

IN RE: PETITION FOR SPECIAL HEARING
W/S West Liberty Road, 1,000' N of
Lieb Road
(21532 West Liberty Road)
7th Election District
3rd Council District

George J. Obrigkeit, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-126-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, George J. and Beda Obrigkeit, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special hearing to approve a waiver of the requirements of Section 26-266(4) of the Baltimore County Code to permit a panhandle strip length in excess of the maximum permitted 1,000 feet in an R.C. zone. The subject property and requested relief are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were George and Beda Obrigkeit, property owners, Guy Ward and Brian DiCara, representatives of McKee and Associates, Inc., the consultants who prepared the site plan for this property, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregularly shaped parcel, containing approximately 26.91 acres in area, split zoned R.C.4 and R.C.2. The property has limited frontage on West Liberty Road near Harris Mill Road in northwestern Baltimore County. Recently, the property was subdivided to create two lots, both of which contain a dwelling. Lot 1 contains 5.32 acres in area, predominantly zoned R.C.2 with a small sliver in the rear of the lot zoned R.C.4. A stone dwelling exists in the R.C.2 zoned portion of that lot. That dwelling fronts West Liberty Road and vehicular access thereto is by way of a driveway. Lot 2

ORDER RECEIVED FOR FILING

Date 11/17/00

By [Signature]

contains 10.71 acres in area, zoned R.C.2, and is improved with a two-story dwelling, which also fronts on West Liberty Road.

The Petitioners propose a further subdivision of the property so as to create a third lot. In fact, they are currently proceeding through the County's minor subdivision process to effectuate this additional subdivision. The proposed third lot will occupy primarily the rear portion of the overall tract, which includes areas of forest, agricultural fields, and streams/wetlands. Lot 3 is proposed will contain 15 acres in area, split zoned R.C.4 and R.C.2, and a single family dwelling is proposed to be located thereon towards the rear of the lot.

The subject of the Petition for Special Hearing relates to the length of the proposed panhandle driveway that will provide access to proposed Lot 3. As shown on the plan, the panhandle driveway will run along the southern border of the overall tract, and then turn westerly to access the new house on Lot 3. The panhandle driveway will be in excess of the 1,000-foot length permitted by Section 26-266(4) of the Baltimore County Code. As noted above, the Petitioners have submitted their plans through the County's minor subdivision process. The written comments offered by the relevant County reviewing agencies are hereby noted. One such comment from the Developer's Plans Review Division of the Department of Permits and Development Management (PDM) indicates that the subject waiver will be required. There was also a Zoning Advisory Committee (ZAC) comment from the Fire Department regarding the specifications for the panhandle driveway. The Petitioners indicated at the hearing that those requirements would be met.

An adverse ZAC comment was received from the Department of Environmental Protection and Resource Management (DEPRM). Specifically, Wally Lippincott of that agency recommended a denial of the Petition in that the proposed dwelling on Lot 3 is inappropriately located. His comment opines that the proposed location will adversely affect existing agricultural uses on the property.

At the hearing, the Petitioners indicated that Mr. Lippincott's position was based on the County's soils map and not actual existing conditions. Testimony indicated that the proposed

location of the new dwelling will actually represent the least intrusion into agricultural operations on the site and that the location of the proposed dwelling where recommended by Mr. Lippincott would significantly disrupt farming operations on the property. Subsequent communication with Mr. Lippincott confirmed that he had not actually visited the site, and that his recommendation was based upon the County's soils map.

Based upon the testimony and evidence offered, I am persuaded to grant the requested waiver. I am satisfied that the Petitioners' representations regarding the actual use of the site are accurate and that the proposed location of the new dwelling, which requires a lengthier panhandle than permitted, is appropriate in this instance. Moreover, I am satisfied that the Petitioners have met the requirements for a waiver to be granted, pursuant to Section 26-172 of the Baltimore County Code. Obviously, the Petitioners need comply with all County requirements imposed for this minor subdivision. Additionally, compliance with the Fire Department's ZAC comments is required.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of November, 2000 that the Petition for Special Hearing to approve a waiver of the requirements of Section 26-266(4) of the Baltimore County Code to permit a panhandle strip length in excess of the maximum permitted 1,000 feet in an R.C. zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by the Fire Department dated October 3, 2000, a copy of which is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING

Date 11/21/00

By [Signature]

- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 11/17/11
By [Signature]



Baltimore County
Zoning Commissioner

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

November 16, 2000

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

RE: PETITION FOR SPECIAL HEARING
W/S West Liberty Road, 1,000' N of Lieb Road
(21532 West Liberty Road)
7th Election District - 3rd Councilmanic District
George J. Obrigkeit, et ux - Petitioners
Case No. 01-126-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. George J. Obrigkeit
21532 West Liberty Road, Parkton, Md. 21120
Messrs. Brian DiCara and Guy Ward
McKee & Assoc., Inc., 5 Shawan Road, Suite 1, Cockeysville, Md. 21030
Mr. Wally Lippincott, Office of Planning
Fire Department; People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 21532 West Liberty Road
which is presently zoned RC-2, RC-4

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 the

requirements of Section 26-266 (4) of the Baltimore County Code to permit a parkhandle strip in excess of the 600-foot maximum length permitted in an RC zone.

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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Howard L. Alderman, Esquire

Name - Type or Print

Signature

Levin & Gann, P.A.

Company

502 Washington Avenue, 8th Floor

(410) 321- 0600

Address

Telephone No.

Towson, Maryland

21204

City

State

Zip Code

Legal Owner(s):

George J. Obrigkeit

Name - Type or Print

Signature

Beda Obrigkeit

Name - Type or Print

Signature

21532 West Liberty Road (410) 343-0449

Address

Telephone No.

Parkton, Maryland

21120

City

State

Zip Code

Representative to be Contacted:

Brian A. Dicara

McKee & Associates, Inc.

Name

5 Shawan Road, Suite 1

(410) 527-1555

Address

Telephone No.

Cockeysville, Maryland

21030

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JF/JNP Date _____

Case No. 01-126-SPH

Date 11/15/98
By _____

ORDER RECEIVED FOR FILING

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

September 8, 2000

**ZONING DESCRIPTION FOR
21532 WEST LIBERTY ROAD
7TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING at a point on the west side of West Liberty Road being ultimately 60 feet wide at a distance of approximately 1,000 feet northerly from the intersection of Lieb Road; thence along the outlines of the aforementioned parcel as recorded in Deed Liber 5687, Folio 128, the following nine (9) courses and distances: 1) North 59 degrees 19 minutes 55 seconds West, 1,099.59 feet, 2) North 26 degrees 04 minutes 16 seconds West, 84.47 feet, 3) South 45 degrees 55 minutes 27 seconds West, 1,164.78 feet, 4) North 20 degrees 05 minutes 42 seconds West, 571.71 feet, 5) North 41 degrees 13 minutes 13 seconds East, 1,160.17 feet, 6) South 55 degrees 50 minutes 33 seconds East, 1,186.55 feet, 7) North 89 degrees 59 minutes 46 seconds East, 63.74 feet, 8) South 55 degrees 50 minutes 33 seconds East, 366.30 feet, and 9) South 14 degrees 55 minutes 29 seconds West, 376.91 feet to the place of beginning. **CONTAINING** 26.59 acres or 1158269 square feet of land, more or less.

01-126-SPH

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **86603**

DATE **7-14-60**

ACCOUNT **R-001-6150**

AMOUNT **\$ 50.00**

RECEIVED **1-14-60**

FROM: **02 SPECIAL HEARING**

ITEM # **126**

Trans by: **JRF**

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

FORWARD ACTION

TIME

DATE 7/15/60

14:30

RECEIVED

14:30

DEPT 5

14:30

RECEIPT # 170036

170036

CR NO. 006003

006003

Keep for

14:30

50.00

14:30

BALTIMORE COUNTY, MARYLAND

01-126-SPA

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

**RE: CASE # 01-126-SPH
PETITIONER/DEVELOPER
(George Obrigkeit)
DATE OF Hearing
(10-18-00)**

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

ATTENTION : MS. GWENDOLYN STEPHENS

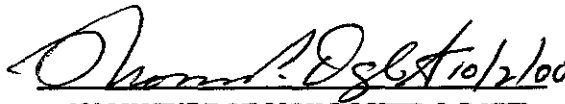
LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

21532 West Liberty Road Parkton, Maryland 21120_____

THE SIGN(S) WERE POSTED ON_____ 10-2-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

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

_____**325 NICHOLSON ROAD**_____

_____**BALTIMORE, MARYLAND 21221**_____

_____**410-687-8405**_____

(TELEPHONE NUMBER)

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: #01-128-SPH

21532 West Liberty Road
W/S West Liberty Road, 1000 feet N of Chesapeake Lab Road

7th Election District-3rd Councilmanic District
Legal Owner(s): Beda & George June Orfinkel

Special Hearing: to approve a waiver of the requirements of Section 26-206. (4) of the Baltimore County Code to permit a handicap strip in excess of the 1000-foot maximum length permitted.

Hearing: Wednesday, October 10, 2000 at 2:00 p.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) 887-3381.

LT10/023 Oct. 8

C424208

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.

S. Williams Sr.
THE JEFFERSONIAN,

LEGAL ADVERTISING

RE: PETITION FOR SPECIAL HEARING
21532 W. Liberty Road, W/S W. Liberty Rd,
1000' N of c/I Lieb Rd
7th Election District, 3rd Councilmanic

Legal Owner: George J. & Beda Obrigkeit
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-126-SPH

* * * * *

ENTRY OF APPEARANCE

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


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of September, 2000 a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 502 Washington Avenue, 8th Floor, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

ZONING NOTICE

Case #: 01-126-SPH

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

PLACE Imperial City of Mexico in the State of Mexico
TIME & DATE: 2nd P.m. Wed October 18, 1900

5 PLANTS, HEADING TO APPROX. A NUMBER OF THE
EQUIVALENCE OF SECTION 86 (4600) OF THE NATIONAL
CULTURE LAW TO FACILITATE A FAMILIAR STATE IN
EFFECT OF THE 1981-82 FISCAL YEAR
1981-82 81533

105 THE 1000 Feet
7730. 21533

[illegible]

21532 West Liberty Road



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: 01-126-SPH
21532 West Liberty Road
W/S West Liberty Road, 1000 feet N of centerline Lieb Road
7th Election District – 3rd Councilmanic District
Legal Owners: Beda & George June Obrigkeit

Special Hearing to approve a waiver of the requirements of Section 26-266 (4) of the Baltimore County code to permit a panhandle strip in excess of the 1000-foot maximum length permitted.

HEARING: Wednesday, October 18, 2000 at 2:00 p.m. in Room 106, Baltimore County Building, 111 W Chesapeake Avenue

A handwritten signature in cursive script, reading "Arnold Jablon". Below the signature, the initials "GDZ" are written in a simple, blocky font.

Arnold Jablon
Director

C: Howard L. Alderman, Esquire, Levin & Gann, P.A., 502 Washington Avenue,
8th Floor, Towson 21204
George J. & Beda Obrigkeit, 21532 W. Liberty Road, Parkton 21120
Brian A. Dicara, McKee & Associates, Inc., 5 Shawan Road, Suite 1,
Cockeysville 21030

- 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.



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

Please forward billing to:
Mr. & Mrs. Obrigkeit
21532 W. Liberty Road
Parkton, MD 21120

410-343-0449

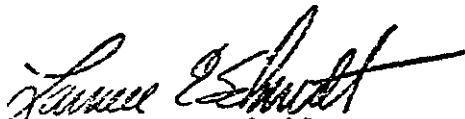
NOTICE OF ZONING HEARING

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: 01-126-SPH
21532 West Liberty Road
W/S West Liberty Road, 1000 feet N of centerline Lieb Road
7th Election District – 3rd Councilmanic District
Legal Owners: Beda & George June Obrigkeit

Special Hearing to approve a waiver of the requirements of Section 26-266 (4) of the Baltimore County code to permit a panhandle strip in excess of the 1000-foot maximum length permitted.

HEARING: Wednesday, October 18, 2000 at 2:00 p.m. in Room 106, Baltimore County Building, 111 W Chesapeake Avenue



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.

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: 126
Petitioner: MR. & MRS. OBRIGKEIT
Address or Location: #21532 WEST LIBERTY ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. OBRIGKEIT
Address: #21532 WEST LIBERTY ROAD
PARKTON, MD 21120
Telephone Number: (410) 343-0449

Revised 2/20/98 - SCJ

01-126-SPH



Baltimore County
Department of Permits and
Development Management

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

October 13, 2000

Howard L. Alderman, Esquire
Levin & Gann, P.A.
502 Washington Street, 8th Floor
Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 01-126-SPH, 21532 West Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 14, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

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

WCR: gdz

Enclosures

C: George J. & Beda Obrigkeit, 21532 W. Liberty Road, Parkton 21120
Brian A. Dicara, McKee & Associates, Inc., 5 Shawan Road, Suite 1,
Cockeysville 21030
People's Counsel

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. 126

 The Bureau of Development Plans Review has reviewed the subject zoning item. See our comments dated August 30, 2000 for the Minor Sub-division No. 00095M, Hectic Hollow Farm Re-subdivision of Lot 2.

RWB:HJO:jrb

cc: File



**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: BEDA OBRIGKEIT & GEORGE J. OBRIGKEIT
126

Location: DISTRIBUTION MEETING OF SEPTEMBER 25, 2000

Item No.: 126

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

THE COMMENTS ARE ON BACK.

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

cc: File

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



14. THE PROPOSED DRIVEWAY OR DEADEND ROAD SHALL HAVE CUL-DE-SAC OR T-TURNAROUND INSTALLED AT ITS POINT OF TERMINATION. (CUL-DE-SAC TURNING RADIUS MINIMUM 35 FOOT WALL TO WALL, *INSIDE TURNING RADIUS*). IN-LIEU OF HAVING A MINIMUM WIDTH OF 16 FEET OVER THE ENTIRE LENGTH, THE DRIVEWAY OR DEADEND ROAD SHALL BE WIDENED TO A CLEAR WIDTH OF 16 FEET FOR A DISTANCE OF 75 FEET AT 500 FEET INTERVALS MEASURED FROM ITS POINT OF ORIGIN.

14. THE PROPOSED DRIVEWAY OR DEADEND ROAD SHALL HAVE CUL-DE-SAC OR T-TURNAROUND INSTALLED AT ITS POINT OF TERMINATION. (CUL-DE-SAC TURNING RADIUS MINIMUM 35 FOOT WALL TO WALL, *INSIDE TURNING RADIUS*). IN-LIEU OF HAVING A MINIMUM WIDTH OF 16 FEET OVER THE ENTIRE LENGTH, THE DRIVEWAY OR DEADEND ROAD SHALL BE WIDENED TO A CLEAR WIDTH OF 16 FEET FOR A DISTANCE OF 75 FEET AT 500 FEET INTERVALS MEASURED FROM ITS POINT OF ORIGIN.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley
DATE: October 2, 2000
SUBJECT: Zoning Item #126
21532 West Liberty Road

Zoning Advisory Committee Meeting of September 25, 2000

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property may need to comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X Agricultural Preservation: This zoning petition should be opposed. The proposed house is being located on prime and productive soils. If the house was located in non-prime and productive soils, the panhandle driveway would be approximately 300 feet shorter (see attached exhibit).

ATTACHMENT

Reviewer: Wally Lippincott

Date: September 29, 2000

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

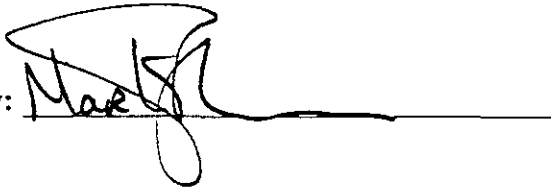
DATE: October 17, 2000

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

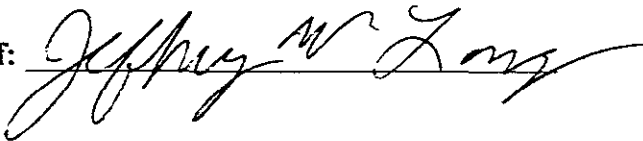
SUBJECT: Zoning Advisory Petition(s) Case(s) 01-114, 01-124, 01-126, 01-129, 01-131,
01-150, 01-151 and 01-152.

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:



Section Chief:



AFK/JL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 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. 126

JRF/JN

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,

fw

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

Case Number _____

PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

[illegible]

Oct-17-00 10:51A Bureau of Solid Waste Mgt 410 527 2931

P.01

BALTIMORE COUNTY, MARYLAND

SUBJECT: MINOR SUBDIVISION COMMENTS

DATE: 8/30/00

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

Post-It Fax Note	7671	Date 10/17/00	Pages 5
To Brian McCarron	From Herb Oberlin		
Co. Depl. McKee & Assoc.	Co. D.P.K.		
Phone # 410 527-1553	Phone # 410 887-3751		
Fax # 410 527-1563	Fax # 410 887-2931		

PROJECT NAME: HECTIC HOLLOW Farm Resub. Lot 2
MINOR SUB. NO.: 00075 M
LOCATION: WEST LIBERTY ROAD
DISTRICT: 7C3

The following checked (✓) comments are supplied in response to our view of the subject site.

GENERAL COMMENTS:

- ✓ In accordance with Bill No. 19-90, Section 26-276 dredging, filling or construction in any wetland is prohibited.
- ✓ This project is a resubdivision of Lot 2 of minor subdivision #9013514. The contours on the plan reveal rather excessive grading. The Developer's engineer is cautioned not to exceed the maximum set by Baltimore County Standards. Benching requirements shall be in accordance with Section 41.01, Item 3 of the 1963 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
- ✓ Add the "due diligence" note to the plan.
- ✓ Offsite rights-of-way are necessary for roads, storm drains or other utilities. The Developer is hereby advised that the final plan and/or building permits will not be approved until the offsite right-of way is acquired.
- ✓ The Developer and his Engineer shall be responsible for investigating the need and obtaining the necessary permits for the facilities serving this site that may require a "Corps of Engineers 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.
- 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.
- ✓ Surveyor must sign and seal this plan.
- ✓ Show the bearings and distances for all lot lines.
- ✓ Add the "Hold Harmless agreement" note to the plan.

1 of No
2

Oct-17-00 10:51A Bureau of Solid Waste Mgt 410 527 2931

P.02

MINOR SUBDIVISION COMMENTS

Page 2

HIGHWAY COMMENTS:

✓ West Liberty Road is an existing road which shall ultimately be improved as a 40' U street cross section on a 60' right-of-way.

✓ Show future right of way on plan. 350 foot sight distance should be shown on plan for 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, including record plats, must note that the areas between the sight line and the curb line must be cleared, graded, and kept free of any obstructions.

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

— Private driveway entrances shall conform with Baltimore County Standard Detail Plate R-15, dated 1977, for "Typical Driveway Entrance from Road without Curb and Gutter".

— The Developer shall grade to the ultimate cross-section those areas where the driveways intersect _____ Road, so as to provide proper sight distance.

→ ✓ 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 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. Panhandle driveway to be built per D.F.W.'s Std Plate RR, 15' wide paved drive.

— 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.

✓ Show a profile of the panhandle driveway.

— In accordance with Bill No. 32-72, street lights are required in all subdivisions. The Developer will be responsible for full costs of installation of the cable, poles and fixtures. The County will assume the cost of the power after installation.

→ ✓ Show the location of the trash collection and mail delivery area at exit of panhandle driveway

— The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

✓ A waiver of the county standard - maximum length of panhandle in RC zone is 1,000 ft. - is required.

Oct-17-00 10:51A Bureau of Solid Waste Mgt 410 527 2931

P.03

MINOR SUBMITTAL COMMENTS

Page 7

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.
- Flood plain studies drawings 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 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.
 - 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.
 - A profile of the stream.
 - A plan with the location of the field run cross-sections indicated.
 - 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".
 - Hydraulic computations, 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.

Oct-17-00 10:52A Bureau of Solid Waste Mgt 410 527 2931

P.04

MINOR SUBDIVISION COMMENTS

Page 4

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

— In accordance with Bill No. 173-23, 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 each individual building permit application.

— The rear of buildings may not be constructed within 30 feet of the limits of the flood plain as established for a 100-year flood level with a 1 foot freeboard. See Plate 19C 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:

✓ Public water is not available to serve this property. Therefore, private well systems must be provided in conformance with the Department of Environmental Protection and Resource Management requirements. A water appropriation permit must be approved prior to signature on the record plat.

✓ Public sewers are not available to serve this property; therefore, private sewage systems must be provided. Soil tests must be conducted on each lot prior to approval of a record plat in accordance with Department of Environmental Protection and Resource Management requirements.

Storm Drain comment cont.

✓ Submit drainage calculations for stream flood in order the proposed parcel driveway. Drainage catch is greater than 30 acres. The access road grade and culvert shall be designed to pass the 100 year storm discharge, with 6 inch maximum water depth flowing over the roadway. A.P.E. must seal the calculations.

MTNCRGEN.LPD

UNITED STATES OF MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Joe Chmura
Department of Permits and
Development Management

DATE: September 1, 2000

FROM: Mark Cunningham
Development Review Section
Office of Planning

Ad No 3

PROJECT NAME Hectic Hollow Farm - Lot 2

PROJECT NO.: 00095 M

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

1. Complete General Note number 8.
2. Indicate the density calculation of the proposed subdivision.
3. Sign and seal the plan.
4. Dimension all property lines of the proposed subdivision with bearings and distances.
5. Provide appropriate building envelopes for all lots.
6. Indicate the tax account number for the subject property.
7. If the property was the subject of a zoning hearing, list the case number, decision, and any conditions or indicate if there is on zoning case history.
8. Show the R.C.4 computation.
9. The distribution of the conservancy and building areas must be determined by meeting with DEPRM and the Office of Planning prior to filing.
10. Show panhandle profile.

MC:kma


Mark Cunningham

W:\DEV\REV\MINOR\00095m.doc

200 SCALE
ZONING
MAP

N.E. 39-B

R.C. 4

R.C. 4

R.C. 2

SITE

R.C. 2

RD

01-126-SPH

126

17,500

17,500

17,500

GENERAL NOTES

1. ALL LOTS SHOWN HEREON TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEM.
2. SOIL TESTS AND UNDERGROUND FUEL STORAGE TANKS APPARENT ON THE SITE.
3. THERE ARE NO UNDERGROUND FUEL STORAGE TANKS APPARENT ON THE PROJECT.
4. ALL EXISTING SEPTIC SYSTEMS, WELLS, AND PERCOLATION TESTS ON THE PROJECT PROPERTY WERE FIELD LOCATED.
5. A.D.T. & 3' x 12.4' = 38'
6. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISION.
7. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN FIELD INJCT SINCE XXXX.
8. THE PROPERTY AS SHOWN ON THE PLAN HAS BEEN FIELD INJCT SINCE XXXX.
9. ANY OFF-SITE DWELLINGS, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
10. THERE ARE NO EXISTING OR PROPOSED WELLS OR SEPTIC SYSTEMS WITHIN 100' OF THE PROPERTY UNLESS OTHERWISE SHOWN.
11. A FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND ON THE LAND RECORDS OF BALTIMORE COUNTY.
12. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE OR FOREST CONSERVATION EASEMENTS EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
13. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
14. THERE ARE NO ZONING LINES WITHIN 200 FEET OF THIS PROPERTY UNLESS OTHERWISE SHOWN.
15. EXISTING LAND COVER IS FOREST AND MEADOW/BROOKS/BALTIMORE COUNTY STANDARD DETAIL.
16. PRIVATE ROAD LOCATED 197' FOR TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITHOUT CURB & GUTTER.
17. EXISTING SITE USE IS RESIDENTIAL, AGRICULTURAL, & OPEN SPACE. PROPOSED USE IS RESIDENTIAL, AGRICULTURAL, & OPEN SPACE.
18. BALTIMORE COUNTY MAKES NO WARRANTY, EXPRESSED OR IMPLIED, AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN HEREON TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INGRESS, EGRESS, REGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, SEWER, ELECTRIC, TELEPHONE, GAS, AND OTHER UTILITIES.
19. MAXIMUM BUILDING HEIGHT PERMITTED FOR PRINCIPAL STRUCTURES IN RC ZONE IS 35 FEET.
20. MANAGEMENT WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM THE REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS WHICH BECAME EFFECTIVE ON JANUARY 1, 1991. THE FOREST BUFFER EASEMENT AND BUILDING SETBACK SHOWN HEREON ARE REFLECTIVE OF THE FACT THAT THIS VARIANCE WAS GRANTED. CONDITIONS WERE PLACED ON THIS VARIANCE CONSTRUCTING, AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, TO REDUCE WATER QUALITY IMPACTS.

SITE DATA

GROSS AREA OF SITE = 26.91 AC±
NET AREA OF SITE AREA LOT 2 = 0.07 AC±
NET AREA OF SITE AREA LOT 3 = 0.07 AC±
DEED REFERENCE: 5687/178
TAX MAP 4, GRID 21, PARCEL NO. 38
CENSUS TRACT: 4071
REGULATORY DISTRICT: 301
SUBDIVISION: 1001 7th DISTRICT ELEMENTARY SCHOOL WATERSHED
EX ZONING: RC-2 & RC-4
COUNCILMANIC DISTRICT: 3

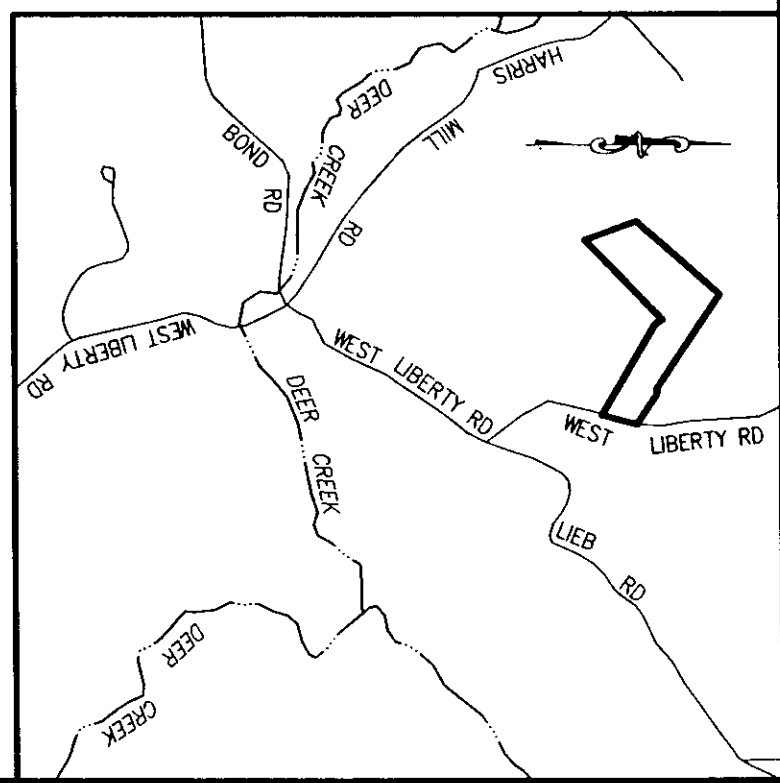
RC-2=10.81AC.
RC-4=15.00AC.

RC-4 DATA

RC-4 ACREAGE = 15.00 AC±
LOTS ALLOWED IN RC-4 (AC x 0.2) = 15.00 x 0.2 = 3
EXISTING LOTS = 1
PROPOSED LOTS = 3
REMAINING DENSITY = ?
MAXIMUM RC-4 BUILDING AREA (30% x ACREAGE) = 4.5
MIN RC-4 CONSERVANCY AREA (AC x 0.7) = 10.5 AC±
PROPOSED CONSERVANCY AREA = ? AC±

RC-4 AGRICULTURAL USE NOTE

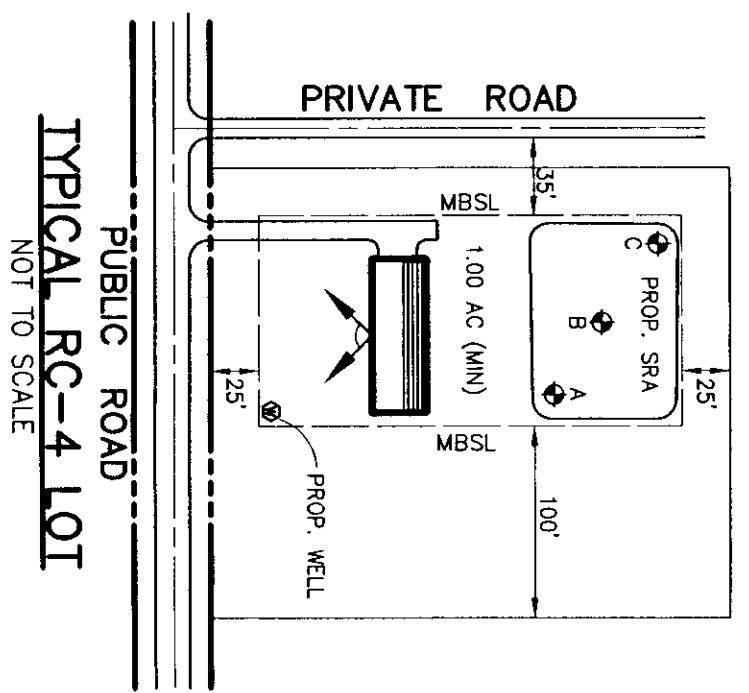
1A03.8 INCONVENIENCES ARISING FROM AGRICULTURAL OPERATIONS.
(BILLS No. 113, 1992; No. 107, 1994)
ANY DWELLING IN AN RC-4 ZONE MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, FUMES, DUST, THE OPERATION OF MACHINERY OF ANY KIND DURING ANY 24-HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES, AND PESTICIDES. THE COUNTY SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE, IF THE OPERATION COMPLIES WITH REQUIREMENTS AND ALL FEDERAL, STATE, OR COUNTY HEALTH OR ENVIRONMENTAL REQUIREMENTS.



LOCALITY MAP
SCALE: 1" = 1000'

LEGEND

- EX. CONTIGUOUS LOTS
- EX. SLOPES > 25%
- EX. STREAM
- WELL
- PERC TEST
- PROP. SEPTIC AREA
- SOIL TYPES
- FOREST BUFFER EASEMENT
- FOREST CONSERVATION EASEMENT
- LIMIT OF WETLANDS
- EX. WOODS LINE
- PROP. WOODS LINE
- PROP. HOUSE SITE
- HOUSE DIRECTION



TYPICAL RC-4 LOT
NOT TO SCALE

LINE	LENGTH	BEARING
L1	24.25	S82°58'31"E
L2	17.21	S84°22'42"W
L3	20.85	N64°40'01"E
L4	11.33	N67°14'04"E
L5	24.97	N03°47'38"W
L6	7.78	N11°13'42"E
L7	34.38	N39°42'47"E
L8	13.92	N23°44'30"E
L9	18.97	N18°53'24"E
L10	30.84	N49°22'29"E
L11	19.27	N60°12'14"E
L12	39.31	N38°09'28"E
L13	21.85	N38°58'55"E
L14	41.87	N14°24'15"E
L15	44.73	N10°42'52"E
L16	44.37	N33°53'52"W
L17	42.88	N23°42'07"W
L18	24.91	N13°52'23"E

LINE TABLE

MCKEE & ASSOCIATES, INC.

Engineering - Land Planning - Land Surveying

Natural Resource Planning - Road Estate Development
5 SHAWAN ROAD, Suite 1 COOKSTOWN, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1553

JAMES W. MCKEE DATE

MD REG. No. 9012

PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING

OBRIGKEIT PROPERTY

7th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
DATE: SEPTEMBER 14, 2000
SCALE: 1" = 100'

01-126-SPH