENIED.
1/01/2001 – ZC's Order – Ruling on Motion for Reconsideration – DENIED.

ASSIGNED FOR: **TUESDAY, JANUARY 15, 2002 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the *advisability of retaining an attorney.***

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Appellant /Petitioner : Mr. and Mrs. Paul S. Buckley

George and Kim Anderson
Meg Christian
Marybeth Brohaun

People's Counsel for Baltimore County
Thomas H. Hamer, Deputy Director /DPW
Jim Mezick /Fire Department
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: May 3, 2002

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton TRS
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILE**

The following case has been finalized and the Board of Appeals is closing the copy of the appeal case file and returning the file and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
01-123-SPH	*01-123-SPH*	PAMELA L. PAUL S. BUCKLEY	139 NEWBURG AVENU

Attachment: SUBJECT FILE(S) ATTACHED

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

Mr. & Mrs. Paul S. Buckley
123 Oak Drive
Catonsville, Maryland 21228

RE: PETITION FOR SPECIAL HEARING
S/S Pullen Avenue at E/S Newburg Avenue
(139 Newburg Avenue)
1st Election District – 1st Council District
Paul S. Buckley, et ux - Petitioners
Case No. 01-123-SPH

Dear Mr. & Mrs. Buckley:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied, 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. & Mrs. George Anderson
139 Newburg Avenue, Catonsville, Md. 21228
Office of Planning; Department of Public Works; People's Counsel; Case File

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SWM
(S)

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 16, 2002

NOTICE OF DELIBERATION

IN THE MATTER OF:

PAMELA L. & PAUL S. BUCKLEY –Legal Owners
Case No-01-023-SPH

Having heard this matter on 1/15/02, public deliberation has been scheduled for the following date /time:

DATE AND TIME : **WEDNESDAY, JANUARY 30, 2002 at 10:30 a.m.**

LOCATION : **Hearing Room 48, Basement, Old Courthouse**

Kathleen C. Bianco
Administrator

c: Appellant /Petitioner : Mr. and Mrs. Paul S. Buckley

George and Kim Anderson
Meg Christian
Marybeth Brohaun

People's Counsel for Baltimore County
Thomas H. Hamer, Deputy Director /DPW
Jim Mezick /Fire Department
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

fyi: S.W.R.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

September 13, 2001

NOTICE OF ASSIGNMENT

CASE #: 01-123-SPH

IN THE MATTER OF: ***Pamela L. & Paul S. Buckley*** **–Legal Owners**
139 Newburg Avenue 1st Election District; 1st Councilmanic

11/15/2000 – ZC's Order in which special hearing request was DENIED.
1/01/2001 – ZC's Order – Ruling on Motion for Reconsideration – DENIED.

ASSIGNED FOR: **TUESDAY, JANUARY 15, 2002 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Appellant /Petitioner : Mr. and Mrs. Paul S. Buckley

George and Kim Anderson
Meg Christian
Marybeth Brohaun

People's Counsel for Baltimore County
Thomas H. Hamer, Deputy Director /DPW
Jim Mezick /Fire Department
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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(1)

1/15/02 Case # 01-123-SPH. In Re Pamela L & Paul S Buckley
Bay Newberry Ave

Paul S Buckley. Esq
Pamela Buckley.

Request for Variance - Simplified should
variance:
Walkway to residence
Condition to widen Rd from 24 ft to
30 ft.
13a Newberry Rd to a very single
which is a 100 yr old house.
Buckley is here. Doesn't mind
too.
Building is 30 ft wide at
bottom near the Army.
Road management to use 30 ft
wide. Will test this by the
Dept of Public Works
Notices on file for record
that Rd reduced from 24 ft to 30 ft

Remove front window.
Gym & Sm. Cost will be $46,575
38 000. for crawl dining
If approve appeal will be on 7100
Most of houses in old neighborhood
are 20 ft wide
5 of 16 lots are 30 ft wide
but measured in original
This request for a reduction
May have to relocate telephone pole
Just beyond telephone pole is
a drop off.

Assessor supply will for $200,000
This evaluation will be more than half of the
cost of the sale of town
There is a
If this is a development he would
treat this town as a model town

Need
Unnecessary taking of property w/o
justification.
Magistrate Court.
The Neighborhood opposes the
arbitrary. Petitions submitted/a
petitions. To 2C
Petitions against become
negative against a neighborhood
Neighbors opposed to the
ordinance.
Runway Ave has been
marred by planters

Mayport.
Bentley's will be being in the house
Pet is same. petitions which
has submitted to the 2.C.

Sold lot in area of new town to
owner of 139 Newberry. They
bought the 2nd lot.
No discussion being put on property
to accommodate lot.
City required comfort on the
property owned by owner of
139 Newberry to accommodate
3rd lot
One lot on Pullen above the King

Pelib. Buckley
My opinion – grant 24'
Issue – Pet. agree to curb, gutters + sidewalks
– want waiver of req. 30' widening
– reduce to 24' width
Cty. did NOT appear

2ac lot
– 1 existing house
– rehabbed
– sold to young couple
– Roadwork only issue to be resolved
– Pet. claims widening on books for 50 yrs.
bus never done
– Pet. claims not what neighborhood
wants in "traffic calming" aspect
– widening not consistent w/ other
rds. in neighborhood
– Pet. ~~Pet~~ has built new house, will live there
– No plans to build on 3rd vacant lot
– sold to old house people
– retain rt of 1st refusal
limited waiver request
– widen only to 24', not 30'

Z.C. Reconsideration opinion
– DPW already reduced from 36' to 30'
– afraid congestion created bc. of parking
NOTE → (no houses on rd. except Pet. new house)

Sec. 26-172
Waiver granted if
seem to grant
1(a) size, scope + nature ... does NOT justify compliance
(b) waiver w/in scope, purpose + intent
(c) all other cty. laws ... etc. complied with OR
(2) unnecessary hardship
(3) floodplain

SWM

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

September 13, 2001

NOTICE OF ASSIGNMENT

CASE #: 01-123-SPH

IN THE MATTER OF: ***Pamela L. & Paul S. Buckley*** **–Legal Owners**
139 Newburg Avenue 1st Election District; 1st Councilmanic

11/15/2000 – ZC's Order in which special hearing request was DENIED.
1/01/2001 – ZC's Order – Ruling on Motion for Reconsideration – DENIED.

ASSIGNED FOR: **TUESDAY, JANUARY 15, 2002 at 10:00 a.m.**

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Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

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If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Appellant /Petitioner : Mr. and Mrs. Paul S. Buckley

George and Kim Anderson
Meg Christian
Marybeth Brohaun

People's Counsel for Baltimore County
Thomas H. Hamer, Deputy Director /DPW
Jim Mezick /Fire Department
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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Case # 01-123-SPH Jan. 15, 2002

m/m Paul Buckley - App./Pet. pro se
(Pamela L. ✗)

Paul Buckley is Atty - member of bar
- he & wife only people present

Buckley
Denial of waiver on subdivision
- widen road from 21' to 30'
- existing house
  - sold - 100 yr-old house
  - at corner of Pullen & Newburg
Whole ~~lot~~ parcel = 2 acres
B's live in neighborhood
- renovated & restored old house
- built 2nd house compatible w/ neighborhood
Pet. #1 Pullen Ave
- 36' wide @ Armory
- rest 20.5' wide
- Homer reduced his widening request
  from 36' [old plan] to 30'
- unusual terrain
  - Gray & Son estimate $46K +
    - curbs, gutters, sidewalks
→ 24' wide road is good enough
- still have curbs, gutters & sidewalks
p. 3 - Buckley measured roads in neighborhood
- 5 of 16 streets 30' wide
- only 2 consistently 30'
- 3/4 less than 30' wide
Request for reduction of width is compatible
If 30' may need to relocate phone poles
- increase cost by $6000
- may also require additional grading
Neighborhood
- abt. $200,000 av. house

— $50,000 cost unreasonable ~~of~~
in comparison to house value
Built one house
— ~~keep~~ may not build 3rd house
in back
Code exception for developer
— as a model house
— then City said we weren't developers
— had said we were before
Taking
— close to be of magnitude of cost
(19) Neighbors support waiver of road widening
— Traffic calming would not want widening
me
Live in new house? yes
Petition different from Z.C.? yes
Only asking for 24' — yes
— still have curbs, gutters, sidewalks

Westcott Another (3rd) house?
— maybe someday
— not by us
— ~~Chapell in old house~~ Buckley has rt. of 1st
refusal
— Couple owns ~~other~~ vacant lot
now
— easement exists to provide
access to 3rd/vacant lot

Per. #1 Case No. 01-123-SPH
Buckley Appeal - Handouts

** PROPOSAL / CONTRACT **

Operations: (410) 771-4311
Fax: (410) 771-8125

Accounting: (410) 771-4705
Fax: (410) 771-4919

GRAY & SON, INC.

Paving, Excavating and Utility Contractors

PO BOX 8, STRINGTOWN ROAD BUTLER, MD 21023

January 9, 2002

Mr. Paul Buckley
c/o Washington Gas
1100 H Street, NW
Washington, DC 20080

RE: 807 Pullen Ave - Widening

We are pleased to submit our price proposal for the above referenced project in accordance with our joint site meeting.

Mobilization
Maintenance of Traffic
Furnish and install sediment and erosion control measures
Notch excavation for widening
Furnish and install 7" CR6 aggregate subbase
Furnish and install Baltimore County Standard concrete curb and gutter
Furnish and install 2.5" HMA BF base course
Furnish and install 1.5" HMA SF surface course with tack coat
Furnish and install Baltimore County Standard concrete sidewalk
Backfill curbs and sidewalk
Remove sediment and erosion control measures
Stabilize the disturbed area with permanent seed and mulch

.....LUMP SUM $42,775.00
+ 3800.00
$ 46,575.00

Notes:

As discussed, should a twenty-four (24) foot road be required in lieu of a thirty (30) foot road, please deduct $7,100.00 from the above price.

If a 7" concrete driveway apron is shown on the plans, please add $3,800.00 to the above pricing.

Gray & Son, Inc. hereby proposes to furnish the materials, labor and/or perform the work itemized above, in accordance with the provisions hereof, at the prices shown.

Terms: Balance to be paid in full 30 days after receipt of our invoice. No retention to be withheld on this project. If the price or any part thereof is not paid when due, the Purchaser will pay, in addition thereto, a service charge of 1.5% of the unpaid balance for each month from the date due to the date of actual payment.

This Proposal-Contract is subject to acceptance within 30 days from date, and is void thereafter, at Gray & Son's option.
Please indicate acceptance by signing and returning one copy of this proposal within 10 days of the above date.

Owner: _____

Accepted By: _____

_____
type or print

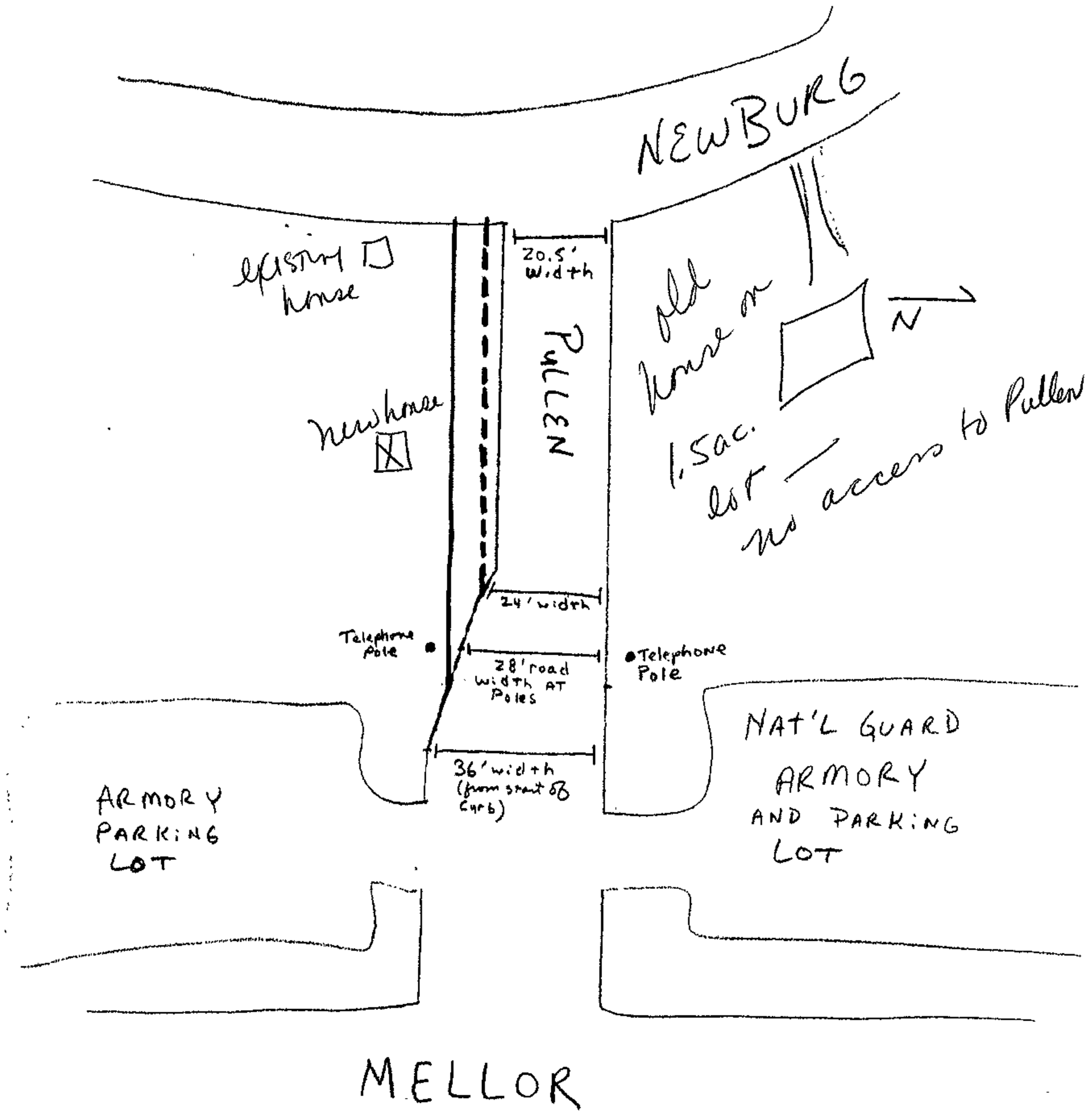
Date: _____

GRAY & SON, INC.

_____
Christopher E. Eisenhart, Estimator

ATTACHMENT NO 1

Current Road Width of Pullen Avenue

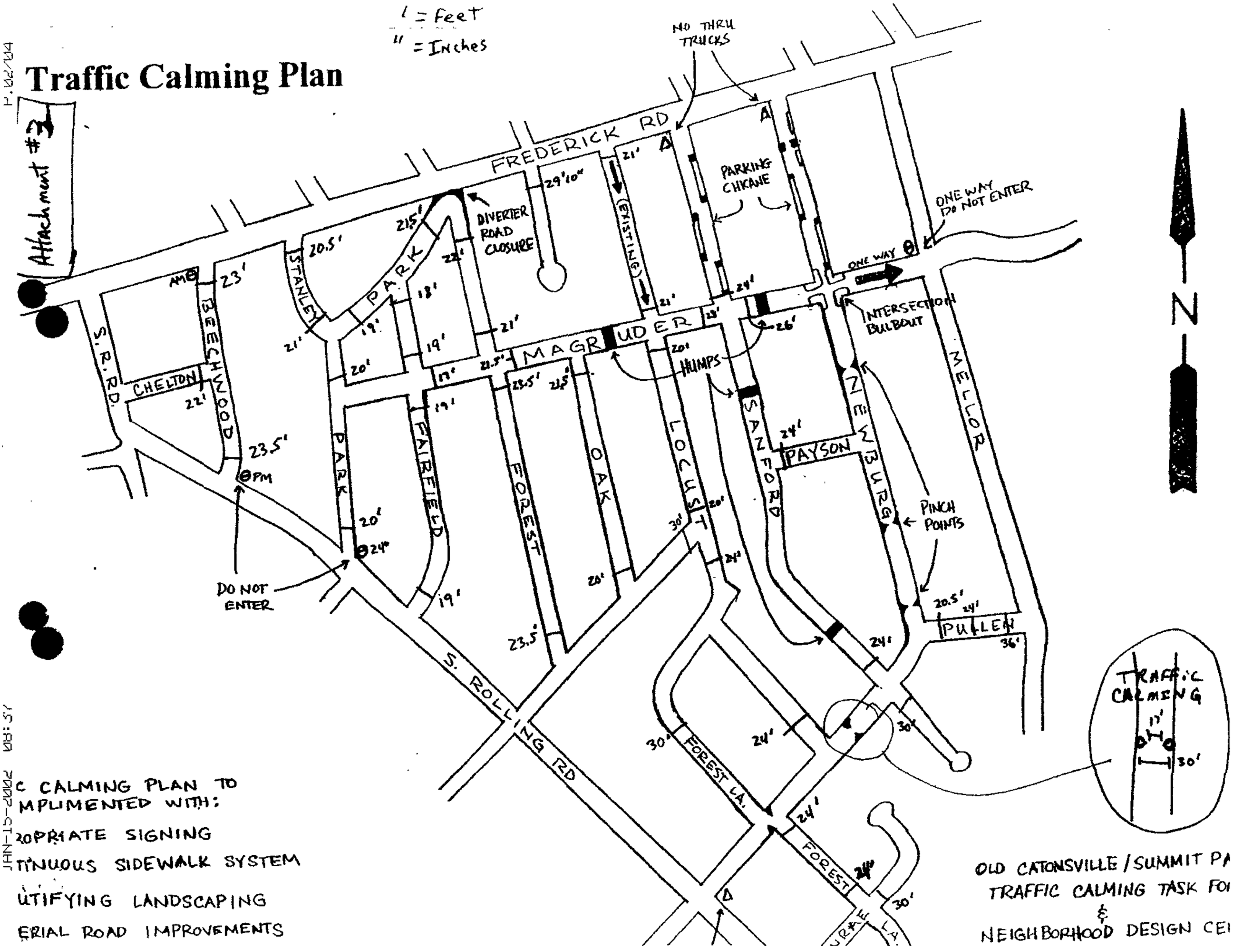


Key: Pencil — current Dimensions of Pullen
Blue Dashes — Proposed 24 foot width
Red — Public Works 30 foot width

Scale of Pullen widths
1/16 of Inch = 2 feet

Traffic Calming Plan

Attachment #3



C CALMING PLAN TO
MPLIMENTED WITH:
20PRIATE SIGNING
TINUOUS SIDEWALK SYSTEM
UTIFYING LANDSCAPING
ERIAL ROAD IMPROVEMENTS

OLD CATONSVILLE / SUMMIT PA
TRAFFIC CALMING TASK FO
&
NEIGHBORHOOD DESIGN CE

JAN-15-2002 08:57

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 91774

DATE 2/20/01 ACCOUNT 001-006-6150

AMOUNT $ 210.00

RECEIVED FROM: Paul Stanley Buckley

FOR: 114 Newburg Avenue

Appeal of 01-123-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT ACTUAL TIME
2/21/2001 2/20/2001 13:00:28
REG W801 CASHIER JRIC JRK DRAWER 1
RECEIPT # 033585 OFLN
Dept 5 574 ZONING VERIFICATION
LR NO. 091774
Recpt Tot 210.00
210.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

February 21, 2001

Donna Reuter
141 Newburg Avenue
Catonsville, MD 21228

RECEIVED
COUNTY BOARD OF APPEALS
01 FEB 21 PM

Dear Ms. Reuter:

RE: Case No. 01-123-SPH, 139 Newburg Avenue (AKA Buckley Property, Minor Subdivision 00-040-M)

Please be advised that an appeal of the above-referenced case was filed in this office on February 15, 2001 by Mr. and Mrs. Paul S. Buckley. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:aem

c: Mr. and Mrs. Paul S. Buckley, 123 Oak Drive, Catonsville, MD 21228
Mr. and Mrs. George Anderson, 139 Newburg Avenue, Catonsville, MD 21228
Meg Christian, 5 Magruder Avenue, Catonsville, MD 21228
People's Counsel, MS #2010
Joe Chmura, Development Management
Minor Subdivision File 00-040-M
John R. Alexander, Zoning Review
Bruce Seeley & Alli Cauthorn, Development Coordination, DEPRM
Dan Esser, Groundwater Management, DEPRM
Wally Lippincott, Agricultural Preservation, DEPRM
Al Wirth & Ed Schmaus, Stormwater Management, DEPRM
Patricia Farr, Environmental Impact Review, DEPRM
Solid Waste Management, DPW
Jim ~~Mezzie~~, Fire Dept.
Mezick

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Mark Cunningham, Development Review, OPCC
Herb Obrec, Development Plans Review, PDM
Steve Houk, Land Acquisition, PDM
Jan Cook, Recreation & Parks
Larry Gredlein, SHA

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Pamela L. and Paul S. Buckley – Legal Owners
Case No.: 01-023-SPH

DATE: January 30, 2002

BOARD/PANEL:

Margaret Worrall	MW
Melissa Moyer Adams	MMA
Lawrence S. Wescott	LSW

RECORDED BY: Theresa R. Shelton / Legal Secretary

PURPOSE: To deliberate the granting of a waiver on the 9 foot widening on section of road that is currently 21 feet wide.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- Mr. Buckley presented a good argument
- The road has been 20 ft. wide for 50 years
- Exemption under 26-172
- Curb, gutters and sidewalk will meet County needs
- County did not give information; did not show at deliberation
- size, scope and nature justifies compliance
- does not appear to be a place where buildings or traffic would be an issue
- Economics should not be basis for decision

DECISIONS BY BOARD MEMBERS:

MW Curb, sidewalks and cutters to be paid by Petition and widening of road from 21 feet to 24 feet, in lieu of 30 feet.

MMA Curb, sidewalks and cutters to be paid by Petition and widening of road from 21 feet to 24 feet, in lieu of 30 feet.

LSW Curb, sidewalks and cutters to be paid by Petition and widening of road from 21 feet to 24 feet, in lieu of 30 feet.

FINAL DECISION: Special Hearing GRANTING waiver on the 9 foot widening of the roadway; however the roadway will be widened by 3 feet to a total of 24 feet and the Petitioner will be responsible for providing the curb, sidewalks and gutters as agreed.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,

Theresa R. Shelton
County Board of Appeals

Baltimore County
Zoning Commissioner

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

January 17, 2001

Mr. & Mrs. Paul S. Buckley
123 Oak Drive
Catonsville, Maryland 21228

Re: Motion for Reconsideration
Case No 01-123-SPH
Property: 139 Newburg Avenue

Dear Mr. & Mrs. Buckley:

Enclosed please find the decision rendered in the above-captioned case. The Motion for Reconsideration has been denied 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,

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

c: . Mr. & Mrs. George Anderson
139 Newburg Ave., Catonsville, MD 21228
. Office of Planning
. Dept. Public Works
. People's Counsel
. Case File

Census 2000 For You, For Baltimore County Census 2000

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

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

March 4, 2002

Mr. and Mrs. Paul S. Buckley
123 Oak Drive
Catonsville, MD 21228

RE: *In the Matter of: Pamela L. & Paul S. Buckley*
- Legal Owners /Petitioners /Case No. 01-123-SPH

Dear Mr. and Mrs. Buckley:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

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*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco/ts

Kathleen C. Bianco
Administrator

Enclosure

c: George and Kim Anderson
Meg Christian
Marybeth Brohaun
People's Counsel for Baltimore County
Thomas H. Hamer, Deputy Director /DPW
Jim Mezick /Fire Department
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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Case No. 01-123-SPH

SPH – To approve a waiver of public works standards requiring a 9' widening of Pullen Avenue and associated improvements, including curb, gutter and sidewalks.

11/15/2000 – ZC's Order in which special hearing request was DENIED.
1/01/2001 – ZC's Order – Ruling on Motion for Reconsideration – DENIED.

9/13/01 –Notice of Assignment sent to following; assigned for hearing on Tuesday, January 15, 2002 at 10 a.m.:

Mr. and Mrs. Paul S. Buckley
George and Kim Anderson
Meg Christian
Marybeth Brohaun
People's Counsel for Baltimore County
Thomas H. Hamer, Deputy Director /DPW
Jim Mezick /Fire Department
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

1/15/02 – Hearing concluded before Board (Wescott, Worrall, Irish); deliberation to be assigned and notice sent.

1/16/02 – Notice of Deliberation sent to parties; assigned for Wednesday, January 30, 2002 at 10:30 a.m.; fyi copy to S.W.R.

1/30/02 – Board convened for deliberation (S.W.R.); special hearing granted on 9' widening of roadway; however, roadway will be widened to total of 24'; Petitioner will be responsible for curb, sidewalks and gutters as agreed. Written Opinion and Order to be issued; appellate period to run from date of written Order.

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: # 01-123-SPH
139 Newberg Avenue
S/S Pullen Avenue, E of E/S Newberg Avenue
1st Election District
1st Councilmanic District
Legal Owner(s): Pamela L. & Paul S. Buckley
Special Hearing: to approve a waiver of public works standards to waive the requirement to a 9-foot widening of Pullen Avenue and associated improvement, including curb, gutter and sidewalk.
Hearing: Wednesday, October 18, 2000 at 10:00 a.m. in Room 106, Baltimore County Building, 111 W. 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 concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 10/621 Oct. 3 C424192

CERTIFICATE OF PUBLICATION

TOWSON, MD, 10/5/, 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 10/3/, 2000.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 01-123-SPH

Petitioner/Developer: PAUL & PAMELA BUCKLEY

Date of Hearing/Closing: Oct. 18, 2000

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #139 NEWBERG AVENUE

The sign(s) were posted on SEPT. 30, 2000
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

9/96
cert.doc

ZONING NOTICE

CASE #01-123-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 106, BALTIMORE COUNTY
PLACE: BLDG. 111 N. CHESAPEAKE AVE.
DATE AND TIME: AT 10:00 A.M.
REQUEST: SPECIAL HEARING TO

ZONING NOTICE

CASE #01-123-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 106, BALTIMORE COUNTY
PLACE: BLDG. 111 N. CHESAPEAKE AVE.
DATE AND TIME: AT 10:00 A.M.
REQUEST: SPECIAL HEARING TO

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: 01-123-SPH

Petitioner: Buckley

Address or Location: 139 Newburg Avenue, Catonsville, MD 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: PAUL Buckley

Address: 123 OAK Drive
CATONSVILLE MD 21228

Telephone Number: (W)(202)624-6622 (H)(410) 747-6480

Revised 2/20/98 - SCJ

01-123-SPH

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 22, 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: 01-123-SPH
139 Newberg Avenue
S/S Pullen Avenue, E of E/S Newburg Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Pamela L. & Paul S. Buckley

Special Hearing to approve a waiver of public works standards to waive the requirement for a 9-foot widening of Pullen Avenue and associated improvement, including curb, gutter and sidewalk

HEARING: Wednesday, October 18, 2000 at 10:00 a.m. in Room 106, Baltimore County Building, 111 W. Chesapeake Ave

GD2

Arnold Jablon
Director

C: Paul S. & Pamela L. Buckley, 123 Oak Drive, Catonsville 21228

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY: OCTOBER 2, 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.

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 3, 2000 Issue – Jeffersonian

Please forward billing to:
Paul Buckley
123 Oak Drive
Catonsville, MD 21228

(H) 410-747-6480 (W) 202-624-6622

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: 01-123-SPH
139 Newberg Avenue
S/S Pullen Avenue, E of E/S Newburg Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Pamela L. & Paul S. Buckley

Special Hearing to approve a waiver of public works standards to waive the requirement for a 9-foot widening of Pullen Avenue and associated improvement, including curb, gutter and sidewalk

HEARING: Wednesday, October 18, 2000 at 10:00 a.m. in Room 106, Baltimore County Building, 111 W. Chesapeake Ave

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 13, 2000

Paul S. & Pamela L. Buckley
123 Oak Drive
Catonsville, MD 21228

Dear Mr. & Mrs. Buckley:

RE: Case Number: 01-123-SPH, 139 Newberg Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 13, 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.

GDZ

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: People's Counsel

Printed with Soybean Ink
on Recycled Paper

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Joe Chmura
Department of Permits and
Development Management

DATE: April 17, 2000

FROM: Mark A. Cunningham
Development Review Section
Office of Planning

SUBJECT: Buckley Property
00040 M

The Office of Planning has reviewed the above referenced project and offers the following comments:

1. Add a north arrow identifying the reference system being used.
2. Add the 200' scale map reference number to the zoning classification.
3. Identify the grid number in addition to the map and parcel number.
4. Revise note number 16 to read: "The panhandle shall be paved within one (1) year of the issuance of the first occupancy permit.
5. Panhandle lots are not a matter of right. Section 26-266 of the Baltimore County Code states: "Panhandle lots may only be permitted to achieve better use of irregularly shaped parcels, avoid development in environmentally sensitive areas, and to provide access to interior lots where a public road is neither desirable or feasible. Panhandle lots may be permitted only where such lots would not be detrimental to adjacent properties and would not conflict with efforts to provide for public safety and general welfare."
6. Screening is recommended along the adjacent State of Maryland property.
7. The Office of Planning recommends that the subject parcel be subdivided into two lots without the use of a panhandle. If the developer elects to pursue a panhandle approval then a complete panhandle submittal is required. This office may still recommend denial.

Mark A. Cunningham

LL:MAC:kma

M:\DEVREV\MINOR\00040m.doc

RE: PETITION FOR SPECIAL HEARING 139 Newburg Avenue, S/S Pullen Ave, E of E/S Newburg Ave 1st Election District, 1st Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
Legal Owner: Paul S. & Pamela L. Buckley Petitioner(s)	*	BALTIMORE COUNTY
	*	Case No. 01-123-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

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 29th day of September, 2000 a copy of the foregoing Entry of Appearance was mailed to Legal Owner Paul S. & Pamela L. Buckley, 123 Oak Drive, Baltimore, MD 21228, Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 9.25.00

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

RE: Baltimore County
Item No. 123 JNP

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,

L. J. Gredlein

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, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley AC/RBS

DATE: October 3, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of September 25, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
105	1618 Gray Haven Court
116	7660 Old Battle Grove Road
117	10 North Point Terrace
119	9633 Belair Road
120	7851 St. Bridget Lane
121	White Marsh Business Park
122	2626 Luiss Deane Drive
123	139 Newberg Avenue
124	10602 Topsfield Drive
125	11 Helicopter Drive

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

October 3, 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 25, 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:

105, 116, 120, 122, 123, 124, 125

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

cc: File

Printed with Soybean Ink
on Recycled Paper

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

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

DATE: October 10, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
for October 2, 2000
Item No. 123

The Bureau of Development Plans Review has reviewed the subject zoning item. Attached is a copy of the letter dated July 25, 2000 from Tom Hamer, Deputy Director of the Department of Public Works, indicating their position, "that a deferred arrangement was not appropirate for Pullen Avenue".

RWB:HJO:jrb

Attachment

cc: File

Ls
10/18

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 28, 2000

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

SUBJECT: 139 Newburg Avenue

INFORMATION:

Item Number: 01-123

Petitioner: Paul and Pamela Buckley

Zoning: DR 2

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The property is the subject of a minor subdivision approval for three lots, one of which is a panhandle lot. The Office of Planning's comments on April 17, 2000 indicated that panhandles were not permitted by right, and recommended subdivision of the property into two lots without the use of a panhandle (see attached comment.). Furthermore, the applicant has not demonstrated that the property meets the criteria for panhandle use.

The Office of Planning has determined that the property is located within a community conservation area and is within walking distance of Catonsville High School, which is located only a few blocks away. This office opposes the granting of the special hearing for waiver of public works improvements. At a minimum, sidewalks should be constructed in the interest of public safety.

Prepared by: Mark Cole

SEP 29

Section Chief: Jeffrey W. Long
AFK:MAC:

W:\DEVREV\ZAC\01-123.doc

APPEAL

Petition for Special Hearing
139 Newburg Avenue
AKA Buckley Property (Minor Subdivision 00-040-M)
S/S Pullen Avenue at E/S Newburg Avenue
1st Election District – 1st Councilmanic District
Pamela L. & Paul S. Buckley - Legal Owners
Case No: 01-123-SPH

PAUL S. BUCKLEY, ET UX

RECEIVED
COUNTY BOARD OF APPEALS
01 FEB 21 PM 3:12

✓ Petition for Special Hearing (filed 9/13/00)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (9/22/00)

✓ Certification of Publication (10/3/00 – The Jeffersonian)

✓ Certificate of Posting (9/30/00 – Garland E. Moore)

✓ Entry of Appearance by People's Counsel (9/29/00)

✓ Petitioners' Sign-In Sheet

Revised 3-13-01

✓ Zoning Advisory Committee Comments

Petitioners' Exhibit Nos. 1 - Site Plan to accompany Petition for SPH

Miscellaneous (not marked as Exhibits):

- Letter from Paul S. Buckley to Thomas H. Hamer, Deputy Director, Department of Public Works, dated 7/24/00
- Letter from Paul S. Buckley to Thomas H. Hamer, Deputy Director, Department of Public Works, dated 7/25/00
- Statements in Support of Petition (12 pages)
- Minor Subdivision Comments for Buckley Property (00-040-M)
- Traffic Calming Proposal for Old Catonsville/Summit Park Neighborhood (updated 7/97)

✓ Zoning Commissioner's Order (11/15/00-Denied)

✓ Motion for Reconsideration by Legal Owners (12/15/00)

✓ Zoning Commissioner's Order on Ruling on Motion for Reconsideration (1/01-Denied) 1-16-01

✓ Notice of Appeal received 2/15/01 from Pamela L. and Paul S. Buckley

c: * Mr. and Mrs. Paul S. Buckley, 123 Oak Drive, Catonsville, MD 21228
People's Counsel of Baltimore County, M.S. #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM
~~Joe Ghmura, Development Management~~ Pat Keller, Director /Planning
~~Minor Subdivision File 00-040-M~~ Jim Mezick - Fire Dept.
Thomas H. Hamer, Deputy Director /DPW
George and Kim Anderson, 139 Newburg Avenue, Catonsville, MD 21228
Meg Christian, 5 Magruder Avenue, Catonsville, MD 21228
Marybeth Brohaun, 212 Park Drive, Catonsville, MD 21228

Baltimore County
Department of Public Works

Office of the Director
111 W. Chesapeake Avenue
Towson, Maryland 21204
410-887-3300
Fax: 410-887-3406

July 24, 2000

Mr. Paul S. Buckley
123 Oak Drive
Catonsville, Maryland 21228

Dear Mr. Buckley:

This is to advise you that I have been unable to identify any basis for changing our position on road improvements for Pullen Avenue in conjunction with the creation of your subdivision. In fact the on-going traffic calming activities are expected to increase the use of Pullen Avenue for neighborhood access. Our Traffic Engineers advise me that anything less than 30-foot width on Pullen Avenue is not desirable.

This information was provided to Delegate Malone this morning.

Sincerely,

Tom Hamer

Thomas H. Hamer
Deputy Director

THH/tmm

c: Councilman Moxley

01-123-SPH

Item #23 RWB

Buckley Property
MS #00040M

Baltimore County
Department of Public Works

Office of the Director
111 W. Chesapeake Avenue
Towson, Maryland 21204
410-887-3300
Fax: 410-887-3406

Mr. Paul S. Buckley
123 Oak Drive
Catonsville, Maryland 21228

July 25, 2000

Dear Mr. Buckley:

Reference your July 24, 2000 letter which was received via fax transmission that date. I thought that it had been made clear at our meeting with Delegate Malone that a deferred arrangement was not appropriate for Pullen Avenue and my major objective would be to review the width requirements for Pullen Avenue as a possibility for reducing your cost.

Deferrals are used when the improvement is incompatible with the existing geometry of the roadway or when a significantly larger project will be undertaken in the near future. Neither is the case here since construction along the frontage of your property is the only unimproved section of Pullen Avenue.

There is no capital project contemplated for Pullen Avenue. The existing roadway was a capital project that was completed 50 years ago. For whatever reason the improvements along the frontage of your property were not constructed, perhaps, as you stated the previous property owner refused to provide the necessary right-of-way to the County. That opportunity was lost and is not available now.

We would consider utilizing our "on-call" contractor to perform the construction on your behalf. Based on the unit prices in our contract our estimate of the cost would be approximately $34,000.00. These unit prices reflect the contractor being required to perform small projects on-demand from the County. Frankly, we think you could do better securing your own contractor but this method is available to you. If you would choose this approach, a proposal from the contractor would be requested and you would be required to pay that amount in advance plus inspection charges.

Hopefully this addresses your questions. If you have others, do not hesitate to contact my office.

Sincerely,

Thomas H. Hamer

Thomas H. Hamer
Deputy Director

THH/tmm

c: Councilman Sam Moxley
Delegate Jim Malone
Robert Barrett
Edward Adams
Robert Bowling

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 22, 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: 01-123-SPH
139 Newberg Avenue
S/S Pullen Avenue, E of E/S Newburg Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Pamela L. & Paul S. Buckley

Special Hearing to approve a waiver of public works standards to waive the requirement for a 9-foot widening of Pullen Avenue and associated improvement, including curb, gutter and sidewalk

HEARING: Wednesday, October 18, 2000 at 10:00 a.m. in Room 106, Baltimore County Building, 111 W. Chesapeake Ave

GD2

Arnold Jablon
Director

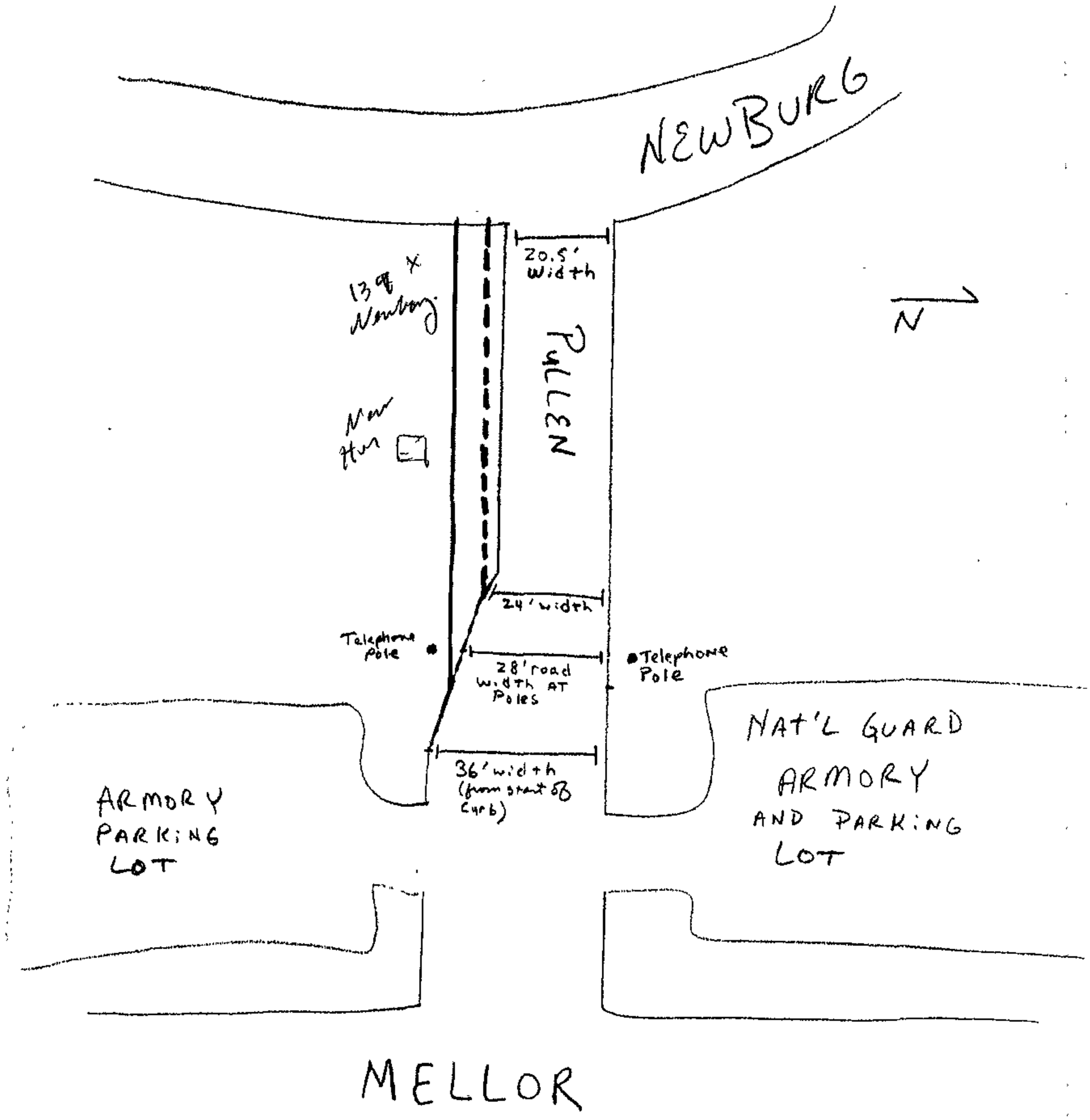
C: Paul S. & Pamela L. Buckley, 123 Oak Drive, Catonsville 21228

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY: OCTOBER 2, 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.

Printed with Soybean Ink
on Recycled Paper

ATTACHMENT NO 1

Current Road Width of Pullen Avenue

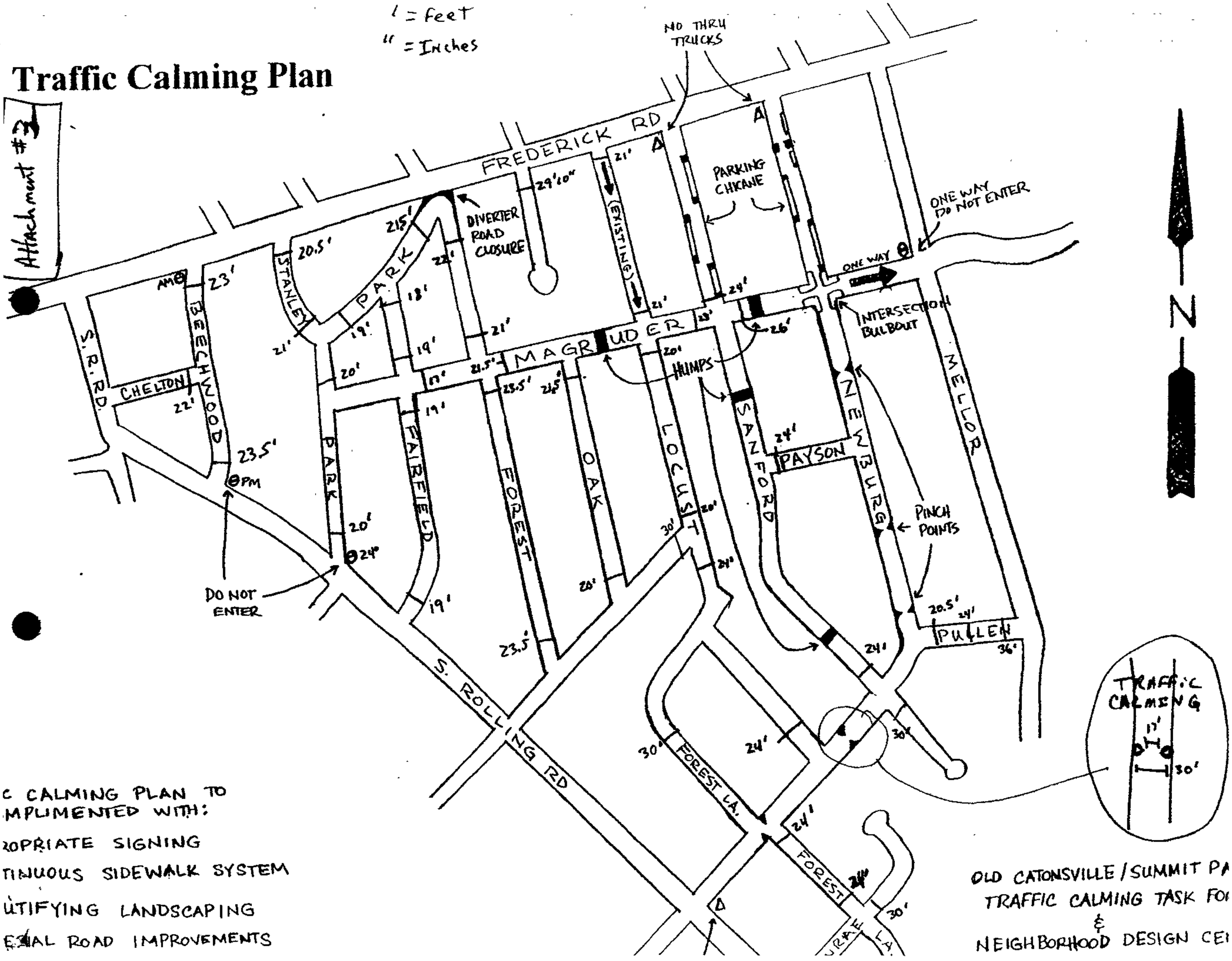


Key: Pencil — current Dimensions of Pullen
Blue Dashes — Proposed 24 foot width
Red — Public Works 30 foot width

Scale of Pullen Widths
1/16 of Inch = 2 feet

Traffic Calming Plan

Attachment #3



C CALMING PLAN TO
MPLIMENTED WITH:

ROPRIATE SIGNING

TINUOUS SIDEWALK SYSTEM

UTIFYING LANDSCAPING

EIAL ROAD IMPROVEMENTS

OLD CATONSVILLE / SUMMIT PA
TRAFFIC CALMING TASK FO
&
NEIGHBORHOOD DESIGN CE

P.02/04
JAN-15-2002 08:37

Case Number 01-123-SPH

PLEASE *PRINT* LEGIBLY

PETITIONER'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Paul Buckley	123 OAK Dr Catonsville	MD	21228
Pamela Buckley	" " "	"	"
Meg Christian	5 Magnolia Ave	Md.	21228
Maybeth Brohaum	212 Park	Md.	21228
George + Kim Anderson	139 Newburg		21228
lessee of	139		
+			
will buy			

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE MARCH 10,2000

To:

OP - Development Review (3) - Mr.Long
PDM - Zoning Review - Mr. Richards
PDM - House Numbers & Street Names - Ms. Parker
PDM - DPR (2) - Mr. Oberc
PDM - Real Estate -Mr S. Houk
DEPRM - PDR - Mr. Seeley (2)
DEPRM - EIR - Ms. Farr
DEPRM - SWM - Mr. Wirth
Rec & Parks - Mr.Cock
Fire Dept - Lt. R Sauerwald - 1102F
SHA - Mr. L. Gredlein - (3)
Solid Waste Management - Mr. Weiss
Bell Atlantic - Mr B Seiss

From: Joe Ohmura, ms 1105

Subject:
Project Name: BUCKLEY PROPERTY
Minor Sub No. 3004CM
District 1C1
Engineer CENTRAL DRAFTING & DESIGN INC
Phone No 410 879-8719

Action: Minor Subdivision Review

Please review the attached plan for compliance with current regulations and return comments to this office by APRIL 25, 2000. If you have no comments or do not need to review this plan, please indicate by placing your initials here

_____

Please initial here if your agency requests the Office of Real Estate Land Acquisition to acquire

_____ HIGHWAY WIDENING
_____ GREENWAY
_____ DRAIN/UTILITY EASEMENT
_____ FOREST CONSERVATION
_____ FOREST BUFFER
_____ FLOODPLAIN
_____ PUBLIC WORKS AGRMT
_____ NONE OF THE ABOVE

4/13/00 ① The two standard notes #7 (non-disturbance & conservation restrictions) must be included on the plan.

MINORSUB DOT ② Forest conservation must be addressed prior to minor sub approval. A waiver to utilize an off-site retention area must be submitted and approved.

③ In original mylar, in addition to the right-of-way plat an entire sheet, the [illegible] and Declaration of [illegible] must be submitted prior to signature by [illegible]

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: MARCH 10,2000

To:

OP - Development Review (3) - Mr.Long
PDM - Zoning Review - Mr. Richards
PDM - House Numbers & Street Names - Ms. Parker
PDM - DPR (2) - Mr. Oberc
PDM - Real Estate -Mr. S. Houk
DEPRM - PDR - Mr. Seeley (2)
DEPRM - EIR - Ms. Farr
DEPRM - SWM - Mr. Wirth
Rec & Parks - Mr.Cook
Fire Dept - Lt. R. Sauerwald - 1102F
SHA - Mr. L. Gredlein - (3)
Solid Waste Management - Mr. Weiss
Bell Atlantic - Mr. B. Seiss

RECEIVED
APR ~~MAR~~ 5 2000
ENG. SERV.

From: Joe Chmura, ms 1105

Subject:
Project Name: BUCKLEY PROPERTY
Minor Sub No. 00040M
District 1C1
Engineer: CENTRAL DRAFTING & DESIGN, INC.
Phone No.: 410 679-8719

Action: Minor Subdivision Review

Please review the attached plan for compliance with current regulations and return comments to this office by APRIL 25, 2000. If you have no comments or do not need to review this plan, please indicate by placing your initials here

_____

Please initial here if your agency requests the Office of Real Estate / Land Acquisition, to acquire

_____ HIGHWAY WIDENING
_____ GREENWAY
_____ DRAIN/UTILITY EASEMENT
_____ FOREST CONSERVATION
_____ FOREST BUFFER
_____ FLOODPLAIN
_____ PUBLIC WORKS AGRMT
_____ NONE OF THE ABOVE

3/7/2000. SHOW THE LIMITS OF disturbance ON THIS plan and note THE DISTURBED area IN Ft² and acres.

Ed Schmaus

MINORSUB.DOT

BALTIMORE COUNTY, MARYLAND

SUBJECT: MINOR SUBDIVISION REVIEW COMMENTS
D.R. ZONING

DATE: 4/19/2000

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

PROJECT NAME: BUCKLEY Property

MINOR SUB. NO.: 00040 M

LOCATION: NEWBURG AVENUE and PULLEN AVENUE

DISTRICT: 1C1

The following comments, as checked, are supplied in response to our review of the subject site.

GENERAL COMMENTS:

✓ All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

✓ A ~~Public Works Agreement~~ Right-of-Way Improvement Agreement must be executed by the owner and Baltimore County for the required public improvements.

✓ In accordance with Bill No. 18-90, Section 26-276 dredging, filling or construction in any wetland is prohibited.

✓ The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

___ The State Department of the Environment construction permits for pumped sewer systems (including grinder pumps) will be obtained through the Baltimore County Department of Public Works after approval of the construction drawings.

___ Offsite rights-of-way are necessary for roads, storm drains or other utilities. The Developer is hereby advised that the final plat and/or building permits will not be approved until the offsite right-of-way is acquired.

___ The Developer's Engineer shall investigate the need and obtain the necessary permits for the facilities serving this site that may require a "Corps of Engineer's Permit", a "Water Resources Permit", a "Water Quality Certification", and any other Federal or State Permits. These facilities cannot be sent to contract until such permits have been received.

✓ Show three coordinate ticks.

✓ The Developer shall not allow any cable television cables to be installed in this subdivision without the required County permits being obtained. Baltimore County will not assume any rights-of-way, easements, or maintenance of any public improvements, where such cables have been installed without a permit until the cables are satisfactorily located.

HIGHWAY COMMENTS:

✓ Newburg Ave. Fuller Ave. are existing roads which shall ultimately be improved as a 30' street cross section on a 50' right-of-way.

___ Show future _____ foot right-of-way on plan.

___ The Developer is responsible for the grading of the widening to the proposed cross-section based on the grade of the existing road. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.

✓ Panhandles shall be a minimum of 20 feet in width to serve one lot and a minimum of 12 feet in width per lot where two or more lots are involved. The Developer shall be required to provide a paved panhandle drive where more than one lot is to be served prior to occupancy. Revise profile to reflect the proposed road widening.

✓ Covenants must be recorded prior to, or along with the recording of the plat, establishing a cross easement over the panhandles for access over and maintenance of the common panhandle driveway, and for installation and maintenance of the private water and/or sewer connections where applicable.

✓ Developer is responsible for a street light at the road intersection.

___ _____ is a State road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

✓ 350' foot sight distance should be shown on plan for new entrances.

✓ Sight lines are to be drawn from the centerline of the proposed access at a point 10 feet behind the extension of the main road curb line to the center line of the nearest approach lane on the main road.

✓ All subsequent plans must note that the areas between the sight line and the curb line must be cleared, graded, and kept free of any obstructions.

✓ Developer is responsible for the road widening with concrete curb and gutter along his site frontage with the public roads. See recorded dwg. #53-2789.

✓ Developer is responsible for the construction of a 4 ft.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS:

✓ The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-ways - both onsite and offsite - and the deeding in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

✓ The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

____ A flood plain study will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

____ The Developer must furnish the Development Plans Review Division with a flood plain study containing the following information:

a. A map of scale 1"=200', for the entire drainage area which contributes to the open stream, including a tabulation of flow quantities. Hydrology computations shall be in accordance with the June, 1986 version of TR55.

b. Field run cross-sections of the stream with the flood plain of a 100-year design storm indicated on them. These sections are to be taken at 50-foot intervals and are to be shown on standard cross-section paper at 1"=5' horizontal to 1"=5' vertical scale.

c. A profile of the stream.

d. A plan with the location of the field run cross-sections indicated.

e. Hydraulic computations which were used to establish the elevation of the flood plain for each cross-section based on "The Standard Step Method" or "The U.S. Corps of Engineers Computer Program HEC-2".

f. Hydraulic computation, including inlet and outlet control analysis, which determine the size of any proposed structure within the flood plain. The Developer's engineer shall submit economically comparable designs (type, size and location), with estimated construction costs included, to verify his selection.

g. The stream is to be cleared of all fallen trees, stumps and debris.

____ In accordance with Bill No. 173-93, Section 26-276, no development in any riverine flood plain shall be permitted except the establishment of property subdivision lines and the installation of any pond, culvert, bridge, street, utility or drainage facility that the County finds not detrimental to flood plain management programs.

____ Sediment control provisions will be required for the building permit application and for any grading involved.

____ The rear of buildings may not be constructed within 20 feet of the limits of the flood plain as established for a 100-year flood level with a 1 foot freeboard. See Plate 19D in the Baltimore County Design Manual.

____ In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

WATER AND SANITARY SEWER COMMENTS:

____ The Developer is responsible for any public water main extension and/or public sanitary sewerage required to serve this property. He is responsible for the preparation and the cost of construction drawings and right-of-way plats required. He is further responsible for conveying any required right-of-way to Baltimore County at no cost to the County.

✓ Permission to obtain a metered connection from the existing main may be obtained from the Department of Permits and Development Management. Show the proposed water meters.

✓ Permission to connect to, or to connect additional sanitary fixtures to the existing public sanitary sewer may be obtained from the Department of Permits and Development Management. Show the proposed sewer house connections.

✓ Water and sanitary sewer service connections shall be installed by a utility contractor prior to the road improvements and shall be included in the ~~Public Works Agreement~~ Right-of-Way Improvement Agreement.

____ The total Water and/or Sanitary Sewer System Connection Charge is determined, and payable, upon application for the plumbing permit.

✓ Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department. Show existing fire hydrant locations.

____ Right-of-way is required through this property for future construction and maintenance of public sanitary sewerage. The Developer is responsible for the establishment of the right-of-way, and the conveyance thereof, to Baltimore County at no cost to the County.

____ Public sanitary sewer with the associated right-of-way is required through this property for future construction upstream of this property. The Developer is responsible for the cost of the construction and design of the public sanitary sewer and the establishment of the right-of-way and conveyance thereof, to Baltimore County at no cost to the County.

____ This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

____ Public sanitary sewers serving the individual lots/properties within the subdivision shall be located within the public roads serving those lots/properties, where practicable.

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: MARCH 10,2000

To:

OP - Development Review (3) - Mr.Long
PDM - Zoning Review - Mr. Richards
PDM - House Numbers & Street Names - Ms. Parker
PDM - DPR (2) - Mr. Oberc 3rd. Comm. RJF 4/5/00
PDM - Real Estate -Mr. S. Houk
DEPRM - PDR - Mr. Seeley (2)
DEPRM - EIR - Ms. Farr
DEPRM - SWM - Mr. Wirth
Rec & Parks - Mr.Cook
Fire Dept - Lt. R. Sauerwald - 1102F
SHA - Mr. L. Gredlein - (3)
Solid Waste Management - Mr. Weiss
Bell Atlantic - Mr. B. Seiss

From: Joe Chmura, ms 1105

Subject: Project Name: BUCKLEY PROPERTY
Minor Sub No. 00040M
District 1C1
Engineer CENTRAL DRAFTING & DESIGN, INC.
Phone No.. 410 679-8719

Action. **Minor Subdivision Review**

Please review the attached plan for compliance with current regulations and return comments to this office by APRIL 25, 2000 If you have no comments or do not need to review this plan please indicate by placing your initials here

_____

Please initial here if your agency requests the Office of Real Estate Land Acquisition to acquire

_____ HIGHWAY WIDENING
_____ GREENWAY
_____ DRAIN/UTILITY EASEMENT
_____ FOREST CONSERVATION
_____ FOREST BUFFER
_____ FLOODPLAIN
_____ ~~PUBLIC WORKS AGRMT~~ Right of Way Improvement Agreement
_____ NONE OF THE ABOVE

4/19/2000 - See attached comments.

MINORSUB.DOT

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: MARCH 10,2000

To:

OP - Development Review (3) - Mr.Long
PDM - Zoning Review - Mr. Richards
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Fire Dept - Lt. R. Sauerwald - 1102F
SHA - Mr. L. Gredlein - (3)
Solid Waste Management - Mr. Weiss
Bell Atlantic - Mr. B. Seiss

From: Joe Chmura, ms 1105

Subject:

Project Name: BUCKLEY PROPERTY
Minor Sub No. 00040M
District 1C1
Engineer: CENTRAL DRAFTING & DESIGN, INC
Phone No.. 410 679-8719

Action: Minor Subdivision Review

Please review the attached plan for compliance with current regulations and return comments to this office by APRIL 26, 2000. If you have no comments or do not need to review this plan, please indicate by placing your initials here

Please initial here if your agency requests the Office of Real Estate / Land Acquisition, to acquire

_____ HIGHWAY WIDENING
_____ GREENWAY
_____ DRAIN/UTILITY EASEMENT
_____ FOREST CONSERVATION
_____ FOREST BUFFER
_____ FLOODPLAIN
_____ PUBLIC WORKS AGRMT
_____ NONE OF THE ABOVE

MINORSUB.DOT

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: MARCH 10,2000

To:

OP - Development Review (3) - Mr.Long
PDM - Zoning Review - Mr. Richards
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Fire Dept - Lt. R. Sauerwald - 1102F
SHA - Mr. L. Gredlein - (3)
Solid Waste Management - Mr. Weiss
Bell Atlantic - Mr. B. Seiss

From: Joe Chmura, ms 1105

Subject:

Project Name: BUCKLEY PROPERTY
Minor Sub No. 00040M
District 1C1
Engineer CENTRAL DRAFTING & DESIGN, INC.
Phone No.. 410 679-8719

Action: Minor Subdivision Review

Please review the attached plan for compliance with current regulations and return comments to this office by APRIL 25, 2000. If you have no comments or do not need to review this plan please indicate by placing your initials here

04/18/00

Please initial here if your agency requests the Office of Real Estate Land Acquisition, to acquire

_____ HIGHWAY WIDENING
_____ GREENWAY
_____ DRAIN/UTILITY EASEMENT
_____ FOREST CONSERVATION
_____ FOREST BUFFER
_____ FLOODPLAIN
_____ PUBLIC WORKS AGRMT
_____ NONE OF THE ABOVE

MINORSUB.DOT

BALTIMORE COUNTY, MARYLAND

Subject: Minor Subdivision Review Comments

Date: April 18, 2000

From: Department of Recreation and Parks

Project Name: Buckley Property

Project Number: 00040M

Location: 139 Newburg Avenue

Comments:

This development is subject to the Adequate Public Facilities Act, Bill No. 110-99. The comments generated herein reflect the requirements of Bill No. 110-99 and the updated Local Open Space Manual.

Local Open Space is not required for Minor Subdivisions and no Master Plan designated greenways are affected.

Jan M. Cook
Engineering Associate II
410-887-3807
e-mail: jmcook@co.ba.md.us

U:\LOS\minorsubs\buckley.doc

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: MARCH 10,2000

To:

OP - Development Review (3) - Mr.Long
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Fire Dept - Lt. R. Sauerwald - 1102F
SHA - Mr. L. Gredlein - (3)
Solid Waste Management - Mr. Weiss
Bell Atlantic - Mr. B. Seiss

From: Joe Chmura, ms 1105

Subject:

Project Name: BUCKLEY PROPERTY
Minor Sub No. 00040M
District 1C1
Engineer CENTRAL DRAFTING & DESIGN, INC.
Phone No.. 410 679-8719

Action: Minor Subdivision Review

Please review the attached plan for compliance with current regulations and return comments to this office by APRIL 25 2000 If you have no comments or do not need to review this plan please indicate by placing your initials here

_____

Please initial here if your agency requests the Office of Real Estate Land Acquisition to acquire

_____ HIGHWAY WIDENING
_____ GREENWAY
_____ DRAIN/UTILITY EASEMENT
_____ FOREST CONSERVATION
_____ FOREST BUFFER
_____ FLOODPLAIN
_____ PUBLIC WORKS AGRMT
_____ NONE OF THE ABOVE

MINORSUB.DOT

TO:

From: BALTIMORE COUNTY, MARYLAND

Terri Labor
DEPRM

SUBJECT:

MESSAGE

Minor Sub

Approved

Signed Terri Labor

TO:

REPLY

Signed

White - Recipient's Reply
Yellow - Recipient's File
Pink - Originator / File / Follow Up

CPS-009

Reply Message

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: MARCH 10,2000

To.

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Fire Dept - Lt. R. Sauerwald - 1102F
SHA - Mr. L. Gredlein - (3)
Solid Waste Management - Mr. Weiss
Bell Atlantic - Mr. B. Seiss

From. Joe Chmura, ms 1105

Subject: Project Name: BUCKLEY PROPERTY
Minor Sub No. 00040M
Distnct 1C1
Engineer: CENTRAL DRAFTING & DESIGN, INC.
Phone No.. 410 679-8719

Action: **Minor Subdivision Review**

Please review the attached plan for compliance with current regulations and return comments to this office by APRIL 25, 2000. If you have no comments or do not need to review this plan, please indicate by placing your initials here

4.5.00

Please initial here if your agency requests the Office of Real Estate, Land Acquisition, to acquire

_____ HIGHWAY WIDENING
_____ GREENWAY
_____ DRAIN/UTILITY EASEMENT
_____ FOREST CONSERVATION
_____ FOREST BUFFER
_____ FLOODPLAIN
_____ PUBLIC WORKS AGRMT
_____ NONE OF THE ABOVE

MINORSUB.DOT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Joe Chmura
Department of Permits and
Development Management

DATE: April 17, 2000

FROM: Mark A. Cunningham
Development Review Section
Office of Planning

SUBJECT: Buckley Property
00040 M

The Office of Planning has reviewed the above referenced project and offers the following comments:

1. Add a north arrow identifying the reference system being used.
2. Add the 200' scale map reference number to the zoning classification.
3. Identify the grid number in addition to the map and parcel number.
4. Revise note number 16 to read: "The panhandle shall be paved within one (1) year of the issuance of the first occupancy permit.
5. Panhandle lots are not a matter of right. Section 26-266 of the Baltimore County Code states: "Panhandle lots may only be permitted to achieve better use of irregularly shaped parcels, avoid development in environmentally sensitive areas, and to provide access to interior lots where a public road is neither desirable or feasible. Panhandle lots may be permitted only where such lots would not be detrimental to adjacent properties and would not conflict with efforts to provide for public safety and general welfare."
6. Screening is recommended along the adjacent State of Maryland property.
7. The Office of Planning recommends that the subject parcel be subdivided into two lots without the use of a panhandle. If the developer elects to pursue a panhandle approval then a complete panhandle submittal is required. This office may still recommend denial.

Mark A. Cunningham

PDM
- Panhandle Application

LL:MAC:kma

(410) 887-3480

M:\DEVREV\MINOR\00040m.doc

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: MARCH 10,2000

To: OP - Development Review (3) - Mr.Long
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Rec & Parks - Mr.Cook
Fire Dept - Lt. R. Sauerwald - 1102F
SHA - Mr. L. Gredlein - (3)
Solid Waste Management - Mr. Weiss
Bell Atlantic - Mr. B. Seiss

From: Joe Chmura, ms 1105

Subject: Project Name: BUCKLEY PROPERTY
Minor Sub No. 00040M
District 1C1
Engineer: CENTRAL DRAFTING & DESIGN, INC
Phone No 410 679-8719

Action: Minor Subdivision Review

Please review the attached plan for compliance with current regulations and return comments to this office by APRIL 25 2000 If you have no comments or do not need to review this plan, please indicate by placing your initials here

_____

Please initial here if your agency requests the Office of Real Estate Land Acquisition to acquire

_____ HIGHWAY WIDENING
_____ GREENWAY
_____ DRAIN/UTILITY EASEMENT
_____ FOREST CONSERVATION
_____ FOREST BUFFER
_____ FLOODPLAIN
_____ PUBLIC WORKS AGRMT
_____ NONE OF THE ABOVE

Show the following addresses
Lot 1 - 807 Pillen Ave
Lot 2 - 809 Pillen Ave
Lot 3 - 139 Lansing Ave

CRoike 4/6/00

MINORSUB.DOT

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

BUREAU OF LAND ACQUISITION

MINOR SUB REVIEW

R. HOUK SIGNED IF APPROVED_____ 07-Apr-00

Project name: BUCKLEY PROP

Minor sub number: 40

Received: 4/5 00

Due date: 4/25 00

Date done: 4/7 00

review: 1ST

comment 1: MAKE A NOTE THAT ACCESS IS FROM ADJACENT BALTIMORE COUNTY OWNED LAND OR SHOW BALTIMORE COUNTY ACCESS EASEMENT.

comment 2: GIVE BEARINGS AND DISTANCES ON FOREST BUFFER EASEMENTS.

comment 3:

comment 4:

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: MARCH 10,2000

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OP - Development Review (3) - Mr.Long
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Rec & Parks - Mr.Cook
Fire Dept - Lt. R. Sauerwald - 1102F
SHA - Mr. L. Gredlein - (3)
Solid Waste Management - Mr. Weiss
Bell Atlantic - Mr. B. Seiss

TO: MJK 4/5/00

From: Joe Chmura, ms 1105

Subject:
Project Name: BUCKLEY PROPERTY
Minor Sub No. 00040M
District 1C1
Engineer: CENTRAL DRAFTING & DESIGN, INC.
Phone No.: 410 679-8719

Action. **Minor Subdivision Review**

Please review the attached plan for compliance with current regulations and return comments to this office by APRIL 25. 2000. If you have no comments or do not need to review this plan, please indicate by placing your initials here

MJK 4/11/00

Please initial here if your agency requests the Office of Real Estate / Land Acquisition, to acquire

_____ HIGHWAY WIDENING
_____ GREENWAY
_____ DRAIN/UTILITY EASEMENT
_____ FOREST CONSERVATION
_____ FOREST BUFFER
_____ FLOODPLAIN
_____ PUBLIC WORKS AGRMT
_____ NONE OF THE ABOVE

MINORSUB.D

Joe Chmura

1ST LIMITED EXEMPTION/ MINOR SUBDIVISION/ REFINEMENT

NAME	BUCKLEY PROPERTY	ADDRESS	SX/S PULLEN AV W MELLOR AV
NUMBER	01-		
ACRES	1.899		
OWNER	PAUL BUCKLEY	ZONE	D R 2
MINOR	00040M		
OWNER ADDR	123 OAK DR BALTIMORE MD 21228	ENGINEER	CENTRAL DRAFTING & DESIGN INC
		ENGINEER ADDR	601 CHARWOOD CT EDGEWOOD MD 21040
TAX MAP	01-23-154920 01-23-154930		No
ENGINEER PHONE	410 679-8719		
	04/03/2000		$527.00
	1		4/04/2000
	04/03/2000		1
	No		No
	No		No
	No		No
	No		No
	No		No
	No		No
	No		No
	No		No
	ame?		
	No		R
	3 SFDS		
	No		$0.00
STATUS			

Find Record | Save Record | Edit Record | Help Record

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: MARCH 10,2000

To:

OP - Development Review (3) - Mr.Long
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Fire Dept - Lt. R. Sauerwald - 1102F
SHA - Mr. L. Gredlein - (3)
Solid Waste Management - Mr. Weiss
Bell Atlantic - Mr. B. Seiss

From: Joe Chmura, ms 1105

Subject:

Project Name: BUCKLEY PROPERTY
Minor Sub No. 00040M
District 1C1
Engineer: CENTRAL DRAFTING & DESIGN, INC.
Phone No.: 410 679-8719

Action: **Minor Subdivision Review**

Please review the attached plan for compliance with current regulations and return comments to this office by APRIL 25, 2000. If you have no comments or do not need to review this plan, please indicate by placing your initials here

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Please initial here if your agency requests the Office of Real Estate / Land Acquisition, to acquire

_____ HIGHWAY WIDENING
_____ GREENWAY
_____ DRAIN/UTILITY EASEMENT
_____ FOREST CONSERVATION
_____ FOREST BUFFER
_____ FLOODPLAIN
_____ PUBLIC WORKS AGRMT
_____ NONE OF THE ABOVE

MINORSUB.DOT

MINOR SUBDIVISION
BASIC FILING CERTIFICATION

To be initialed, signed, sealed ONLY by the surveyor. Submit 18 copies of the plan with the filing fee and this certification to:

Department of Permits and Development Management
ATTN: Minor Subdivision Coordinator
111 W. Chesapeake Avenue, Room 123
Towson, MD 21204

Pertinent data has been obtained from the reviewing agencies regarding this subdivision and the following basic information is in place:

County Office Building
Department of Permits and
Development Management
Development Management.....Room 123
Development Plans Review.....Room 211
Zoning.....Room 111

New Courts Building
Department of Environmental
Protection and Resource Management.....Room 416
Office of Planning (Panhandles).....Room 406

J.D. 1. Existing improvements including buildings, uses, water and sewer designations, mains, wells, septics, and underground tanks

J.D. 2. Topography, soils.

J.D. 3. Streams and floodplains, wetlands, and forest buffers.

J.D. 4. Forest conservation requirements resolved.

J.D. 5. Perc tests completed.

J.D. 6. Existing and proposed right-of-way(s), paving, and improvements including utilities.

J.D. 7. Zoning and overall density calculations since last zoning change.

J.D. 8. If zoned RC-2 and the property to be subdivided has not been separately described in deed or separately recorded in a subdivision prior to November 25, 1979 a devolution of the title must be approved by the Department of Permits and Development Management, Bureau of Zoning Review prior to filing the minor subdivision. The planner must initial the plan.

N/A J.D. 9. If zoned RC-4 and prior to filing, the distribution of the conservancy and building areas must be determined by meeting with Department of Environment Protection and Resource Management and the Office of Planning.

N/A J.D. 10. If located within the Chesapeake Bay Critical Area, the findings plan must be submitted to Department of Environmental Protection and Resource Management and resolved prior to filing the minor subdivision.

N/A J.D. 11. Contact Strategic Planning before submitting any minor subdivision panhandle plans.

Signature of Surveyor

Address: CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040

Telephone No. (410) 679-8719

SEAL

LETTER OF TRANSMITTAL

CENTRAL DRAFTING and DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040
(410) 679-8719 FAX (410) 538-6160

TO: PADM
BALTO. CO OFFICE BLDG
TOWSON, MD 21204

DATE: 4/3/00

SUBJECT: BUCKLEY PROPERTY

ATTENTION:

OUR FILE:

WE ARE, ☑ HEREWITH, ☐ UNDER SEPARATE COVER, TRANSMITTING VIA ☑ MESSENGER ☐ U.S. MAIL (_____) ☐ _____ THE FOLLOWING:

QUANTITY	DRAWING	REVISION	LATEST DATE	DESCRIPTION AND/OR TITLE
20				COPIES OF MINOR SUB PLAT
1				FEE CHECK
1				BASIC FLING CERT

TRANSMITTED AS INDICATED BELOW

- ☐ PER AGREEMENT
- ☐ PER YOUR REQUEST
- ☐ FOR YOUR INFORMATION
- ☑ FOR APPROVAL
- ☐ FOR COMMENT
- ☐ APPROVED – DWG(S).
- ☐ APPROVED AS NOTED – DWG(S)
- ☐ RETURNED FOR CORRECTION – DWG(S).
- ☐ PLEASE RESUBMIT – DWG(S).
- ☐

____ COPY(S) OF _____ SENT TO _____

____ COPY(S) OF _____ SENT TO _____

____ COPY(S) OF _____ SENT TO _____

REMARKS:

APR – 3 2000

PLEASE SIGN AND RETURN ONE COPY OF THIS TRANSMITTAL AS A RECEIPT

VERY TRULY YOURS,
CENTRAL DRAFTING and DESIGN, INC.

SENT BY: Dave Billingsley

RECEIVED BY:

DATE:

Case No 01-123-SPH
Buckley Appeal - Handouts

** PROPOSAL / CONTRACT **

Operations: (410) 771-4311
Fax: (410) 771-8125

Accounting: (410) 771-4705
Fax: (410) 771-4919

GRAY & SON, INC.

Paving, Excavating and Utility Contractors

PO BOX 8, STRINGTOWN ROAD BUTLER, MD 21023

January 9, 2002

Mr. Paul Buckley
c/o Washington Gas
1100 H Street, NW
Washington, DC 20080

RE: 807 Pullen Ave - Widening

We are pleased to submit our price proposal for the above referenced project in accordance with our joint site meeting.

Mobilization
Maintenance of Traffic
Furnish and install sediment and erosion control measures
Notch excavation for widening
Furnish and install 7" CR6 aggregate subbase
Furnish and install Baltimore County Standard concrete curb and gutter
Furnish and install 2.5" HMA BF base course
Furnish and install 1.5" HMA SF surface course with tack coat
Furnish and install Baltimore County Standard concrete sidewalk
Backfill curbs and sidewalk
Remove sediment and erosion control measures
Stabilize the disturbed area with permanent seed and mulch

.....LUMP SUM $42,775.00
+ 3800.00
$ 46,575.00

Notes:

As discussed, should a twenty-four (24) foot road be required in lieu of a thirty (30) foot road, please deduct $7,100.00 from the above price.

If a 7" concrete driveway apron is shown on the plans, please add $3,800.00 to the above pricing.

Gray & Son, Inc. hereby proposes to furnish the materials, labor and/or perform the work itemized above, in accordance with the provisions hereof, at the prices shown.

Terms: Balance to be paid in full 30 days after receipt of our invoice. No retention to be withheld on this project. If the price or any part thereof is not paid when due, the Purchaser will pay, in addition thereto, a service charge of 1.5% of the unpaid balance for each month from the date due to the date of actual payment.

This Proposal-Contract is subject to acceptance within 30 days from date, and is void thereafter, at Gray & Son's option.
Please indicate acceptance by signing and returning one copy of this proposal within 10 days of the above date.

Owner: _____

Accepted By: _____

_____
type or print

Date: _____

GRAY & SON, INC.

_____
Christopher E. Eisenhart, Estimator

Petex1

Traffic Calming Proposal

Old Catonsville/Summit Park Neighborhood
Catonsville, Maryland

A Vision for an Improved Quality of Life

Updated July 1997
Old Catonsville/Summit Park Traffic Calming Task Force
in conjunction with Neighborhood Design Center

Issues Covered

	Neighborhood Issues	Solutions
Purpose of Document	A. Goals & Objectives	A. What is Traffic Calming
Introduction	B. Neighborhood Benefits	B. Techniques & Criteria
	C. Current Traffic Status	C. Traffic Calming Proposal

Purpose of Document

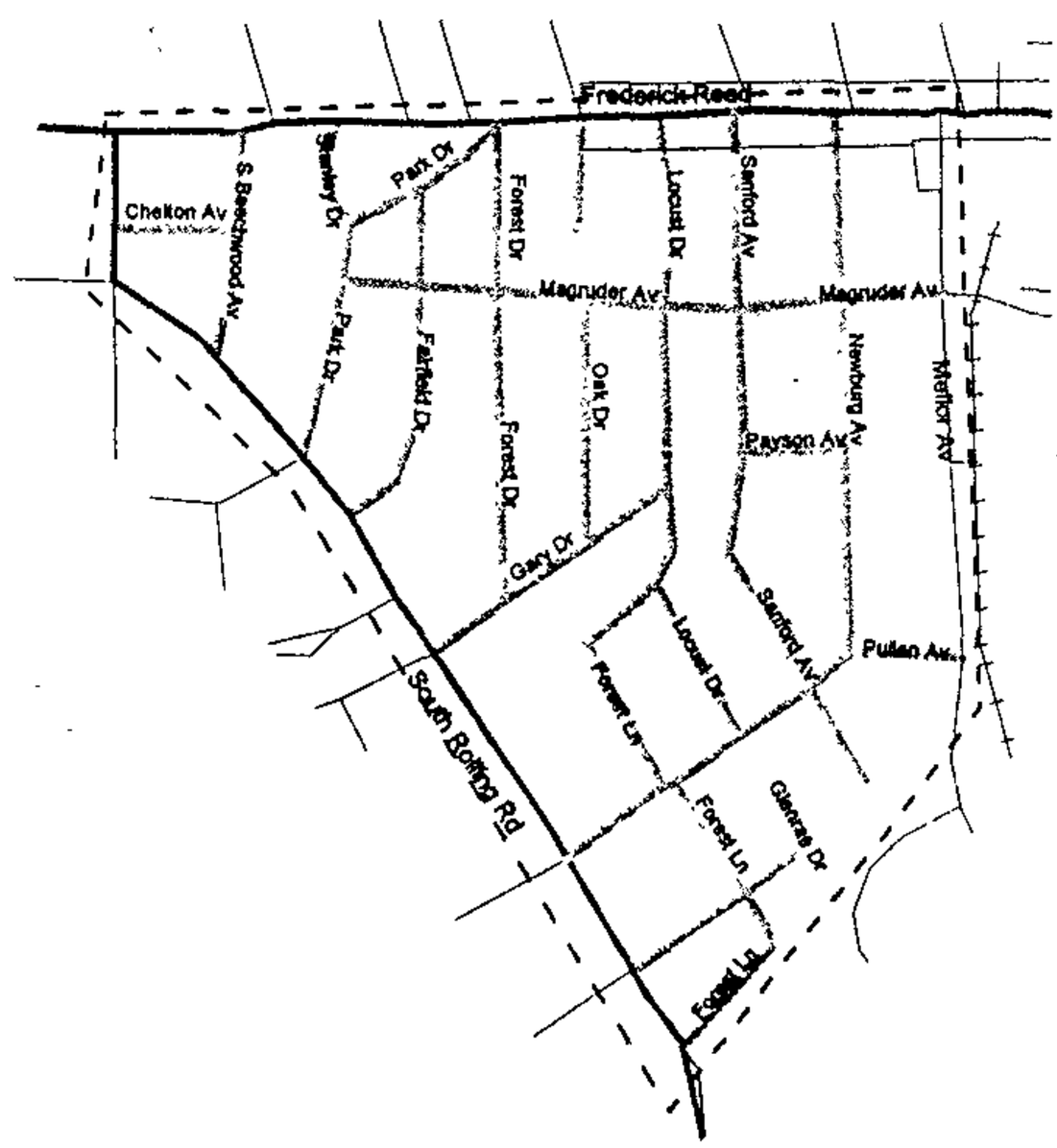
This document serves to communicate visions and concepts aimed at improving the livability of our neighborhood with both citizens and decision-makers. This is a vehicle to learn about the neighborhoods problems and proposed solutions, to understand the philosophy behind traffic calming, and to facilitate the creation of a common vision among the neighborhood's residents.

Local traffic problems arouse emotion, as do their solutions. The desire to calm traffic comes from the grassroots and relies on citizen initiation and participation. The most desired outcome will be higher neighborhood livability due to the increase in driver awareness. Local streets should be a part of the living space of the residents. When drivers realize that they are guests in the neighborhood, they will come to respect the rights of other, non-motorized users.

Introduction

The Old Catonsville/Summit Park neighborhood is an area comprised of about 550 residences located slightly southwest of the Catonsville village center. The neighborhood consists primarily of older homes of various styles and size ranging from large Victorians to small ranchers, split foyers and duplexes. The demographic characteristics of the resident population covers the spectrum, but there is a trend of younger families with children moving in as elderly home owners sell to retire to dwellings requiring less maintenance. This is a traditional neighborhood with a grid of well-connected streets that allow people to move about easily in any direction. Additionally, the neighborhood is flanked by two state arterial streets as boundaries - Frederick Road and South Rolling Road; Mellor Ave. forms the neighborhood's eastern boundary. The neighborhood's traffic woes stem from vehicles short-cutting to avoid heavy traffic volume on the arterials that are congested by slow intersections and is fostered by the grid of well connected streets. These conditions result in a high volume of high speed traffic traveling through the Summit Park neighborhood.

A group of concerned residents banded together to address these traffic concerns and collectively make up the **"Traffic Calming Task Force".** The Task Force has organized studies, analyzed data, gained support from community leaders and is now proposing a solution, seeking residents' input and following visions through to fruition.



Old Catonsville/Summit Park Traffic Issues

Traffic Calming Goals

GOAL 1. Reduce the Volume of Through Traffic

- → Implementation of regulatory, warning, or guiding signs
- → Physical alteration of road design to make less attractive as through road
- → Cooperation from surrounding businesses

GOAL 2. Achieve Slower Traffic Speed

- → Educate residents on traffic safety issues
- → Physical alteration of road design to discourage fast traffic
- → Change the psychological feel of the streets

Neighborhood Benefits

- → **Improved Safety** for pedestrians, cyclists, children, and motorists
- → **Reduced Noise and Air Pollution** will provide a healthier & more peaceful environment
- → **Improved Neighborhood Interaction** through increase in useable social space
- → **Increased Property Values** by creating a more safe and attractive neighborhood
- → **Neighborhood Beautification** by incorporating trees, shrubs and flowers into the design
- → **Prevention of Traffic Growth** by taking action now to curb traffic volume
- → **Improved Livability and Quality of Life in Neighborhood** from all of above
- → **Positive Publicity for Catonsville** resulting from pioneering Baltimore County's first comprehensive neighborhood traffic calming initiative

Current Traffic Status

Studies

Several traffic studies have been conducted over the past year to measure volume, speed, percent cut-through and traffic patterns. One study involved using a radar speed gun to measure the speed of traffic and inform motorists via a large sign which posted the vehicle's speed. The speed studies were conducted on Newburg Avenue on five different occasions at various times between March and August 1996.

A second study, called a "tag study," was conducted August 15, 1996 from 7 - 9 AM and again from 4 - 6 PM. This study required posting a volunteer at the boundary intersection of each road providing an ingress or egress from the neighborhood, and called for 17 volunteers for each study time. Thanks to the many interested and willing residents and Department of Traffic Engineering that donated time and resources, the study was a success. Each volunteer recorded the tag number, time and direction of all

vehicles coming in or leaving the neighborhood. This data was then compiled and analyzed to match tag numbers of inbound vehicles with tag numbers of outbound vehicles which identified motorists cutting through the neighborhood. This provided valuable information including vehicles per hour, traffic patterns, percent cut-through, commercial traffic volume and turn directions.

Newburg Avenue Radar Results

Posted Speed Limit..... 25 MPH

Max Speed Observed..... 49 MPH

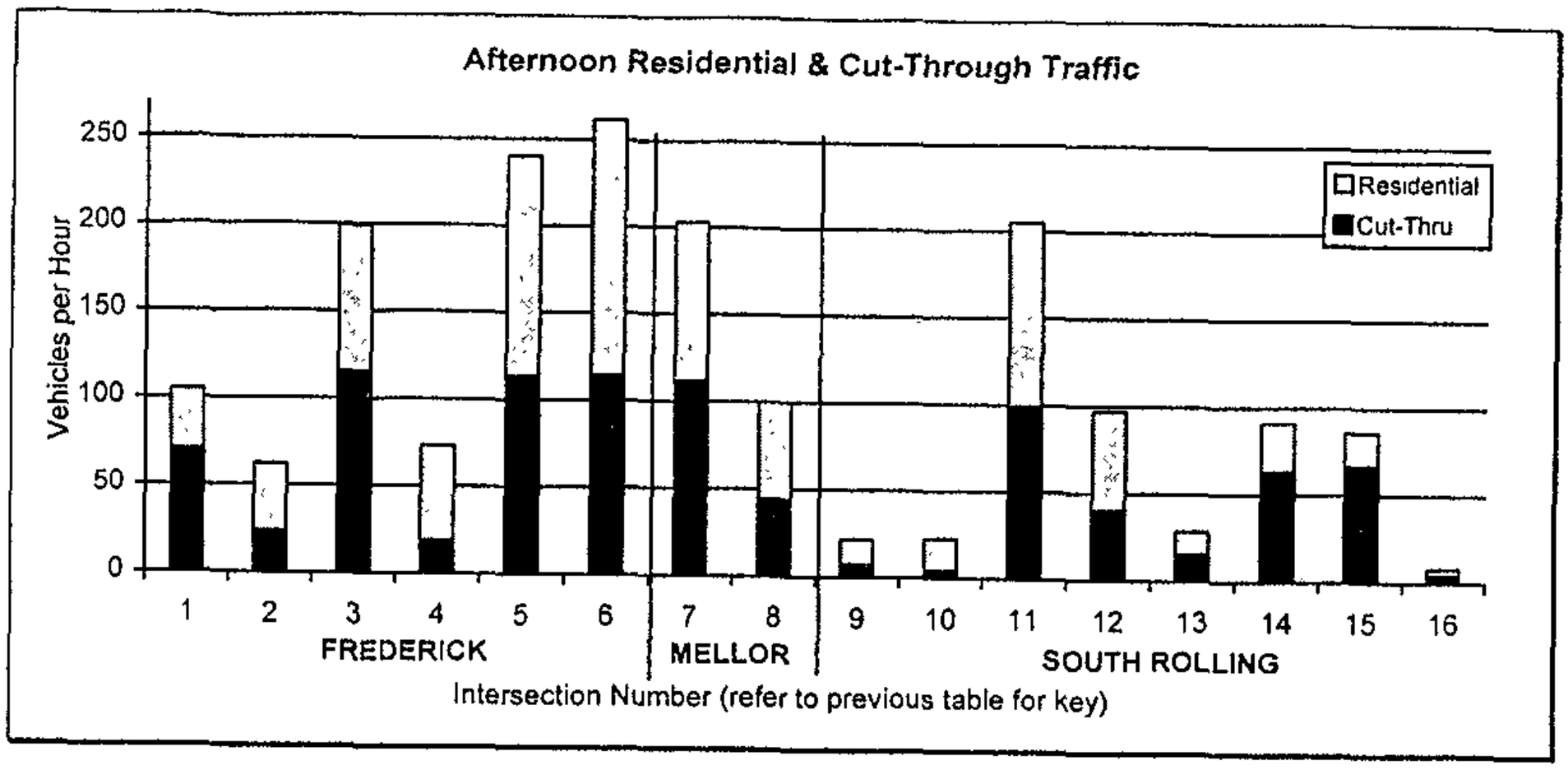
85th Percentile Speed..... 39 MPH

Vehicles per Hour..... 111

Neighborhood Tag Study Results

August 15, 1996	7:00 - 9:00 AM			4:00 - 6:00 PM			Vehicles per Hour	
	Cut-thru	Total	Thru %	Cut-thru	Total	Thru %	AM	PM
Intersections of Frederick Road &:								
1. S. Beechwood	86	114	75%	70	105	67%	57	53
2. Stanley	15	27	56%	24	62	39%	14	31
3. Park/Forest	47	111	42%	115	199	58%	56	100
4. Locust	6	15	40%	19	73	26%	8	37
5. Sanford	43	148	29%	113	240	47%	74	120
6. Newburg	79	194	41%	114	261	44%	97	131
Intersections of Mellor Avenue &:								
7. Magruder	48	111	43%	111	203	55%	56	102
8. Pullen	20	78	26%	44	100	44%	39	50
Intersections of S. Rolling Road &:								
9. Forest La.	2	25	8%	7	22	32%	13	11
10. Glenrae	4	34	12%	4	23	17%	17	12
11. Newburg	58	118	49%	99	205	48%	59	103
12. Gary	12	46	26%	40	97	41%	23	49
13. Fairfield	7	27	26%	15	29	52%	14	15
14. Park	38	62	61%	63	91	69%	31	46
15. S Beechwood	68	88	77%	66	86	77%	44	43
16. Chelton	19	29	66%	4	8	50%	15	4
Grand Totals	**552**	**1,227**	**45%**	**908**	**1,804**	**50%**	**614**	**902**

Shaded cells represent highest volumes



Solutions

What is Traffic Calming?

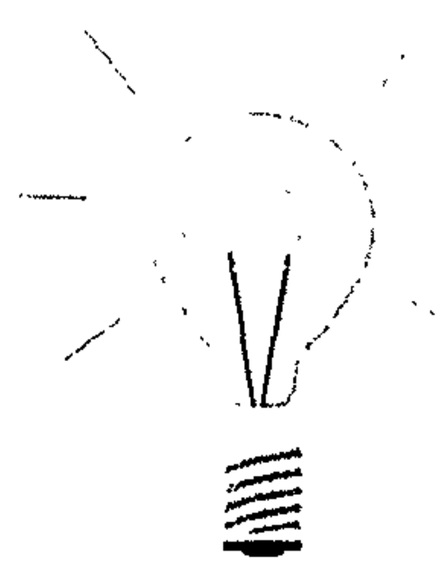
"It is obvious that traditional planning techniques don't work. Cities can not go on indefinitely handing over more and more of their living space to cars. Many city and state planning authorities overseas have abandoned these destructive planning methods and in their place have adopted a new planning outlook. In some countries this new planning approach has even been enshrined in federal law. A broad term that covers this new approach is "Traffic Calming".

Traffic calming is a holistic, integrated traffic planning approach based on common sense which seeks to maximize mobility while creating a more livable neighborhood by reducing the undesirable side effects of that mobility. One definition of traffic calming is 'environmentally compatible mobility management'.

The Principles

THE FUNCTION OF ROADS is not solely to act as a corridor for traffic. They are also for social interaction, walking, cycling and playing. Different roads will have these ingredients in differing proportions - but no one function must dominate to the exclusion of all others.

RESIDENTS HAVE A RIGHT to the best quality of life a neighborhood can provide. This includes the least noise possible, the least pollution possible, the safest environment possible and an environment which fosters a rich community life in which each individual is free to reach their fullest potential"[i].



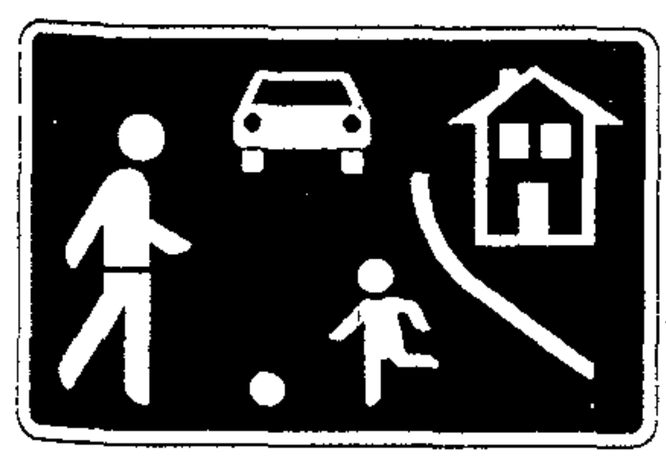
Traffic Calming Techniques

Traffic calming can be achieved by the engagement of a wide range of measures designed to complement each other. Two basic categories include signage and physical alteration of the roadways.

Signage

Signs are traffic control devices that are used to communicate roadway regulations, warning messages or guidance to motorists. *An opportunity exists to reevaluate the neighborhood's road system,* regulations and signage.

- **Stop Signs**, especially 4-way stops, are often requested by residents trying to slow traffic, deter cut-throughs and improve safety. However, according to numerous studies, the stop sign has proven itself ineffective for these types of controls. It will not control speeds except in the braking and accelerating range (about 200 ft) of the intersection and are usually not enough to persuade motorists to find another route. It does increase traffic noise from braking and accelerating, decrease the air quality and consume more energy. All way stops are best suited to control the right-of-way between two conflicting approaches with similar operational characteristics[ii].
- **Speed Limit Signs** have limited benefits because drivers consistently drive at speeds which they perceive as reasonable and comfortable. Consistent enforcement is required for them to be effective, but not feasible due to limited enforcement personnel and budgets[iii]. *Physical traffic* calming devices complement the speed sign and are self enforcing by reducing the speed that motorists perceive as comfortable.
- **One Way** - "One way streets can have a significant impact on traffic volume, are a minimum impedance to emergency vehicles and are generally accepted by the public"[iv].
- **Other Signs** - No Left/Right Turn, Do Not Enter, Not a Through Street, Truck Limits, Slow Signs, Novelty Signs and others can also help calm traffic when used properly.



Traffic calming sign.

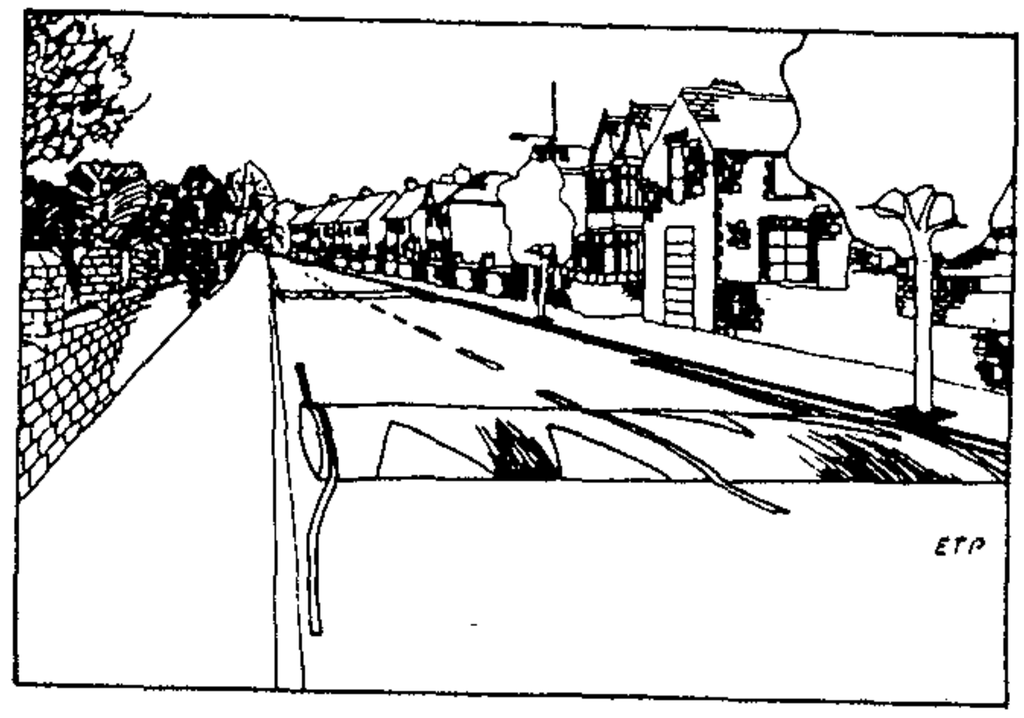
Physical Changes to Road Design

The physical design of the road lies at the heart of the traffic calming concept and most effectively reduces the domination of the motor vehicle. It is not enough to simply erect signs asking cars to travel slowly and be courteous as if a guest in your neighborhood; the physical design must contain elements which change the motorists psyche and require slow, courteous travel. Physical changes can occur in four basic areas:

- Vertical Deflections in the roadway
- Horizontal Deflections in the roadway
- Road Narrowing
- Central Islands

Vertical Deflections

- **Traffic Calming Humps** - This is a very gradual hump in the roadway which vehicles pass over at a maximum comfortable speed of 25mph. The hump has a vertical rise of 2-4 inches and a horizontal spread of about 12 feet making it very different than a speed bump. The discomforting effect of a speed bump, which is only 1-2 feet wide, is mitigated when a vehicle travels fast over the bump. The opposite is true with traffic calming humps which provide minimal discomfort when driving under 25mph, but at faster speeds the vehicle is jolted causing exponentially increasing discomfort to the passengers. Drivers only approach a hump fast once.



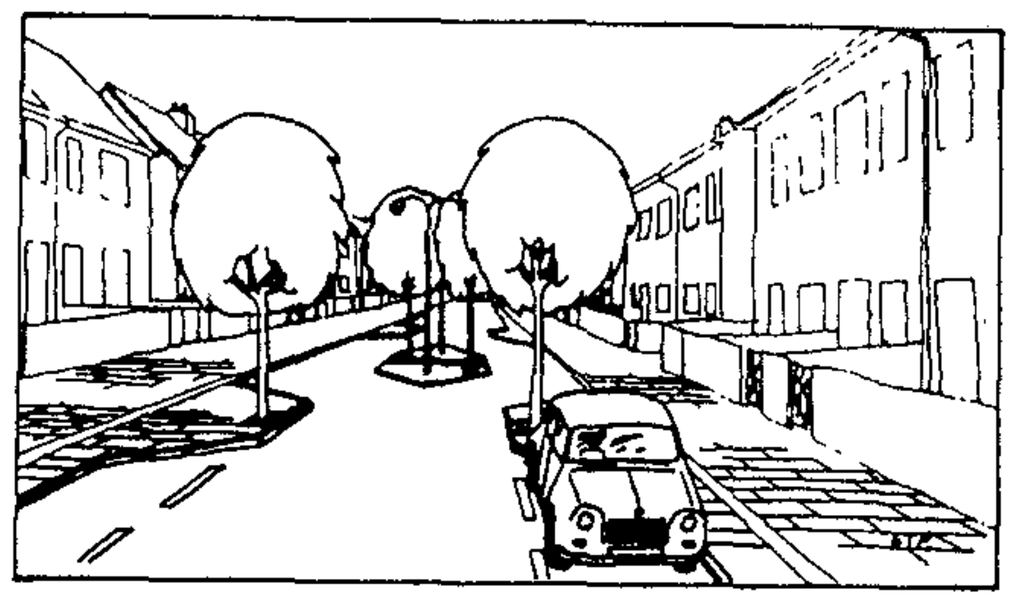
  *Baltimore County has **not** approved the use of traffic calming humps at this time. However, five Maryland counties are using these devices and our neighborhood may be selected for a pilot program if and when use of the device is considered by Baltimore County.*

- **Plateau & Cushion** - A plateau extends the full width of the carriageway between the curbs, extends over a longer length of road than traffic calming humps and are usually flat on top. A cushion is a raised portion with a flat top that only extends over a part of the road's width.[v]

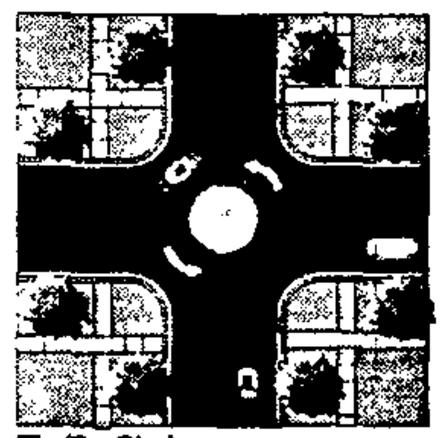
Horizontal Deflections

Horizontal shifts in the carriageway are less effective than vertical ones in achieving speed reductions, but are the next best option. It causes drivers to slow and devote more attention to the task of driving.[vi]

- **Chicanes** - A chicane is created when drivers are forced to deviate around fixed objects in a roadway that is otherwise straight. The road is narrowed, through the use of curb extensions or staggered parking, from one side, then the other, and finally from the first side again. Chicanes break up the typically long sightlines along the street and thus combine physical and psychological techniques to reduce speeds[vii]. Chicanes are most effective when the width of the travel lane is reduced to a minimum and the drivers line of sight is interrupted[viii]. This requires a slower speed for motorists to feel comfortable negotiating the road.



- **Traffic Circles** - Mini roundabouts with a tight radius are better than large ones at reducing speed. Many have mountable curbs to allow for larger vehicles and emergency vehicles easy passage.



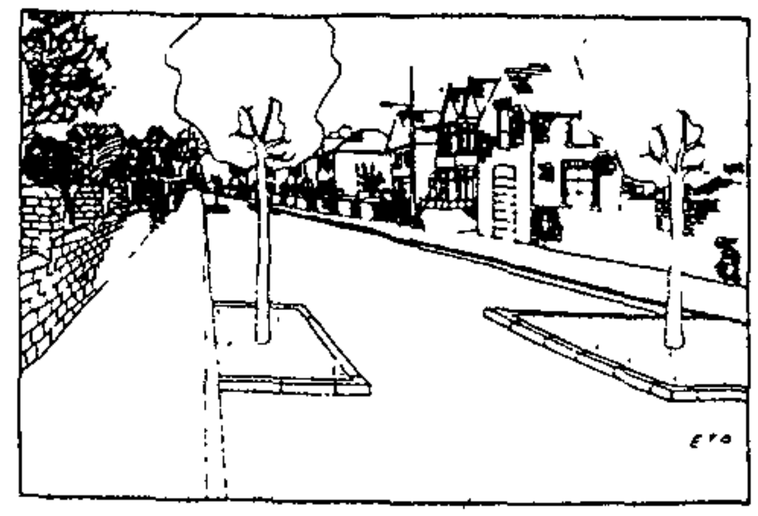
Traffic Circle

Road Narrowing

Motorists tend to drive slower on narrower roads and traffic lanes than on wider ones because they feel they are being constricted and believe they do not have sufficient lateral clearance to pass other vehicles or travel in their own lane at higher speeds[ix].

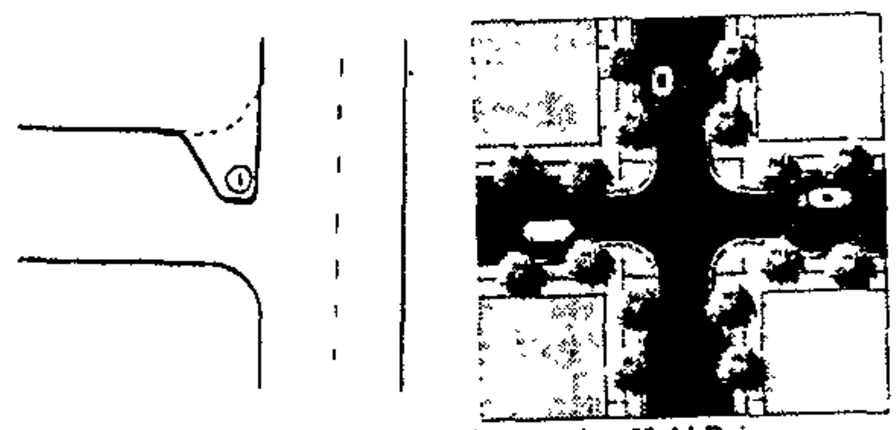
- **Skinny Streets** - By creating narrow streets, vehicles will slow down due to the perception of higher risks. Streets can be narrowed by parking on both sides and with overhanging tree canopies.

- **Curb Radius** - Vehicles turning at intersections with sharp cornered curbs must navigate carefully. Curbs with a large radius provide a gradual curve, allowing vehicles to make their turns at higher speeds.



- **Pinch Points** - Pinch points reduce the carriageway width on opposite sides at a specific part of the road. It is possible to have a single pinch point on one side of the carriageway which would perform much like a chicane. The most effective pinch points are where only one vehicle can negotiate at a time (9 - 10.5 feet wide)[x].

- **Curb Extender/Yield Points** - This is a narrowing of the street, usually at an intersection, by means of extending the curb into the travel path providing a visual cue to drivers that they are entering a different environment and should slow down. These neck-downs can also be used to prevent access onto a road, essentially creating a physical barrier to complement the "Do Not Enter" sign.

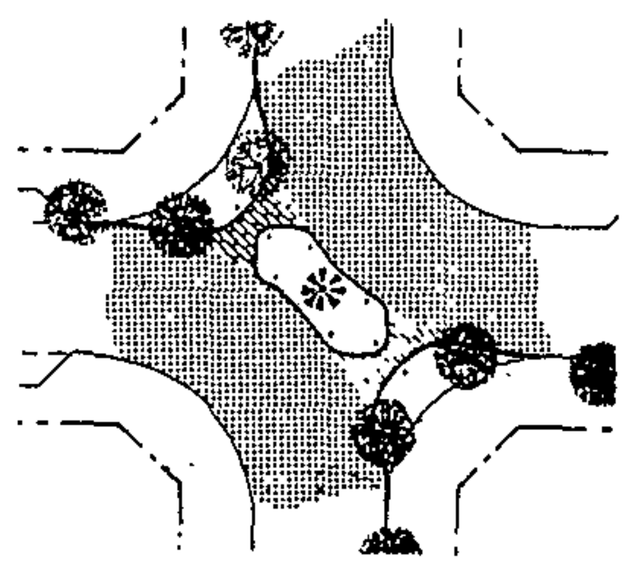


Intersection Yield Point

Islands

Center islands on straight-aways only have a limited effect on reducing speeds unless combined with other measures, such as chicanes. However, when positioned at intersections it is a powerful way to slow traffic, raise attention level of drivers, and prevent undesirable traffic patterns.

- **Median Barrier** - When used at an intersection, this raised center island prevents all left turns and allows only right turns from the side roads.



- **Diagonal Diverter** - This is a center island barrier that is placed diagonally across an intersection to convert the intersection into two unconnected streets. It breaks up the through routes and eliminates drivers who use the area to cut through.

Traffic Calming Criteria

- Through traffic is to be deterred from residential streets and relegated to arterial roads. Traffic should not be shifted from one residential road to another.
- The plan should be comprehensive to address the entire defined neighborhood.
- Traffic calming devices and designs should be self-enforcing and not rely on police enforcement.
- Emergency vehicle access must be preserved.

Old Catonsville/Summit Park Proposal

Analysis of the data reveals that the roads with the heaviest amount of cut-through traffic are Newburg, Magruder, Sanford, and Park/Forest (mostly Park). In many cases, cut through vehicles on other neighborhood roads entered the community on one of the above four roads, so by reducing through traffic entering on these four will reduce subsequent traffic on other roads. Never-the-less measures need to be taken on other roads as well to prevent traffic from shifting roads and encourage use of arterial roads.

A draft traffic calming plan was developed and presented to the neighborhood in January 1997. The attendees had an opportunity to review the plan, ask questions and provide feedback. Baltimore County Department of Community Conservation then engaged Neighborhood Design Center to help develop a revised plan for recommendation back to the neighborhood and public officials. The Neighborhood Design Center assembled a team of people experienced with traffic calming who conducted additional research and studies, reviewed neighborhood input and collaboratively developed a comprehensive traffic calming plan that effectively addresses the needs and concerns of the neighborhood. That plan is graphically detailed on the following page.

Due to current policy in Baltimore County, certain traffic calming measures are not permitted. The County is currently developing new policies and guidelines for traffic calming for which Old Catonsville/Summit Park may be a pilot site. Because of this, the traffic calming plan will be developed in phases. Each phase and key elements of the plan are as follows:

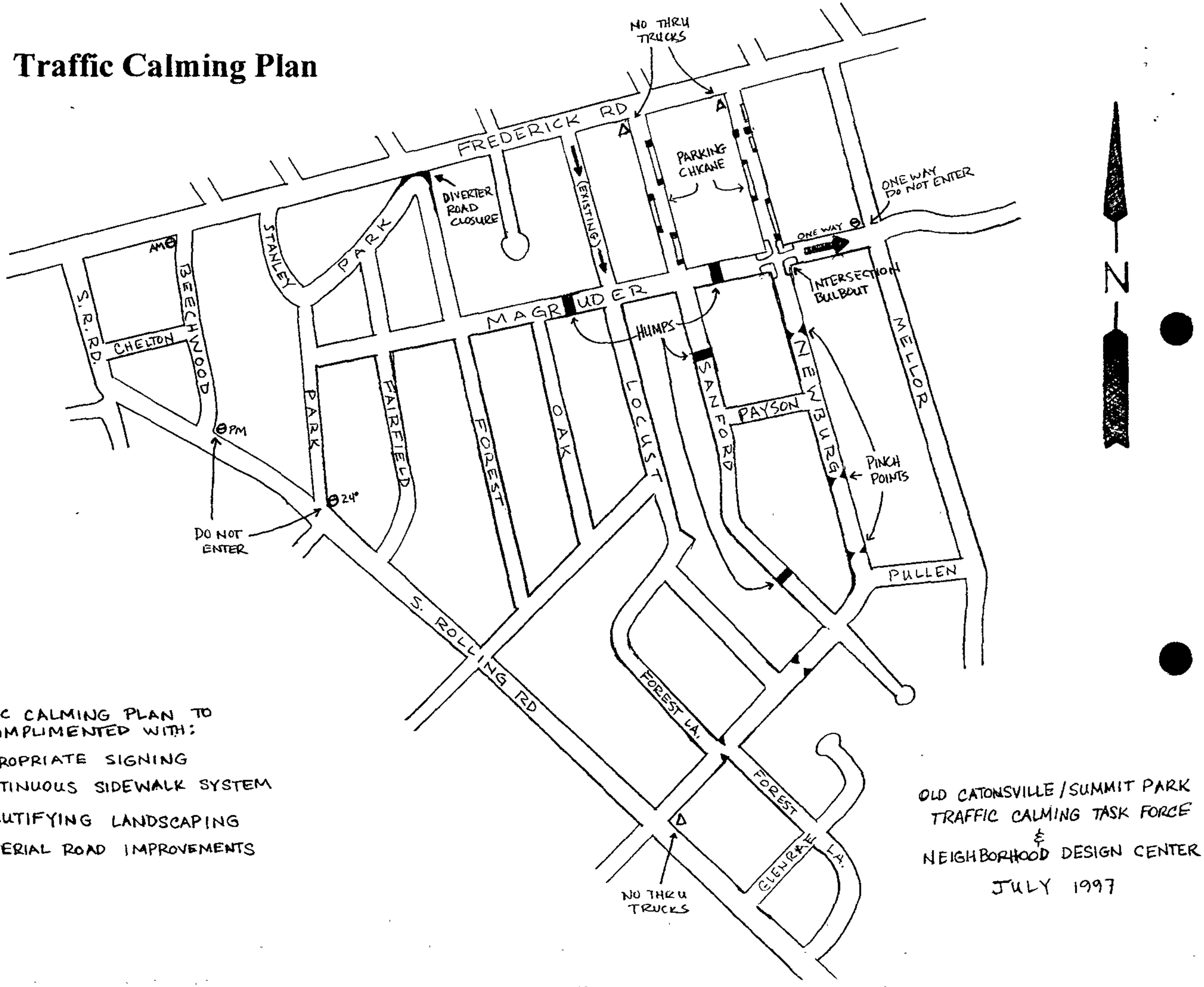
- **Phase I: Traffic Diversion (Summer/Fall '97)** - this aspect of the plan reduces the volume of cut-through traffic in the neighborhood. This is primarily accomplished through regulatory action.
  - Do Not Enter on Beachwood at Frederick in the AM hours, Beachwood at S. Rolling Rd. in the PM hours, and Park at S. Rolling Rd 24 hours.
  - Diverter (road closure) for Park/Forest at Frederick
  - One Way eastbound on Magruder in the block between Newburg and Mellor
  - Neighborhood entry pillars & sign on Newburg at Frederick (perhaps other locations as well)
  - No Through Trucks over 3/4 ton signing on Newburg (both ends) and Sanford at Frederick
  - Parking chicanes on Newburg and Sanford (traffic calming measure, phase I)

- **Phase II: Traffic Calming (Winter/Spring '98)** - reduces the speed of remaining traffic. These measures are not currently permitted but would be implemented under pilot site status.
  - Traffic Calming Humps at various points on Magruder and Sanford
  - Pinch Points on Newburg
  - Intersection Bulbout at Newburg and Magruder

- **Phase III: Sidewalk System (1998)** - the neighborhood currently has a dysfunctional sidewalk system that does not connect, is in disrepair, and does not even exist on certain roads. The neighborhood has high traffic volume promoted by the close proximity of the library and post office. A comprehensive sidewalk system has been developed to promote foot traffic and ensure safety. Leaders are needed to work with the county and residents to bring plan to fruition.

- **Arterial Road Improvement (1998)** - In addition to developing measures to divert and calm traffic in Old Catonsville/Summit Park, measures must be taken to improve the arterial roads to reduce the incentive to cut through the neighborhood. Recommendations presented to public officials include improvement of intersections at South Rolling Rd. & Frederick Rd. and Bloomsbury/Ingleside & Frederick Rd; coordinate traffic light system on Frederick Rd.; and employ signs directing vehicles to the business district via arterial & commercial roadways.

Traffic Calming Plan

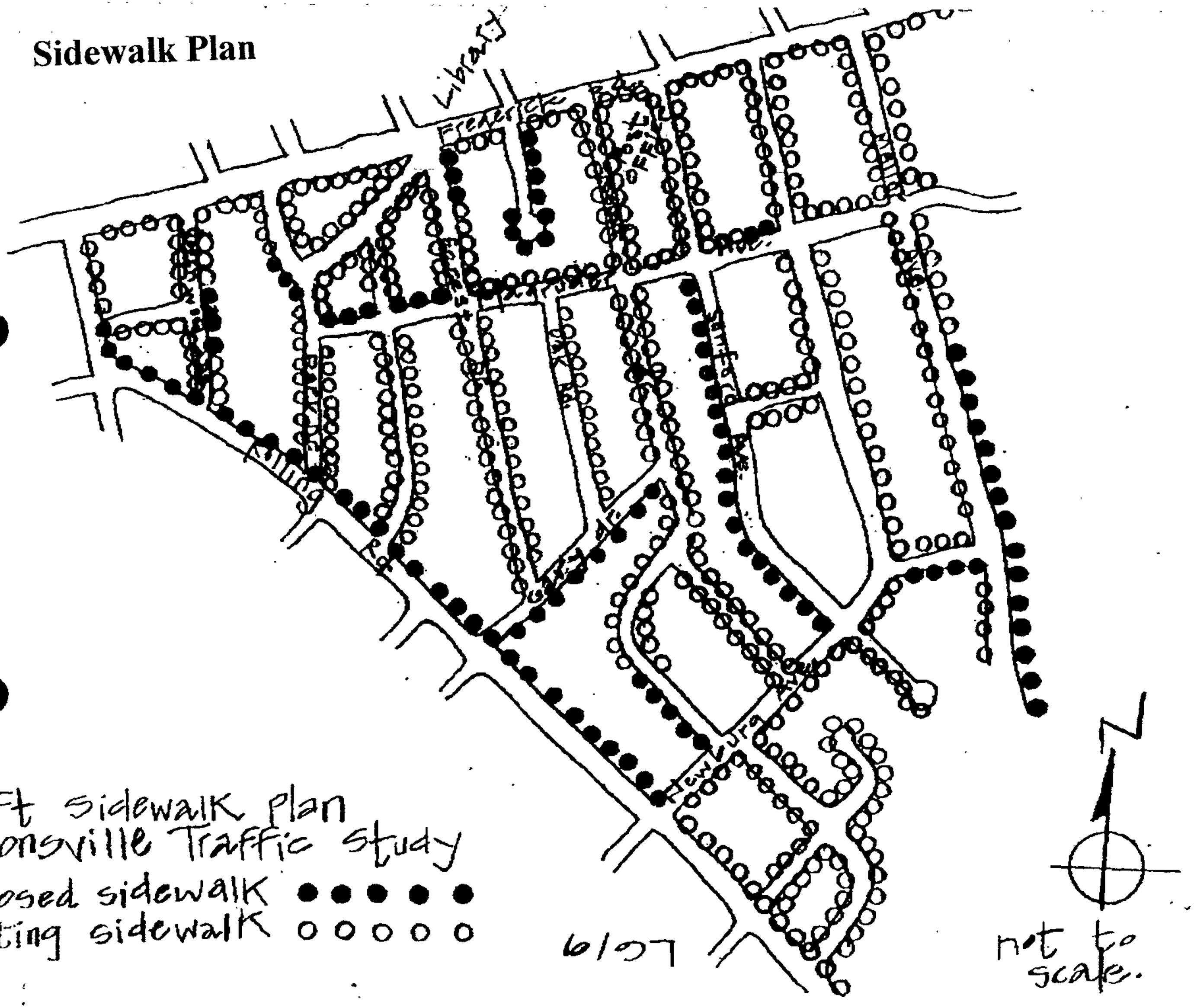


TRAFFIC CALMING PLAN TO BE COMPLIMENTED WITH:

- APPROPRIATE SIGNING
- CONTINUOUS SIDEWALK SYSTEM
- BEAUTIFYING LANDSCAPING
- ARTERIAL ROAD IMPROVEMENTS

OLD CATONSVILLE / SUMMIT PARK
TRAFFIC CALMING TASK FORCE
&
NEIGHBORHOOD DESIGN CENTER
JULY 1997

Sidewalk Plan



Draft sidewalk plan
Catonsville Traffic Study

Proposed sidewalk ● ● ● ● ●
Existing sidewalk ○ ○ ○ ○ ○

6/07

Acknowledgments

This document came about as a result of an overwhelming amount of interest from all the residents in the Old Catonsville/Summit Park neighborhood defined within. Many residents have contributed their time and money to foster the development of safer roads and to help realize our vision for an improved quality of life. Special thanks to all who contributed their time in the traffic study, volunteers, to those that sent money to help calm traffic, and to SRRCA , Councilman Moxley, Major Tom Levering, Dept. of Community Conservation and Dept. of Traffic Engineering for their support and assistance.

The Traffic Calming Task Force members have made a significant contribution to the neighborhood through the devotion of their time, money and energy, all in an effort increase livability in our neighborhood. It is our hope and anticipation that the neighborhood as a whole will band together to share and pursue a unified vision. These pioneering efforts will promote our neighborhood to be a model for Maryland's other older neighborhoods with similar traffic concerns.

Proposal Author & Traffic Calming Leader:	Vince Iatesta
Original Task Force Members:	Bob Gardenghi, Jim George, Christine Tennies
Neighborhood Design Center Team:	George Frangos, George Hill, Gerald Neily, Jim Potter

Comments and questions can be directed to:
Vince Iatesta at 100 Newburg Avenue, Catonsville, MD 21228 (410.719-0331)

NOTES

[i] Citizens Advocating Responsible Transportation (CART); Sensible Transportation Options for People (STOP), Traffic Calming, pg. 17

[ii] Jacobson, Kris, "Traffic Calming", pg. 3

[iii] Conger, Nancy Sabol, "Neighborhood Traffic Calming Program", Town of Brookline Massachusetts, pg. 17

[iv] Ibid, pg. 17

[v] ITS University of Leeds, Prima Vera, "A Review of Current Traffic Calming Techniques", pg. 4

[vi] Kulash, Walter, STPP Progress, "Traffic Calming - An Overview," Surface Transportation Policy Project, p7.

[vii] Jacobson, Kris, "Traffic Calming", pg. 8

[viii] Hass-Klau, Carmen; Nold, Inge; Böcker, Geert; Crampton, Graham, Civilised Streets, pg. 40

[ix] Jacobson, Kris, "Traffic Calming", pg. 7

[x] Hass-Klau, Carmen; Nold, Inge; Böcker, Geert; Crampton, Graham, Civilised Streets, pg. 29

Pictures provided by Hass-Klau, Carmen; Nold, Inge; Böcker, Geert; Crampton, Graham, Civilised Streets, and Kulash, Walter, STPP Progress, "Traffic Calming - An Overview," Surface Transportation Policy Project.

STATEMENT IN SUPPORT OF PETITION
FOR WAIVER OF VARIOUS CONSTRUCTION CONDITIONS
BALTIMORE COUNTY CASE #01-123-SPH

My signature below certifies that I live in the same neighborhood as 139 Newburg Avenue and support the waiver of various construction conditions that are the subject of the Special Hearing.

I am familiar with the fact that Pamela and Paul Buckley have sought to subdivide the approximately 1.9 acre lot at 139 Newburg Avenue into three lots. I oppose the construction conditions because of the negative impact (both direct and indirect) they will have on the neighborhood. The proposed road widening is inconsistent with the recent 'road calming' actions taken on Newburg Avenue and is likely to increase the speed and volume of traffic through our neighborhood. Further, the construction conditions are of such a magnitude so as to jeopardize the efforts of the Buckleys to build and landscape a home that fits in well with the surrounding neighborhood.

Signature: Donna Reuter Phone#(H): 410 747 6608

Name (Print): Donna Reuter Phone#(W): 410 828 2266

Address: 141 Newburg Avenue
Catonsville Md 21228

Years in Neighborhood: 6

Additional Comment (if any):

Signature: Kimberly (+ George) Anderson Phone#(H): 410 744 2311

Name (Print): Kimberly (+ George) Andersm Phone#(W): 410 461-3900
(GA)

Address: 139 Newburg Ave
Catonsville MD 21228

Years in Neighborhood: 1

Additional Comment (if any):

Bala Akundi

Signature: Shailaja Somaraju Phone#(H): 410-719-2982

Name (Print): SHAILAJA SOMARAJU Phone#(W): 410-706-1886
BALA AKUNDI

Address: 209 SANFORD AVENUE
BALTIMORE, MD, 21228

Years in Neighborhood: 5+

Additional Comment (if any):

Signature: Elizabeth A. Ryan Phone#(H): 410-869-1351

Name (Print): Elizabeth A. Ryan Phone#(W):
FRANK J. RYAN

Address: 211 SANFORD Ave

Catonsville MD 21228-5150

Years in Neighborhood: 1yr 7months

Additional Comment (if any):

Signature: Frank J. Martin Jr Phone#(H): 410-747-1679

Name (Print): FRANK J. MARTIN, JR. Phone#(W): 410-747-1679
Audrey F. Martin AUDREY F. MARTIN

Address: 213 SANFORD AVE

BALTO. MD. 21228

Years in Neighborhood: 40

Additional Comment (if any):

Signature: Frank J. Martin III Phone#(H): 410.747.1679

Name (Print): FRANK J. MARTIN III Phone#(W): 410.787-8543

Address: 213 SANFORD AVE
BALT, MD. 21228

Years in Neighborhood: 40 YR.

Additional Comment (if any):

Signature: Yu Fang Lee Phone#(H):

Name (Print): Yu-Fang Lee Phone#(W):

Address: 131 Newburg Ave.
Baltimore, Md 21228

Years in Neighborhood: 13

Additional Comment (if any):
Side walk is not necessary for this neighborhood. Neighbors like to have more green. Make as little change as possible.

Signature: Matthew T. McArdle Phone#(H): 410-788-0765

Name (Print): MATTHEW T. MCARDLE Phone#(W): 410-992-9970

Address: 18 NEWBURG AVENUE
CATONSVILLE, MD 21228

Years in Neighborhood: 6 YEARS

Additional Comment (if any):
Please allow the improvements to be made to Pullen Avenue without requiring the road to be widened from its current width.

Signature: VRJatesk Phone#(H): 410.719-0331

Name (Print): Vincent R. Jatesk Phone#(W): 410.626.0022

Address: 100 Newburg Ave
Catonsville MD 21228

Years in Neighborhood: 6yrs.

Additional Comment (if any):
Widening Pullen Ave will only make traffic worse in volume and speed. The current width of 18' is more than adequate to handle the volume of traffic demanded by Pullen Ave. Keep it skinny & sharp radius corners at intersections.

Signature: [illegible] Phone#(H): 410-747-0665

Name (Print): Dave Christian Phone#(W): 410-788-5782

Address: 5 Magruder Ave
Catonsville Md 21228

Years in Neighborhood: 17 yrs.

Additional Comment (if any):

I SEE NO REASON WHY PULLEN NEEDS TO BE WIDENED.
I BELIEVE THAT MAINTAINING THE PRESENT CONDITION OF PULLEN IS ESSENTIAL IN MAINTAINING THE TRAFFIC CALMING STRATEGY AND PRESERVING THE INTEGRITY OF THE NEIGHBORHOOD.

Signature: _____ Phone#(H): _____

Name (Print): _____ Phone#(W): _____

Address: _____

Years in Neighborhood: _____

Additional Comment (if any):

Signature: Doug Brookman Phone#(H): 747-4545

Name (Print): Doug Brookman Phone#(W): 719-0580

Address: 108 Newburg Ave
Catonsville, MD
21228

Years in Neighborhood: 7

Additional Comment (if any):

1 house conforms to lot sizes in the neighborhood — This property owner should not be required to carry all the infrastructure cost.

Signature: Lori K. Davis Phone#(H): 410-788-0457

Name (Print): Lori K. Davis Phone#(W): 410-418-5500

Address: 115 Newburg Ave.
Catonsville, Md. 21228

Years in Neighborhood: 25

Additional Comment (if any):

do not want a development in our neighborhood - 1 home will be fine.

Signature: [illegible] Phone#(H): 410-747-9995

Name (Print): Lisa Boone Phone#(W): _____

Address: 5 Payson Ave
Catonsville

Years in Neighborhood: 3 months

Additional Comment (if any):
please preserve the integrity of our neighborhood

Signature: Patricia Hopp Phone#(H): 410-744-5278

Name (Print): Patricia Hopp Phone#(W): —

Address: 28 Newburg Avenue
Catonsville, Maryland

Years in Neighborhood: 28 Years

Additional Comment (if any):
Please conform to our neighborhood by allowing one house to be built.

Signature: Helen Leahy Phone#(H): 410-747-1531

Name (Print): HELEN LEAHY Phone#(W): 410-771-2069

Address: 124 Newburg Ave
Balti Md. 21228

Years in Neighborhood: 8

Additional Comment (if any):

Signature: Anne Powell Phone#(H): 410-788-3448

Name (Print): Anne Powell Phone#(W): _____

Address: 7 Magruder Ave
Balto MD 21228

Years in Neighborhood: 25

Additional Comment (if any):

Signature: Michelle P. Feeney Phone#(H): (410) 747-3649

Name (Print): Michelle P. Feeney Phone#(W): _____

Address: 6 Magruder Ave.
Catonsville, Md. 21228

Years in Neighborhood: 12

Additional Comment (if any):

Signature: Mary M. Capano Phone#(H): 410-747-6654

Name (Print): Mary M. Capano Phone#(W): _____

Address: 9 Magruder Ave
Catonsville, Md. 21228

Years in Neighborhood: 5 yrs

Additional Comment (if any):

Signature: [illegible] Phone#(H): 747-1504

Name (Print): Matthew Blanch Phone#(W): 313-2819

Address: 27 Newburg Ave
Catonsville, MD 21228

Years in Neighborhood: >1yR

Additional Comment (if any):

Signature: Dale A. Smith Phone#(H): 410-788-4132

Name (Print): DALE A. SMITH Phone#(W): 410-832-8300 X219

Address: 20 NEWBURG AVE
CATONSVILLE, MD 21228

Years in Neighborhood: 1

Additional Comment (if any):

Signature: Joan F. Weglein Edward J. Weglein Phone# (H): 410 744-1961

Name (Print): MR. & MRS. EDWARD J. WEGLEIN Phone# (W): _____

Address: 137 NEWBURG AVENUE
CATONSVILLE, MARYLAND 21228

Years in Neighborhood: 40 YRS.

Additional Comment (if any):

It was never the intention of Baltimore County to have Pullen used the way in which it is today... To widen the avenue would only make matters worse. Pullen is next to our property and was a part of it until 1952 when the road was opened for the use of the armory...

Signature: _____ Phone# (H): _____

Name (Print): _____ Phone# (W): _____

Address:
_____
_____

Years in Neighborhood: _____

Additional Comment (if any):

County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Return Service Requested

RETURN SERVICE REQUESTED
01-19-02 BALTIMORE MD 212

TOWSON MD

PB METER 10259

02 JAN 28 PM 12:41

M-Mailed
Case 01-023-SPH
Buckley
Deb 1/30

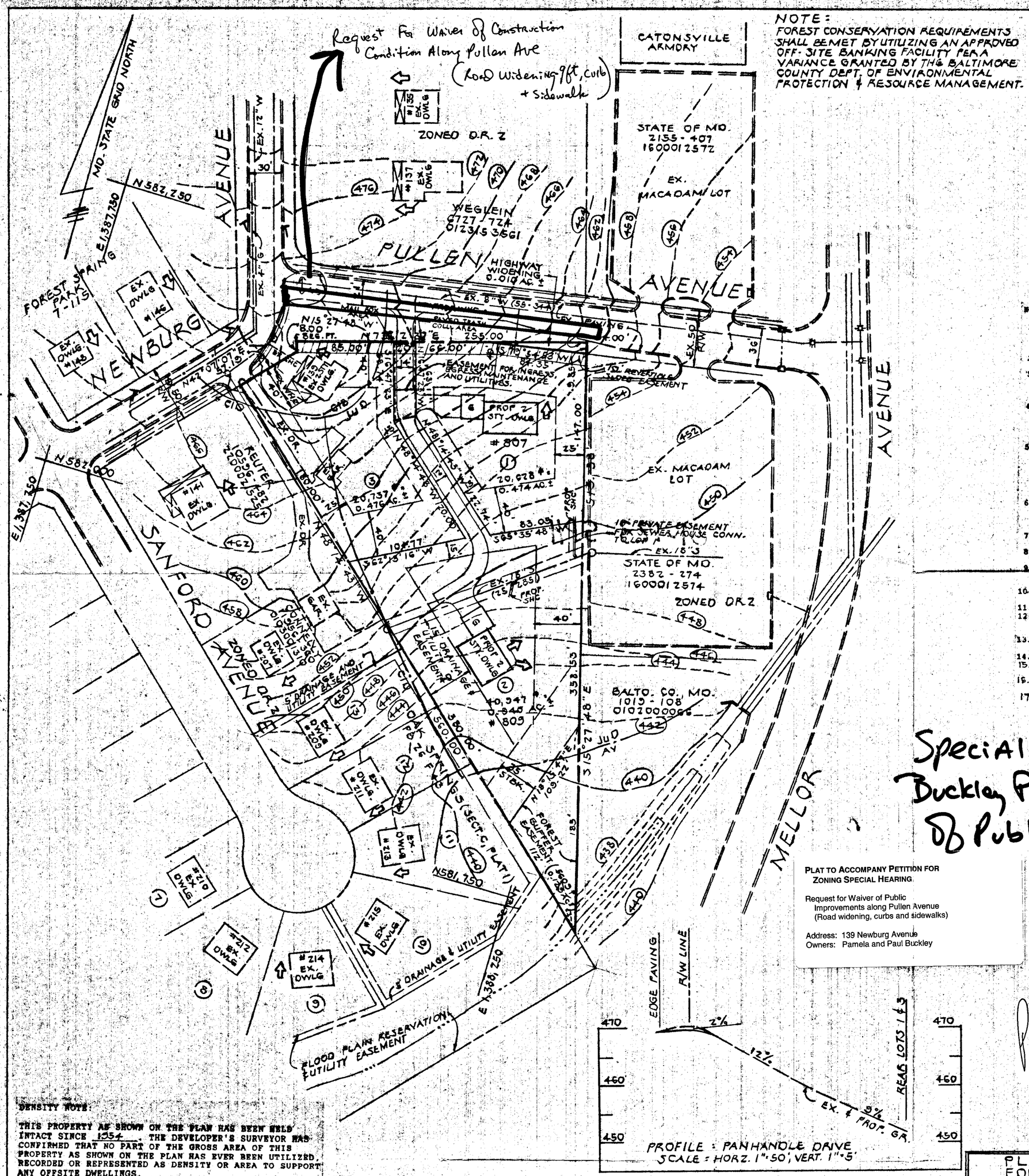
MARYBETH BROHAUN
212 PARK DRIVE
CATONSVILLE MD 21228

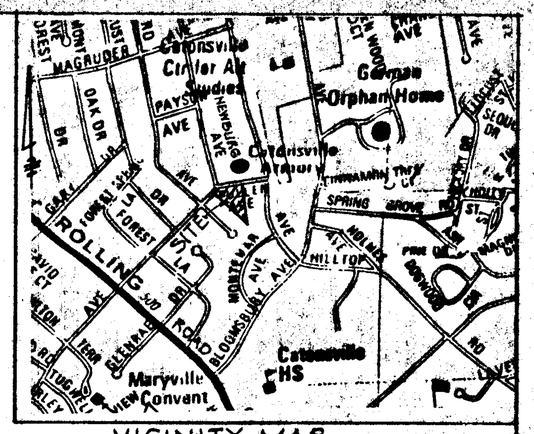
BROH212 2122802010 1701 14 01/24/02
RETURN TO SENDER
BROHAWN
1531 PARK GROVE AVE
CATONSVILLE MD 21228-5655

RETURN TO SENDER

M1 AUM3 21228-04/3333

NOTE:
FOREST CONSERVATION REQUIREMENTS SHALL BE MET BY UTILIZING AN APPROVED OFF-SITE BANKING FACILITY PER A VARIANCE GRANTED BY THE BALTIMORE COUNTY DEPT. OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT.





VICINITY MAP
SCALE: 1" = 1000'

41E4

NOTES:

1. ZONING - D.R.2 (SW. 3-F)
   GROSS AREA = 1.899 ACRES
   AREA OF HIGHWAY WIDENING = 0.010 ACRES
   NET AREA = 1.889 ACRES
2. EXISTING USE - 1 SINGLE FAMILY DWELLING
   PROPOSED USE - 3 SINGLE FAMILY DWELLINGS
3. DENSITY CALCULATIONS:
   A. NO. OF LOTS ALLOWED = 1.899 X 2 = 3 LOTS
   B. NO. OF LOTS PROPOSED = 3 LOTS
   C. EACH LOT SHALL HAVE TWO OFFSTREET PARKING SPACES
4. OWNER: PAUL BUCKLEY
   123 OAK DRIVE
   BALTIMORE, MARYLAND 21228
   DEED REF. : L.14095 F.14
   PROPERTY NO. 0123154920, 0123154930
5. TAX MAP 101, PARCEL 459 AND 1674 GRID 14
   CENSUS TRACT 4004 SCHOOL DIST. HILLCREST ELEM.
   REGIONAL PLANNING DISTRICT 324B
   COUNCILMANIC DISTRICT 1
   WATERSHED 30
   SUB-SEWERSHED 78
   ZONING MAP (200 SCALE) SW 3-F
6. ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.
7. HOUSE DOWNSPOUTS TO BE DISCHARGED ONTO PERVIOUS AREAS OR INTO DRY WELLS WHERE FEASIBLE.
8. ADDITIONAL SUBDIVISION OF THIS PARCEL AND/OR LOTS MAY REQUIRE SWM FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.
9. ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30% OF CLEARED AREA AND CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSE EROSION.
10. TO THE PREPARERS KNOWLEDGE, NO UNDERGROUND STORAGE TANKS, WELLS OR SEPTIC SYSTEMS EXIST.
11. TO THE PREPARERS KNOWLEDGE, NO ZONING HISTORY EXISTS.
12. IF ADDITIONAL LOTS ARE CREATED, A FINAL DEVELOPMENT PLAN MAY BE REQUIRED AS DETERMINED FROM ZONING AND THE EFFECTIVE DATE OF THE ZONING REGULATIONS FOR THAT ZONE.
13. AREAS BETWEEN THE SIGHT LINE AND FUTURE CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS.
14. MAXIMUM BUIDING HEIGHT SHALL BE 35 FEET
15. PANHANDLE DRIVEWAY TO BE CONSTRUCTED W/3" WIDE CRUSHER RUN SHOULDERS PER STD. PLATE R-47
16. PANHANDLE DRIVEWAY SHALL BE PAVED WITHIN 1 YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT.
17. ACCESS TO THE FOREST BUFFER EASEMENT IS FROM ADJACENT BALTIMORE CO. OWNED LAND.

Special Hearing Plat
Buckley Property -- waiver
of Public Works Road

PLAT TO ACCOMPANY PETITION FOR
ZONING SPECIAL HEARING

Request for Waiver of Public Improvements along Pullen Avenue (Road widening, curbs and sidewalks)

Address: 139 Newburg Avenue
Owners: Pamela and Paul Buckley

NOTE:
THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
ANY FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

construction condition

Petitioner's No 1

41E4

PROFILE : PANHANDLE DRIVE
SCALE = HORZ. 1" = 50', VERT. 1" = 5'

DENSITY NOTE:

THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 1954. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFFSITE DWELLINGS.

~~I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE MINOR SUBDIVISION COMMENTS DATED 4/13/00 AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCY COMMENTS~~

~~CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040
(410) 679-8719~~

DATE	REVISION

BALTIMORE COUNTY MINOR SUBDIVISION
PROJECT NO. 00040M

DEVELOPMENT REGULATIONS
☐ EXEMPT FROM DIVISION 2
☐ PANHANDLE, EXEMPT FROM SECT 26-202, 206

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
☐ APPROVED ☐ DISAPPROVED
BY _____ DATE _____

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
BY _____ DATE _____

PLAN TO ACCOMPANY REQUEST
FOR WAIVER OF PUBLIC IMPROVEMENTS
BUCKLEY PROPERTY
PROJECT NO. 00040M
ELECTION DISTRICT 1, C1
BALTIMORE COUNTY, MD.
SCALE: 1" = 50'
NOVEMBER 5, 1999
REV: AUG. 1, 2000

#123