

IN RE: PETITION FOR VARIANCE
E/S Cool Meadow Court, 188' E
centerline of White Marsh Road
14th Election District
6th Councilmanic District
(#8 Cool Meadow Court)

Shipping Creek, LLC, *Legal Owners*
and Sierra Homes, Inc., *Contract Purchaser*
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-493-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Shipping Creek, LLC and the contract purchaser, Sierra Homes, Inc. The variance request involves property located at #8 Cool Meadow Court. The variance request is from Sections 1B01.2.C.1.b and 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 25 ft. for a proposed single-family dwelling in lieu of the required 30 ft. In addition, the Petitioners are requesting a variance to allow an open deck to be situated 15 ft. from the rear yard property line in lieu of the required 22.5 ft., and to amend the Final Development Plan for Lot #8 of the Wolf Property.

Appearing at the hearing on behalf of the variance request were Sandy Eshelman, appearing on behalf of Sierra Homes, Dwight Little, professional engineer who prepared the site plan of the property and Ron Decker, attorney at law, representing the Petitioners. Appearing in opposition to the Petitioners' request were several residents of the surrounding community, namely Joseph Dieter, Jackie Dieter and Linda Rosier, all of whom were represented by J. Carroll Holzer, attorney at law. There were no others in attendance at the hearing.

Testimony and evidence indicated that the property, which is the subject of this variance request, is shown as Lot #4 on the site plan submitted into evidence at the hearing. Lot #4 is

ORDER RECEIVED FOR FILING
Date 7/24/01
By J. J. Gunnison

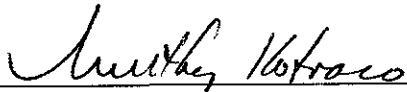
unimproved at this time. The Petitioners are desirous of constructing a single-family home on the subject lot. In order to proceed with the construction of a home that is consistent and in character with the homes of the surrounding community, a variance is necessary for the rear of the lot in question. It should be noted from the site plan submitted, that the forest buffer area encompasses a portion of the rear yard of this lot, thereby providing a smaller rear yard area than Lots 5, 6, 7 and 8. The Petitioner is unable to construct the dwelling on the property without the variance being generated or would have to construct a much smaller home on the property.

As stated previously, several residents from the surrounding community appeared in opposition to the Petitioner's request. The citizens are opposed to the granting of any variance for Lot #4, given that the size and configuration of the lot was a result of the manner in which the Developer designed the lot in the first place. Accordingly, they believe this hardship to be self-created and that the Developer could, in fact, construct a home on the lot which would be smaller than the other homes in the community. In any event, they ask that the variance be denied.

After considering the testimony and evidence offered at the hearing, I find that the variance request to allow a rear setback of 25 ft. in lieu of 30 ft. for a dwelling and a rear yard setback of 15 ft. in lieu of 22.5 ft. for a deck should be denied. The Developer was aware at the time of designing and laying out this development, that the lot in question would be small in size requiring a smaller home to be constructed on same. Perhaps a better design of the subdivision originally would have been to incorporate the area for Lot #4 into the adjacent lots, #3 and #5, to make for larger lots for those properties. However, the Developer chose to proceed requesting approval of this small lot and accordingly must construct a smaller home, in order to meet zoning setbacks.

THEREFORE, IT IS ORDERED this 24th day of July, 2001, by this Deputy Zoning Commissioner, that the Petitioners' variance request, to allow a rear yard setback of 25 ft. in lieu of the required 30 ft. and an open deck setback of 15 ft. in lieu of the required 22.5 ft., be and is hereby DENIED.

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



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 7/24/01
By [Signature]



Baltimore County
Zoning Commissioner

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

July 24, 2001

Ronald Decker, Esquire
Moore, Carney, Ryan & Lattanzi, LLC
411 E. Joppa Road
Baltimore, Maryland 21236

Re: Petition for Variance
Case No. 01-493-A
Property: #8 Cool Meadow Court

Dear Mr. Decker:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance 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,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper

Copies to:

Sierra Homes, Inc.
c/o Sandy Eshelman, Vice-President
4208 Ebenezer Road
Baltimore, MD 21236

Dwight Little, P.E.
1045 Taylor Avenue, Suite 101
Towson, MD 21286

J. Carroll Holzer, Esquire
508 Fairmount Road
Towson, MD 21286

Mr. & Mrs. Joseph Dieter
8911 Clement Avenue
Parkville, MD 21234

Ms. Linda Rosier
4910 White Marsh Road
Baltimore, MD 21237



Petition for Variance

TO AMEND THE FINAL DEVELOPMENT PLAN of THE WOLF PROPERTY
to the Zoning Commissioner of Baltimore County

for the property located at #8 Cool Meadow Ct
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) ~~504.2 BCZR~~ ^{1801.2.C.1.6} AND 504.2 BCZR, TO PERMIT ~~A FRONT YARD SETBACK of 22ft~~ ^{TMK} AND REARYARD SETBACK 25ft. FOR ~~ADD~~ A DWELLING IN LIEU OF THE REQUIRED ~~25ft~~ ^{TMK} 30ft. ~~REARYARD SETBACK~~ AND ~~ADD~~ A 15ft. REARYARD SETBACK IN LIEU OF THE REQUIRED 22.5ft. SETBACK FOR A DECK, AND TO AMEND THE FINAL DEV. PLAN OF THE of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) WOLF PROPERTY.

To be discussed at the Hearing

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

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

Contract Purchaser/Lessee:

Sierra Homes, Inc.
Name - Type or Print
[Signature]
Signature
4208 Ebenezer Road 410-256-1000
Address Telephone No.
Baltimore MD 21236
City State Zip Code

Legal Owner(s):

Shipping Creek, LLC
Name - Type or Print
[Signature]
Signature
W. THOMAS SPAN
Name - Type or Print
[Signature]
Signature
4208 Ebenezer Road 410-256
Address Telephone
Baltimore MD 21236
City State Zip Code

Attorney For Petitioner:

Ronald Decker
Name - Type or Print
[Signature]
Signature
Moore, Carney, Ryan, Lattanzi, LLC
Company
11 E. Joppa Road 410-529-4600
Address Telephone No.
Baltimore MD 21236
City State Zip Code

Representative to be Contacted:

Chuck Merritt 410-296-1
Name
1045 Taylor Ave, Suite 101
Address Telephone
Baltimore MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By [Signature] Date 5.18.0

Case No. 01-493A

ZONING DESCRIPTION FOR #8 Cool Meadow Court.

Beginning at a point on the north side of Cool Meadow Court which is 50' wide at the distance of 188' east of the centerline of the nearest improved intersecting street, White Marsh Road, which is 60' wide. Being lot #4, in the subdivision of Wolf Property as recorded in Baltimore County Plat Book #73, Folio #61, containing 5,458 SF or 0.1253 AC. Also known as #8 Cool Meadow Court and located in the 14th Election District, 6th Councilmanic District.

493

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

01 493 H

No. 92894

DATE 05-18-01 ACCOUNT R 001-006-6150

AMOUNT \$ 100

RECEIVED FROM: SIGROD Home Inc.

FOR: RES VAL & AIRPORT FDF TRUCK

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

SC 11

PAID RECEIPT

PAYMENT: ACTUAL TIME
5/18/2001 5/18/2001 11:20:09
PER: M003 CASHIER LMT LHM DEWNER 3
RECEIPT # 105049 OFLN
Fund 5 520 ZONING VERIFICATION
IND. 092894

Receipt Tot. 100.00
200.00 CK .00-00
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #01-493-A

#8 0001 Meadow Court, 188 E oeanthine White Marsh Road
E/S Cool Meadow Court, 6th Councilmanic District

14th Election District - 6th Councilmanic District
Legal Owner(s): Thomas Spert, Member, Shipping Creek LLC

Contract Purchaser: Sandy Eschenman, VP, Serra Homes, Inc.

Variance: to permit a rear yard setback 25 feet for a dwelling in lieu of the 30 feet and a 15 foot rear yard setback in lieu of the required 22.5 feet for a deck and to amend the final development plan of the Wolf Property.

Hearing: Friday, July 13, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley 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.
6/28/01 CAZ7850

CERTIFICATE OF PUBLICATION

_____ 6/28/____, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on 6/28/2001.

- The Jeffersonian
- Arbutus Times
- Catonsville Times
- Towson Times
- Owings Mills Times
- NE Booster/Reporter
- North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 01-493-A

Petitioner/Developer: _____

SIERRA HOMES, INC.

Date of Hearing/Closing: 7-13-01

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 _____

B COOL MEADOW COURT

The sign(s) were posted on JUNE 21, 2001
(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)

ZONING NOTICE

CASE # QI-493-A

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
ROOM 407, COUNTY COURTS
NINE BLDG, 401 BOSLEY AVENUE
TUESDAY, JULY 13, 2001
DATE AND TIME AT 2:00 P.M.
REQUEST VARIANCE TO PERMIT A REAR YARD SETBACK 25 FEET FOR A DWELLING IN LIEU OF THE 30 FEET AND A 15 FOOT REAR YARD SETBACK IN LIEU OF THE REQUIRED 22.5 FEET FOR A DECK AND TO AMEND THE FINAL DEVELOPMENT PLAN OF THE WOLF PROPERTY

ZONING NOTICE

CASE # QI-493-A

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

ROOM 407, COUNTY COURTS
NINE BLDG, 401 BOSLEY AVENUE
TUESDAY, JULY 13, 2001
DATE AND TIME AT 2:00 P.M.

REQUEST VARIANCE TO PERMIT A REAR YARD SETBACK 25 FEET FOR A DWELLING IN LIEU OF THE 30 FEET AND A 15 FOOT REAR YARD SETBACK IN LIEU OF THE REQUIRED 22.5 FEET FOR A DECK AND TO AMEND THE FINAL DEVELOPMENT PLAN OF THE WOLF PROPERTY

RECEIVED

JUL 22 2001

DEPT. OF PERMITS AND DEVELOPMENT SERVICES

CERTIFICATE OF POSTING

REVISED

6-21-01

RE: Case No.: 01-493-A

Petitioner/Developer: _____

SIERRA HOMES, LLC

Date of Hearing/Closing: JULY 13, 2001

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 _____

LOT # 4 # 8 COE MEADOW COURT

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

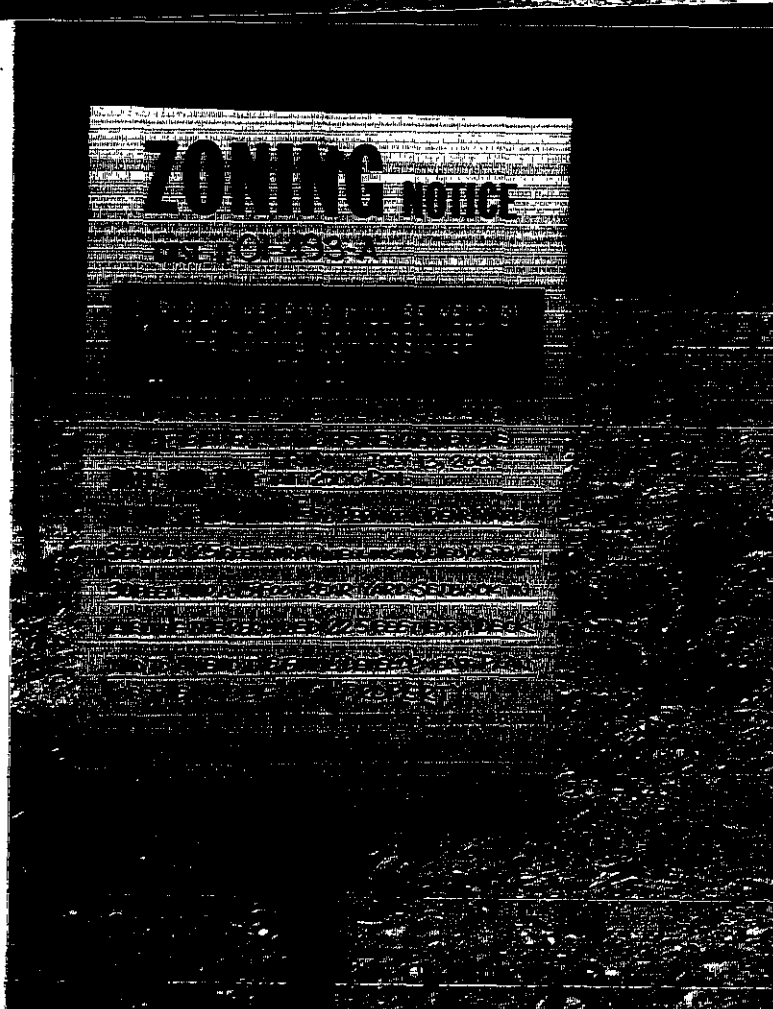
(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)



28 2001

OF PEOPLES...
...SEVER

RE: PETITION FOR VARIANCE
8 Cool Meadow Court, N/S Cool Meadow Ct,
188' E of c/l White Marsh Rd
14th Election District, 6th Councilmanic

Legal Owner: Shipping Creek, LLC
Contract Purchaser: Sierra Homes, Inc.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-493-A

* * * * *

ENTRY OF APPEARANCE

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



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of June, 2001 a copy of the foregoing Entry of Appearance was mailed to Ronald A. Decker, Esq., Moore, Carney, Ryan, 4111 E. Joppa Road, Suite 201, Baltimore, MD 21236, attorney for Petitioner(s).



PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

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

June 19, 2001

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: 01-493-A
17 Cool Meadow Court
E/S Cool Meadow Court, 658' E centerline White Marsh Road
14th Election District – 6th Councilmanic District
Legal Owner: Thomas Sperl, Member, Shipping Creek LLC
Contract Purchaser: Sandy Eshelman, VP, Sierra Homes Inc

Variance to permit a rear yard setback 25 feet for a dwelling in lieu of the 30 feet and a 15 foot rear yard setback in lieu of the required 22.5 feet for a deck and to amend the final development plan of the Wolf Property.

HEARING: Friday, July 13, 2001 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

Arnold Jablon
Director

C: Ronald Decker, Moore Carney Ryan Lattanzi LLC, 411 E Joppa Rd, Baltimore 21236
Thomas Sperl, Member, Shipping Creek LLC, 4208 Ebenezer Rd, Baltimore 21236
Sandy Eshelman VP, Sierra Homes Inc, 4208 Ebenezer Rd, Baltimore 21236
Chuck Merritt, 1045 Taylor Ave, Ste 101, Baltimore 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 22, 2001.**
- (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
Thursday, June 28, 2001 Issue – Jeffersonian

Please forward billing to:
Sandy Eshelman VP
Sierra Homes Inc
4208 Ebenezer Road
Baltimore MD 21236

410 256-1000

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-493-A
8 Cool Meadow Court
E/S Cool Meadow Court, 188' E centerline White Marsh Road
14th Election District – 6th Councilmanic District
Legal Owner: Thomas Sperl, Member, Shipping Creek LLC
Contract Purchaser: Sandy Eshelman, VP, Sierra Homes Inc

Variance to permit a rear yard setback 25 feet for a dwelling in lieu of the 30 feet and a 15 foot rear yard setback in lieu of the required 22.5 feet for a deck and to amend the final development plan of the Wolf Property.

HEARING: Friday, July 13, 2001 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 10, 2001 Issue – Jeffersonian

Please forward billing to:
Sandy Eshelman VP
Sierra Homes Inc
4208 Ebenezer Road
Baltimore MD 21236

410 256-1000

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-493-A

8 Cool Meadow Court

N/S Cool Meadow Court, 188' E centerline White Marsh Road

14th Election District – 6th Councilmanic District

Legal Owner: Thomas Sperl, Member, Shipping Creek LLC

Contract Purchaser: Sandy Eshelman, VP, Sierra Homes Inc

Variance to permit a rear yard setback 25 feet for a dwelling in lieu of the 30 feet and a 15 foot rear yard setback in lieu of the required 22.5 feet for a deck and to amend the final development plan of the Wolf Property.

HEARING: Tuesday, July 24, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G D Z
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: 493

Petitioner: Sierra Homes, Inc.

Address or Location: #8 Cool Meadow Ct.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Sierra Homes, Inc.

Address: 4208 Ebenezer Road

Baltimore MD 21236

Telephone Number: (410) 256-1000



Baltimore County
Fire Department

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

June 12, 2001

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 June 11, 2001

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:

460, 484, 486, 487, 488, 489, 490, 491, 492, 493, 495,
496, 497, 498, 500, and 501

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

cc: File

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



Jim
7/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 21, 2001

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

SUBJECT: 8 Cool Meadow Court

INFORMATION:

Item Number: 01-493

Petitioner: Shipping Creek, LLC.

Zoning: DR 5.5

Requested Action: Variance

JUN 21

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the request. During the review of the Wolf property concept and development plans, this office advised the developer's engineer that due to the size and configuration of the proposed lots, numerous variances would be necessary. The Office of Planning also indicated that this office would not support variances due to the fact that the developer had the option to create lots adequate in size to meet the required setbacks.

The Office of Planning has determined that it is incumbent upon the petitioner to demonstrate unreasonable hardship and practical difficulty.

Prepared by: MaekA Cunniff

Section Chief: Jeffrey W. L...
AFK:MAC:



**Maryland Department of Transportation
State Highway Administration**

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

Date: 6-13-01

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

RE: Baltimore County
Item No. 493

JCM

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,

A handwritten signature in cursive script, appearing to read 'K. A. McDonald Jr.'.

ln

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

6/21/01
George
9
7/13

MOORE, CARNEY, RYAN AND LATTANZI, L.L.C.

ATTORNEYS AT LAW

4111 E. JOPPA ROAD, SUITE 201
BALTIMORE, MARYLAND 21236

(410) 529-4600

FAX (410) 529-6146

E. SCOTT MOORE
(1926-1992)

PARALEGAL STAFF

SHARON L. WARDROPE
SALLY J. DRIBNACK

ROBERT E. CARNEY, JR.
RICHARD E. LATTANZI
RONALD A. DECKER
ROBERT J. BRANNAN
JUDITH L. HARCLERODE

LISA M. L. EISEMANN

June 20, 2001

Mr. Arnold Jablon, Director
Baltimore County Department of
Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Attn: George Zahner

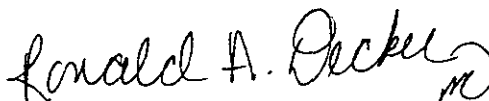
Re: Case Nos.: 01-492-A and 01-493-A
8 Cool Meadow Court
17 Cool Meadow Court

Dear Mr. Zahner:

This will confirm my telephone conversation with you regarding hearings in the captioned case. I requested earlier dates, and asserted that my clients would have the property posted by Friday, June 22, if an earlier hearing date could be granted. As a result, you graciously changed the hearings to Friday, July 13, at 2:00 p.m.

Thank you for your kind consideration.

Very truly yours,



Ronald A. Decker

RAD/mc
cc: Sandy Eshelman, Vice President
Sierra Homes, Inc.
Chuck Merritt
Thomas Sperl



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

July 17, 2001
#7266

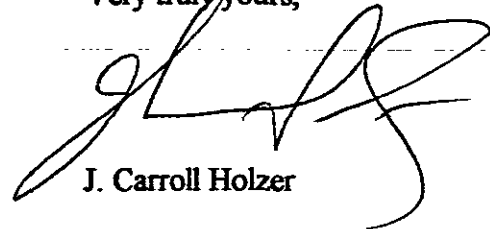
Timothy Kotroco
Deputy Zoning Commissioner
for Baltimore County
401 Bosley Avenue
Towson, MD 21204

Re: Protestants Exhibits 1 thru 4
Case No. 01-492A and 01-493A

Dear Mr. Kotroco:

Enclosed please find the copy of Protestants Exhibits one through four submitted in the above captioned case. Copies are also being forwarded to Mt. Decker as promised.

Very truly yours,



J. Carroll Holzer

cc: Ronald A. Decker

IN RE: DEVELOPMENT PLAN HEARING * BEFORE THE
 N/S White Marsh Road * HEARING OFFICER
 E Grapevine Lane * OF BALTIMORE COUNTY
 14th Election District * Case No. XIV-252
 6th Councilmanic District *
 (Wolf Property) *
 G H Development *
 Petitioner *

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County as a requested approval of a Development Plan prepared by W. Duvall & Associates, Inc. for the development of the subject parcel of property with 24 single-family residential homes. The subject property contains 11.702 acres and is zoned D.R.5.5. It is located on the north side of White Marsh Road east of its intersection with Grapevine Lane in the Fullerton area of Baltimore County. The subject property is known as the Wolf Property, the owners being Charlotte and Margaret Wolf. The property is proposed to be developed by G. H. Development.

Appearing at the hearing on behalf of the Development Plan approval request were Dwight Little, professional engineer with W. Duvall & Associates, the firm that prepared the Development Plan of the property and Rob Hoffman, attorney at law, representing the Petitioner. As is usual and customary, representatives of the various Baltimore County reviewing agencies also attended the hearing; namely, David Bauer and Mitch Kellman (Zoning) and Stephany Wright (Land Acquisition), all from the Office of Permits & Development Management; Allison Cauthorn and R. Bruce Seeley from the Department of Environmental Protection and Resource Management; Lynn Lanham from the Office of Planning; and Jan Cook from the Department of Recreation & Parks, who was represented at the hearing by Amanda Conn, attorney with the Baltimore County Office of Law. In addition, several citizens from the surrounding community also attended the hearing: Linda Rosier, Joseph Dieter, Marlene Wheeler, Kathleen Waxman and Jackie Dieter.

COPY SENT TO FILE

Date 5/10/00
 By J.R. [Signature]

Part 1

As to the history of the project, a Concept Plan Conference was held on October 4, 1999, followed by a Community Input Meeting held at the Perry Hall Elementary School on November 22, 1999. A Development Plan Conference followed on April 5, 2000 and a Hearing Officer's Hearing was held on April 27, 2000 in Room 106 of the County Office Building.

At the Hearing Officer's hearing held before me, I attempt to determine what, if any, issues or comments remain unresolved. Amanda Conn, attorney at law, representing the Department of Recreation and Parks, identified an issue concerning the interpretation of the Open Space Manual and the newly enacted Adequate Facilities Legislation (Bill No. 110-99). The issue raised by Ms. Conn on behalf of the Department of Recreation and Parks was whether the Developer has met the dictates of the Open Space Manual relative to the amount of active open space provided on the Development Plan. The issue raised by Ms. Conn was based in most part upon an interpretation of the language of the law itself and not necessarily testimony and evidence. However, Mr. Jan Cook, a representative of the Department of Recreation and Parks, appeared and testified relative to this issue.

Mr. Cook admitted that the issue raised by his office is somewhat confusing. The confusion results by virtue of the language contained in the Open Space Manual and Bill No. 110-99. The applicable law requires that the Developer must set aside total open space area of 24,000 sq. ft., which is calculated based on 1,000 sq. ft. of area per residential lot. Herein, the Developer proposes 24 residential lots. Breaking that open space down further, 650 sq. ft. of that 1,000 sq. ft. requirement is to be set aside as active open space with the remaining 350 sq. ft. being dedicated to passive open space. Therefore, the total requirement imposed upon this developer for active versus passive open space is 15,600 sq. ft. active (650 sq. ft. x 24 lots) and 8,400 sq. ft. passive (350 sq. ft. x 24 lots). This appears to be fairly simple mathematics, however, the confusion lies in several sections of the Open Space Manual and Bill No. 110-99.

Section 26-498 (c)(2)(i) requires that the amount of active local open space shall be no less than 20,000 sq. ft. parcels. Furthermore, Section (c)(1) of the Local Open Space Manual also states this 20,000 sq. ft. requirement. The required amount of open space to be provided by this

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By A.P. Quinn

Developer, as calculated in the paragraph above, only mandates that the Developer be required to provide 15,600 sq. ft. of active open space. Therefore, the provisions of Bill No. 110-99 and the Local Open Space Manual contradict one another.

To further add to this confusion, Mr. Cook admitted in his testimony that the calculations contained within his comments dated April 5, 2000, which comments were made for the Development Plan Conference, clearly identify the amount of open space required which is consistent with that represented on the Development Plan submitted before me. Prior to the date of this Hearing Officer's hearing, Mr. Cook indicated in his comments that the calculations for open space were figured correctly by the Developer. However, on the date of the hearing before me at 11:00 a.m. in the morning, Mr. Cook testified that his position and the position of his office had changed and that the Developer should meet the 20,000 sq. ft. threshold as provided for elsewhere in the Open Space Manual and Bill No. 110-99.

Testimony further revealed that the reason for the confusion over this issue was apparently caused by an amendment that was made to Bill No. 110-99 by the County Council on the night that the bill was passed. Apparently, the portion of the bill dealing with open space requirements was adjusted on the night the bill was passed to reduce a threshold requirement of 30 residential lots down to 20 or fewer residential lots. While that particular adjustment was reduced by the County Council, no adjustments were made to the method by which the calculations of open space was performed on a per lot basis. This was one possible explanation as to how this interpretational problem evolved.

Mr. Cook further testified, that in some instances a developer may be entitled under the act to pay a fee into the Local Open Space Revenue Account instead of dedicating the requisite amount of open space on a development plan. Mr. Cook testified that the practice of his office is to simply multiply the number of lots for a development containing 20 or fewer dwelling units by the amount of active open space per lot to reach the fee that is to be paid into the Open Space Revenue Account. No regard is given by Recreation and Parks to the threshold minimum of 20,000 sq. ft. of open space when a fee is being paid into the Open Space Revenue Account in

LOCAL OPEN SPACE PLAN MEETING
DATE 5/10/00
BY R.C. [Signature]

lieu of actually providing the open space on site.

Therefore, having considered the testimony and evidence presented at the hearing, the language of the Open Space Manual and Bill No. 110-99, and the arguments of counsel made at the hearing before me, I find that the amount of open space shown on Developer's Exhibit No. 1, the Development Plan of the Wolf Property, is appropriate and does comply with the regulations of the Department of Recreation and Parks. Therefore, this issue is not sufficient to warrant a denial of the Development Plan.

There were no other issues raised by any County agency at the hearing before me. However, other issues were raised by some of the residents who attended the hearing. A common concern raised by several of the citizens in attendance related to a box culvert situated near the southwest corner of the Developer's property, just a few feet offsite of this development. The box culvert allows a small stream to pass under White Marsh Road. The box culvert is 20 ft. in width measured between the two concrete abutments. The citizens in attendance were concerned that while White Marsh Road is proposed to be widened to a 40 ft. right-of-way, the box culvert would remain at 20 ft., thereby causing an extreme bottle neck at that location. Plans to widen the culvert have been established in connection with the development of the Dorn Property, also known as Glen Arbor North. The developer in that case is required to set aside 50% of the funds necessary to widen the box culvert consistent with the road widenings proposed for White Marsh Road. Furthermore, Baltimore County will be supplying the remaining 50% of the cost of this widening. The Developer herein is not required to participate in the cost of widening the box culvert, given that the box culvert is offsite from this Developer's property. In any event, the concern raised by the citizens is in the process of being addressed by Baltimore County and the Developer of the Dorn Property. Therefore, it is not sufficient to warrant that this Development Plan be denied. The developer can only be made to perform road improvements along property that they actually own. To order otherwise would cause the Developer to have to trespass onto lands of others in order to perform such improvements.

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DATE 5/11/00
BY J.P. Spenser

In addition to the issue raised concerning the box culvert, Ms. Linda Rosier identified several areas of concern during the preliminary phase of the hearing, which the Developer had agreed to resolve. It is not necessary to delve into detail about these issues, given that they were resolved during the informal portion of the Hearing Officer's Hearing. The Developer agreed to meet Ms. Rosier's concerns and, therefore, conditions and restrictions shall be imposed at the end of this Order which will address those issues raised by Ms. Rosier.

Lastly, an issue involving storm water runoff was raised by others in attendance. The concern raised by the citizens was based on a development that is occurring on the opposite side of White Marsh Road from the subject property. That project is being developed by Nottingham Properties for 105 single-family residential dwellings. Presently, there is occurring a great deal of excavation and grading, as well as road improvements to White Marsh Road. The citizens in attendance are experiencing a tremendous amount of problems with that development relative to runoff and erosion and are concerned that the same will occur once this property is developed. All agreed that this developer should not be held accountable for the problems occurring on another project. However, the citizens were distrustful that the sediment control measures and storm water management practices proposed for this Development would actually work, given the experiences they are having with the property being developed across the street. These citizens concerns are very legitimate. However, they are speculative as to whether or not it will actually occur once this property begins to be developed. It is not appropriate to punish this developer for problems occurring with another developer's property. In addition, whether this developer will have any erosion problems is speculative and therefore is not sufficient to warrant that the Development Plan be denied at this time. Should runoff problems occur with this development, the citizens would have to contact the appropriate sediment control inspectors for Baltimore County for redress.

There were no other issues raised by those in attendance that warranted the taking of testimony and evidence. Therefore, the Development Plan submitted into evidence as Developer's Exhibit No. 1 shall be approved.

Date 5/10/00
By J.P. [Signature]

Pursuant to the Zoning and Development Plan Regulations of Baltimore County as contained within the Baltimore County Zoning Regulations and Subtitle 26 of the Baltimore County Code, the advertising, posting of the property and public hearing held thereon, the Development Plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County this 10th day of May, 2000, that the Development Plan submitted into evidence as Developer's Exhibit No. 1, be and it is hereby GRANTED, subject to the following conditions and restrictions:

- 1) The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Developer shall be required to provide screening along their common property line with Ms. Linda Rosier. The screening shall be a mix of a 6 ft. high wooden privacy fence along with appropriate evergreen shrubs. The Developer shall submit a plan to Mr. Avery Harden, Landscape Architect for Baltimore County, depicting the fence and landscape shrubbery for Mr. Harden's review and approval. Furthermore, Ms. Linda Rosier shall also be able to participate and comment on the type of screening to be provided on the Developer's property line.
- 3) There shall be no storm water runoff generated onto Ms. Rosier's property by virtue of the development on the subject site. Ms. Rosier indicated at the hearing that she does not receive any runoff or drainage from the Developer's property at this time. Therefore, there shall be no grading taking place on the Developer's property that would cause water to drain onto Ms. Rosier's property. The Developer shall be required to install appropriate silt fencing and other sediment and stormwater control measures to assure that no runoff adversely affects any residents in the surrounding neighborhood or the White Marsh Run which is located to the rear of the site. In addition to any other appropriate sanctions imposed by the Department of Environmental Protection and Resource Management, the Office of Permits and Development Management shall be permitted to suspend all active permits on the site until such time as any breach of sediment or storm water management procedures are remedied.
- 4) Any damage done to Ms. Rosier's property by this Developer or any of his contractors or subcontractors shall be remedied immediately. In the event that said

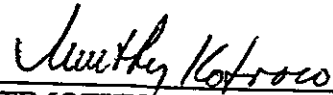
ORDER RECEIVED FOR FILING

Date 5/10/00

By J. P. [Signature]

damage is not corrected immediately, the Department of Permits and Development Management shall be permitted to suspend all active permits on the subject property until such time as the damage is corrected.

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



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

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DATE

5/12/60

BY

J.P. [Signature]



County Board of Appeals of Baltimore County

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

Kotroco -
410-887-4386

August 7, 2000

Mr. Joseph M. Dieter
8911 Clement Avenue
Baltimore, MD 21234

RE: In the Matter of Wolf Property /PDM XIV-252
Case No. CBA-00-124

Dear Mr. Dieter:

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,

Charlotte E. Redcliffe for
Kathleen C. Bianco
Administrator

Enclosure

c: David and Jacqueline Dieter
Linda Rosier
Robert A. Hoffman, Esquire
GH Development
Marlene Wheeler
Kathleen Waxman
Office of People's Counsel
Pat Keller, Director /Planning
Lawrence E. Schmidt /Zoning Commissioner
Donald Rascoe /PDM
Arnold Jablon, Director /PDM
Amanda S. Conn, Assistant County Attorney
Virginia W. Barnhart, County Attorney

Prot. 2

IN THE MATTER OF
WOLF PROPERTY /XIV-252
GH DEVELOPMENT - DEVELOPER
N/S OF WHITE MARSH ROAD, E OF
GRAPEVINE LANE
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CBA-00-124

RE: DEVELOPMENT PLAN APPROVAL

* * * * *

OPINION

This case comes to the Board of Appeals based on a decision of the Hearing Officer, Timothy Kotroco (Deputy Zoning Commissioner) in which approval of a development plan was granted for development of the subject property with 24 single-family residential homes. Public hearing was held by the Hearing Officer on April 27, 2000, subsequent to the Development Plan Conference held on April 5, 2000. The Hearing Officer's decision was rendered on May 10, 2000, and a timely appeal was filed by the Appellants on May 26, 2000.

The Board heard the case on June 28, 2000. The Developer was represented by Robert A. Hoffman, Esquire. The Appellants, Mr. Joseph M. Dieter, Mr. David Dieter, and Jacqueline Dieter, along with Linda Rosier, appeared *pro se* at the Board's hearing. The Board Chairman outlined how the case would proceed and, in light of the Appellants appearing *pro se*, Mr. Hoffman agreed to initiate the proceedings and to relate how the Developer had attempted to work in concert with the Appellants to resolve many of their concerns and issues. The Appellants were also given the opportunity to present their arguments on appeal to the Board, and all of them did so, either by way of reading their previously filed letters to the Board and/or explaining their positions so that the Board was fully conversant with their objections to the Development Plan.

A review of the Board's file clearly indicates that a Concept Plan Conference was held on

October 12, 1999, and various comments were received from the requisite County agencies. The Developer, at that time, was proposing 26 single-family dwellings on 11.8 (+/-) acres zoned D.R. 5.5. The White Marsh Run is situated along the northern boundary of the site, with an open field along the frontage and woods associated with the stream system. A present dwelling on the site would be razed.

The property was posted and a well-attended Community Input Meeting was held on November 22, 1999. The file indicates that all of the Appellants in this case were in attendance at that meeting, which was held at the Perry Hall Elementary School. Ms. Linda Rosier wrote on April 27, 2000 her specific objections to the plan and also offered them at the time of the Hearing Officer's hearing. She was concerned with the planning of a privacy fence and its location on the property line, and also the associated planting of evergreens. Her concern was that she did not want people coming on to her property and unduly trespassing on her land. She was also concerned about drainage. Apparently significant problems have resulted from two previously approved Baltimore County projects, and of concern was a panhandle lot on the proposed development site protruding into the wetlands.

Mr. Joseph M. Dieter expressed concern over traffic and the road system being too narrow for the local traffic. There is a box culvert located near the southwest corner of the Developer's property just a few feet off site of the proposed development. That culvert, which is approximately 20 feet in width measured between the two concrete abutments, permits the small stream to pass under White Marsh Road. The citizens were concerned that, with the proposed widening of White Marsh Road to a 40-foot right-of-way, the box culvert would remain at 20 feet, causing a bottleneck at that particular location. The issue of traffic safety was of particular concern.

Mr. David Dieter and Jacqueline Dieter also expressed concern over the runoff problems, experienced erosion, and undermining of the main sewer line. They also expressed concerns of public safety and health relative to the fact that, in their opinion, the sewer main was already being exposed.

The Board members have individually reviewed the entire file, which came to us from the Department of Permits & Development Management, along with the Order and Opinion that was issued by the Hearing Officer. The various comments made by all of the responding County agencies have also been examined in depth; and the tape of the Hearing Officer's hearing was also accessible to the Board members.

Many of the issues which were raised by Ms. Rosier have already been resolved in conversations with the Developer, and her primary concern relative to the privacy fence issue was taken into consideration under Condition #2 imposed by the Hearing Officer concerning the screening along the common property line of the Developer and Ms. Rosier. The Order requires that a mix of a 6-foot-high wooden privacy fence with appropriate evergreen shrubs be established in accordance with Baltimore County's landscaping requirements, and that Ms. Rosier would be able to participate and comment on the type of screening to be provided on the Developer's property line. Since the vegetative screening would be on Ms. Rosier's side of the fence, it would be her responsibility to maintain proper watering and conditioning of the vegetation once it has been planted. The Hearing Officer also imposed Condition #3 relative to stormwater runoff, and the Board is convinced that this should alleviate her concerns relative to any runoff or damage on her property from the Developer's projected plans. This item was also covered in Condition #4 of the Hearing Officer's Order.

The Hearing Officer, in his Opinion and Order, indicates that all of the County requirements have been established; and, under the *Baltimore County Code*, the Hearing Officer is required to approve the Development Plan and appropriately did so as Developer's Exhibit No. 1. The comments made by the other Appellants are also noted specifically in the Hearing Officer's Opinion and Order, and the Hearing Officer was not unsympathetic to their plight. However, a number of the issues raised have been occurring due to development on other properties, and as the Hearing Officer indicated, it is not appropriate for him to punish this particular Developer for problem situations which occur on another Developer's property. In the event that other developments are causing problems, the Appellants are provided recourse to the appropriate County Governmental agencies to remedy the situation, and as the Hearing Officer indicated, appropriate sediment control is available for redress by way of physical inspection on the part of the County.

The Hearing Officer also notes in his Opinion and Order that, while White Marsh Road is proposed to be widened to a 40-foot right-of-way, plans to widen the culvert have also been established in connection with the development of the Dorn Property (known as "Glen Arbor North"), and that particular Developer is required to set aside 50 percent of the funds necessary to widen the box culvert, again consistent with the road widening proposed for White Marsh Road.

The Board is not unsympathetic with the plight of the Appellants in this case since the area in question is the subject of extensive development. However, development taking place is in accordance with the zoning regulations and will be appropriately monitored by Baltimore County officials. This Board, in its appellate jurisdiction, cannot substitute its judgement for that of the Hearing Officer, and its authority is specifically limited to that under *Baltimore County Code*, Section 26-209(d), which states:

In a proceeding under this section, the board may:

- (1) Remand the case to the hearing officer;
- (2) Affirm the decision of the hearing officer; or
- (3) Reverse or modify the decision if a finding, conclusion, or decision of the hearing officer:
 - (a) Exceeds the statutory authority or jurisdiction of the hearing officer;
 - (b) Results from an unlawful procedure;
 - (c) Is affected by any other error of law;
 - (d) Is unsupported by competent, material and substantial evidence in light of the entire record as submitted; or
 - (e) Is arbitrary or capricious.

Moreover, with respect to factual matters, the scope of review is quite narrow and deferential, similar to the standard articulated by Maryland's Court of Special Appeals in People's Counsel v. Manzione, 85 Md.App. 738 (1991), namely, "...whether a reasoning mind reasonably could have reached the factual conclusion that the agency reached...this need not and must not be either judicial fact finding or a substitution of judicial judgment for agency judgment."

In this particular hearing, the Board, having heard the case presented by the Appellants and reviewing the complete documentation in its file and also the Opinion and Order of the Hearing Officer, can find no appropriate grounds for denying the Plan; and, accordingly, hereby affirms the Hearing Officer.

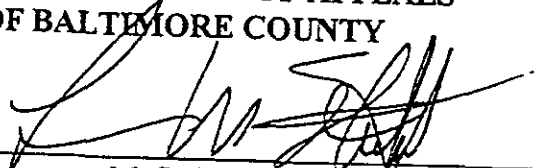
ORDER

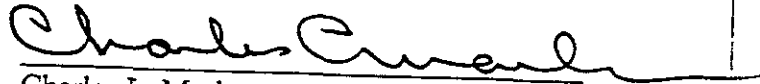
IT IS THEREFORE THIS 7th day of August, 2000 by the County Board of Appeals of Baltimore County


ORDERED that the Decision of the Hearing Officer dated May 10, 2000 approving the development plan of the Wolf Property be and the same is hereby **AFFIRMED**.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence M. Stahl, Chairman


Charles L. Marks


Thomas P. Melvin

Linda C. Rocir
4910 White Marsh Road
Ft. Detton, Maryland 21227

I have many reasons to appeal the Wolf Property Development Plan. I feel that house #9 should not be allowed where the one plan calls for it. Variances were needed to place it there - a wetland variance and a forrest buffer variance. Another plan should be considered so that this area would remain safe. That area and the stream have suffered enough from run-off and erosion. To place a house that close would be hazardous to the stream and surrounding areas which are already in need of repair. Baltimore County has verified this by placing White Marsh Run as top priority to be repaired. Development will not help the stream and surrounding areas - even if some trees were planted, it would still suffer. I've lost at least 10 feet of ground in the last 4 years due to erosion. Residents all along the stream are having trouble with erosion and property damage due to developments that are being built near their homes. The sewer lines in White Marsh Run are also being disturbed because of these problems and Baltimore County has also verified this. There should be limited development on the stream-side of White Marsh Road with a building moritorium until the stream is repaired. If these areas need to be developed, at least do not give variances to put homes in protected areas. White Marsh Run can't handle anymore disturbances. I beg you to reconsider house #9.

The road is not capable of handling more development traffic. It is still narrow and unsafe in certain areas with very little site distance and a dead-end. One obstruction in the road and hundreds could be trapped like in the storm of 5-13-00. No more developments should be allowed until something is done about the bridge (culvert) which is entirely too small. If the county continues to approve these developments, we must have "No Parking" signs on both sides of White Marsh Road and "Stop" signs on the roads coming out of a development. If parking is allowed on White Marsh Road, the road is reduced

Prot 3

Linda C. Rosier
4910 White Marsh Road
Fullerton, Maryland 21237

in size and will not meet the requirements for safety. If there are no "Stop" signs, residents in the developments will pull out onto White Marsh Road without stopping and collide with oncoming traffic.

In the order, Item #2, which mandates that screening be placed along the property line, it doesn't state where the fence and shrubbery will start and stop. I feel this needs to be in writing. Mr. Kotroco stated at the hearing that this screening will be in perpetuity. I feel this needs to be in writing also.

I hope the Board reconsiders what was presented here today as well as the feelings of the residents of White Marsh Road along with the others in attendance for our support. Most of us have lived here for many years and it is very sad to watch the gradual destruction of our neighborhood. We care very much about our neighborhood and want to keep it as nice as possible. We also care very much about our stream and its' surrounding areas. We need to preserve and save it. Thank you.

Mrs. Linda Rosier
6-28-2000

30 days to deliberate
in public

↓
15 days for in
writing

We will be
notified.



Baltimore County
Department of Environmental Protection
and Resource Management

401 Bosley Avenue, Suite 416
Towson, Maryland 21204

January 12, 2000

Mr. G. Dwight Little, P.E.
W. Duvall & Associates, Inc.
530 E. Joppa Road
Towson, MD 21204

RE: Wolf Property Forest Buffer
Variance Request

Dear Mr. Little:

A request for a variance from Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department on December 16, 1999. This request proposes approximately 7,300 square feet of permanent impact to the Forest Buffer Easement (FBE), including impacts to the 25 foot wetland buffer enforced by Maryland Department of the Environment, for lot fill and storm water management (SWM) construction. Additionally, a reduced setback of 25 feet in lieu of the required 35 feet is requested for proposed lot 9 and 30 feet in lieu of the 35 on proposed lot 3.

This Department has reviewed your request, and has determined that a practical difficulty/unreasonable hardship has not been adequately demonstrated in your request. It appears that alternate layouts involving relocation of the road and SWM pond could eliminate any proposed impacts to the Forest Buffer. It does appear that ample opportunity exists onsite for performing mitigative measures to offset the potential for impacts to water quality and aquatic resources as a result of this proposal. However, mitigation is the least favorable option behind avoidance and minimization of impacts to natural resources. Therefore, the variance is incomplete as submitted. Please perform additional alternatives analysis of significantly different layouts to avoid impacts to the Forest Buffer as much as possible.

If you have any questions regarding this correspondence, please contact Ms. Patricia Farr or Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

Patricia M. Farr, Program Supervisor
Environmental Impact Review

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Baltimore County
Department of Environmental Protection
and Resource Management

Office of the Director
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

February 10, 2000

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

RE: Wolf Property Forest Buffer
Variance Request
(Revised 2/8/00)

Dear Mr. Little:

A revised request for a variance from the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department on February 8, 2000 for consideration. This revised request proposes approximately 4,500 square feet of permanent impact to the Forest Buffer Easement (FBE), including impacts to the 25 foot wetland buffer enforced by Maryland Department of the Environment, for lot development and storm water management (SWM) construction. Additionally, a reduced setback of 25 feet in lieu of the required 35 feet is requested for proposed lots 4, 5 and 9 as well as a 30 foot setback in lieu of the 35 feet required on proposed lot 3. This revised application is based on a revised development design that realigned the access road and changed the dimensions of several lots to minimize impacts to the FBE beyond those impacts originally proposed.

This Department has reviewed your revised request, which provided additional documentation of various layouts and the practical difficulties associated with each. Consequently, this Department has determined that a practical difficulty/unreasonable hardship does exist, and that performing mitigative measures can minimize the potential for impacts to water quality and aquatic resources as a result of this proposal. However, additional mitigation beyond that proposed in your original variance request and as agreed during your February 8, 2000 meeting with Department staff, will be required. Therefore, we will grant this request in accordance with Section 14-334 of the Baltimore County Code, with the following conditions:

1. The following note must appear on all plans submitted for this project:
"A variance was granted by the Baltimore County Department of Environmental Protection and Resource Management from Regulations for the Protection of

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



Water Quality, Streams, Wetlands and Floodplains. 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 to reduce water quality impacts."

2. A permanent fence shall be installed along the limit of the FBE on all residential lots containing FBE prior to issuance of any building permits for these lots.
3. The entire FBE shall be permanently posted at 75 foot intervals with "Forest Buffer - Do Not Disturb" signs prior to issuance of any building permits.
4. The FBE shall be expanded on lots 1 and 5 as proposed on the plan accompanying your variance application resulting in an additional 5,775 square feet of FBE.
5. The Forest Buffer planting area must be enlarged as shown on the attached plan to provide approximately 4,300 square feet of afforestation beyond that required to meet Forest Conservation requirements.
6. Documentation of approval by Maryland Department of the Environment to impact the 25 foot buffer to non-tidal wetlands must be provided to this Department prior to my signature of the record plat for this development.
7. A Forest Buffer Protection Plan (FBPP), including the FBE mitigation requirements, shall be approved prior to grading plan approval. This plan may be combined with the final forest conservation plan for this project.
8. A FBPP security shall be posted prior to grading permit approval. This security shall be equal to \$0.25 per square foot of required planting area. Release of this security will be in accordance with the attached policy
9. The FBPP shall be implemented within one year of grading permit issuance.
10. It shall be the responsibility of the developer to obtain permission from future lot owners to plant and maintain the mitigation plantings required as a condition of this variance approval.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

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Mr. G. Dwight Little
February 10, 2000
Page #4

I/we agree to the conditions specified herein to bring my/our property into compliance with Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Property Owners' Signature

Date

Property Owners' Printed Names

Contract Purchaser's Signature

Date

Contract Purchaser's Printed Name


I/we agree to the conditions specified herein to bring my/our property into compliance with Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.


Property Owners' Signature Date

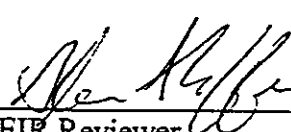
Property Owners' Printed Names

Contract Purchaser's Signature Date

Contract Purchaser's Printed Name

 2/10
Deputy Director

 2/9/00
EIR Supervisor

 2/9/00
EIR Reviewer

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 01-493-A

Date Completed/Initials

6-8-01

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

6-11-01

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

6-12-01

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies, mail original and copies; send copy to zoning commissioner, file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date, type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file, update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample, file cards in cabinet)

GDZ

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

6/21

COMMENTS (check off agency comments received on front of hearing file, make copies; type comments letter; mail original to petitioner, file copy in hearing file)

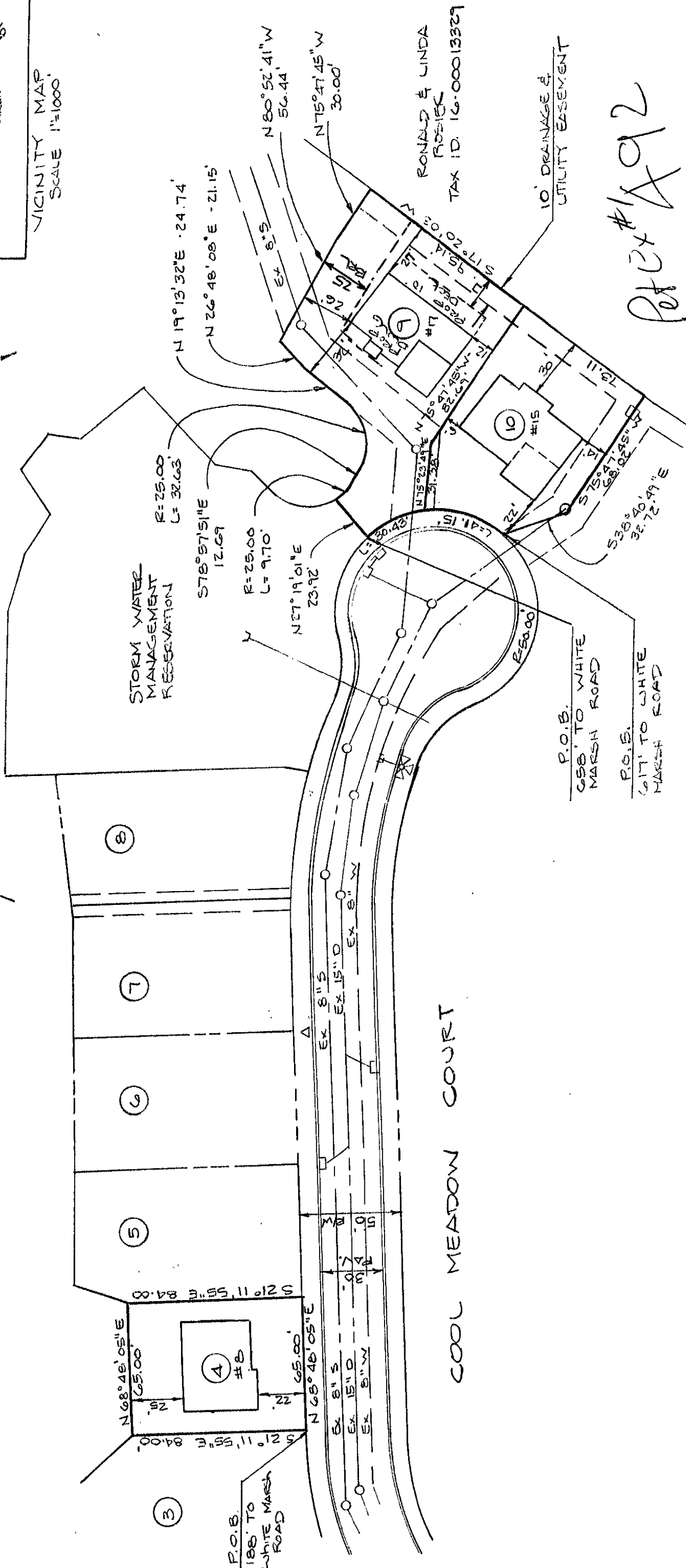
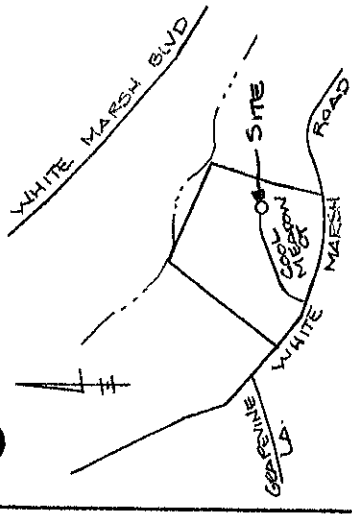
FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday, verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

NOTE

1. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THESE LOTS DO NOT LIE WITHIN A 100 YEAR FLOODPLAIN
3. THE SITE IS ZONED DR S.S, MAP NE 8-6
4. THIS SITE HAS NO PRICE ZONING HISTORY.

BALTIMORE COUNTY RECREATIONAL GREENWAY RESERVATION AND FOREST BUFFER EASEMENT

VICINITY MAP
SCALE 1"=1000'



RONALD & LINDA
ROBIK
TAX ID: 16-00013329

10' DRAINAGE & UTILITY EASEMENT

Plot # 1/A92

PLAN TO ACCOMPANY ZONING VARIANCE
LOT # 17 COOL MEADOW COURT
14TH ELECTION DIST. 6TH COUNCIUMIC DIST.
SCALE 1 1/2"=50'
SUBDIVISION: WOLF PROPERTY
SM 73/61

OWNER
SHIPPING CREEK LLC
4208 EBENEZER ROAD
BALTIMORE MD 21236

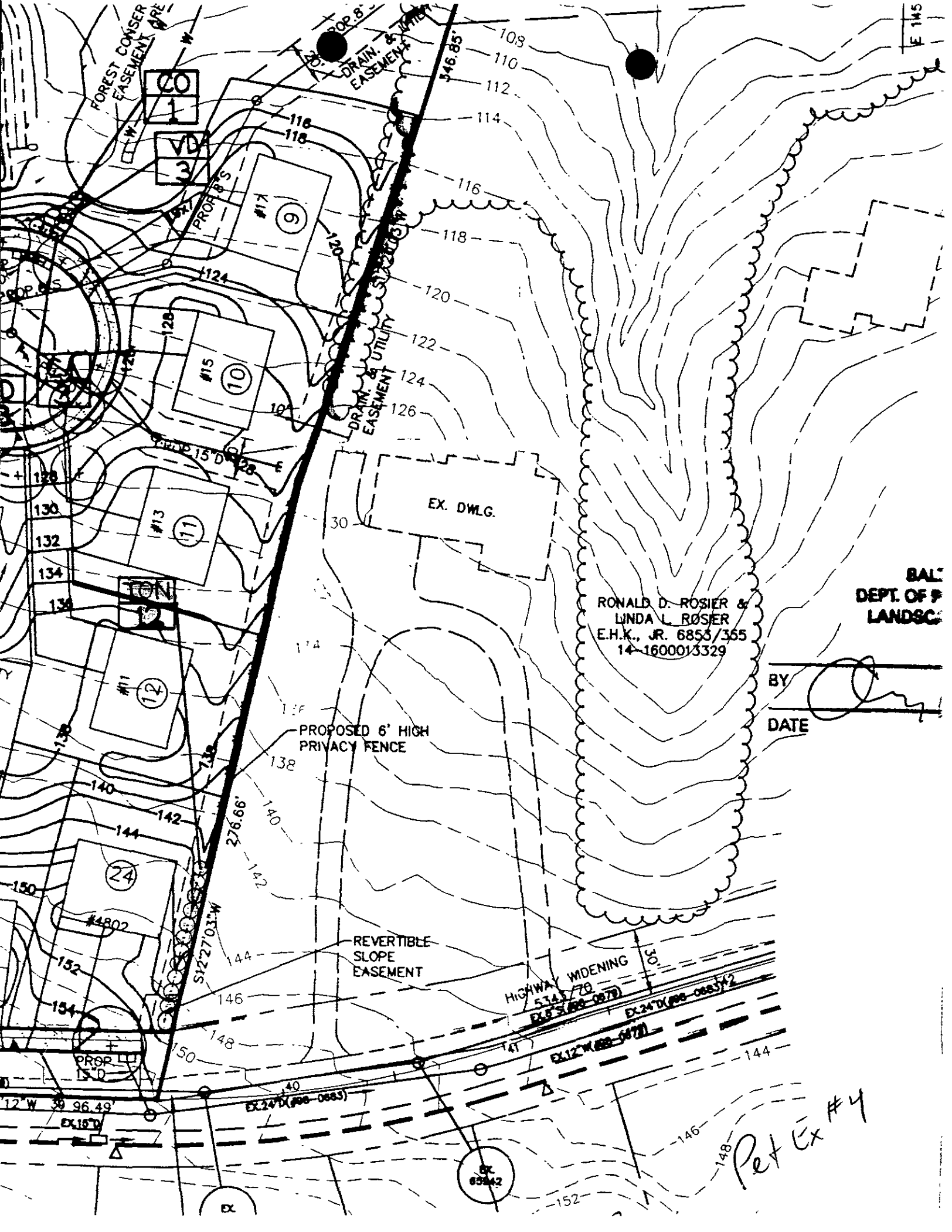
COOL MEADOW COURT

P.O.B.
188' TO WHITE MARSH ROAD

P.O.B.
688' TO WHITE MARSH ROAD

P.O.B.
617' TO WHITE MARSH ROAD





FOREST CONSERVATION EASEMENT (PRE)

PROP. 8' DRAIN. & UTILITY EASEMENT

DRAIN. & UTILITY EASEMENT

EX. DWLG.

PROPOSED 6' HIGH PRIVACY FENCE

REVERTIBLE SLOPE EASEMENT

HIGHWAY WIDENING
5343720
EX. 5' (88-0877)

RONALD D. ROSIER &
LINDA L. ROSIER
E.H.K., JR. 6853/365
14-1600013329

BAL
DEPT. OF
LANDSC.

BY [Signature]
DATE _____

148 Pet Ex #4

EX 63942

EX

152

146

148

144

141

40

150

EX 187

39 96.49'

12° W

PROP. 15' D

154

152

150

144

142

140

138

136

134

132

130

128

126

124

122

120

118

116

114

112

110

108

E 145

346.85'

276.66'

S122°70'3"W

15° D

128

118

116

114

112

110

108

106

104

102

100

98

96

94

92

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88

86

84

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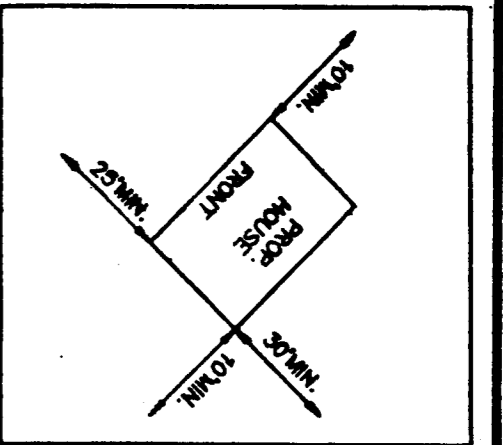
2

0

GENERAL NOTES

- 1. APPLICANT:
G.H. Development
4800 Veterans Road
Baltimore, Maryland 21287
Phone No. (410) 256-1000
- 2. SITE LOCATION:
Parcel No. 14
Chesapeake District No. 8
Chesapeake District No. 17
Parcel No. 17
Parcel No. 18
Parcel No. 19
Parcel No. 20
Parcel No. 21
Parcel No. 22
Parcel No. 23
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Parcel No. 194
Parcel No. 195
Parcel No. 196
Parcel No. 197
Parcel No. 198
Parcel No. 199
Parcel No. 200
- 3. PROPERTY INFORMATION:
Charles F. & Margaret F. Wolf
4800 Veterans Road
Baltimore, Maryland 21287
Phone No. (410) 256-1000

TYPICAL BUILDINGS SETBACKS DETAIL



SETBACK REQUIREMENTS
BLDG. FRONT TO R/W
(DEPENDENT ON HEIGHT)
BLDG. SIDE TO R/W OR
TRACT SIDING R/W OR
TRACT BOUNDARY

10'
5'
10'
10'

NOTE:
A SPECIFIC ORIENTATION WHICH IS INTENDED TO ALLOW
CONDUITS AND POLES TO CROSS THE SETBACKS
OR POLES, THE ORIENTATION MUST BE CHANGED TO
ALTERNATE THE CONDUIT.

NOT TO SCALE
NORTH
LAND SURVEY
LAND SURVEY

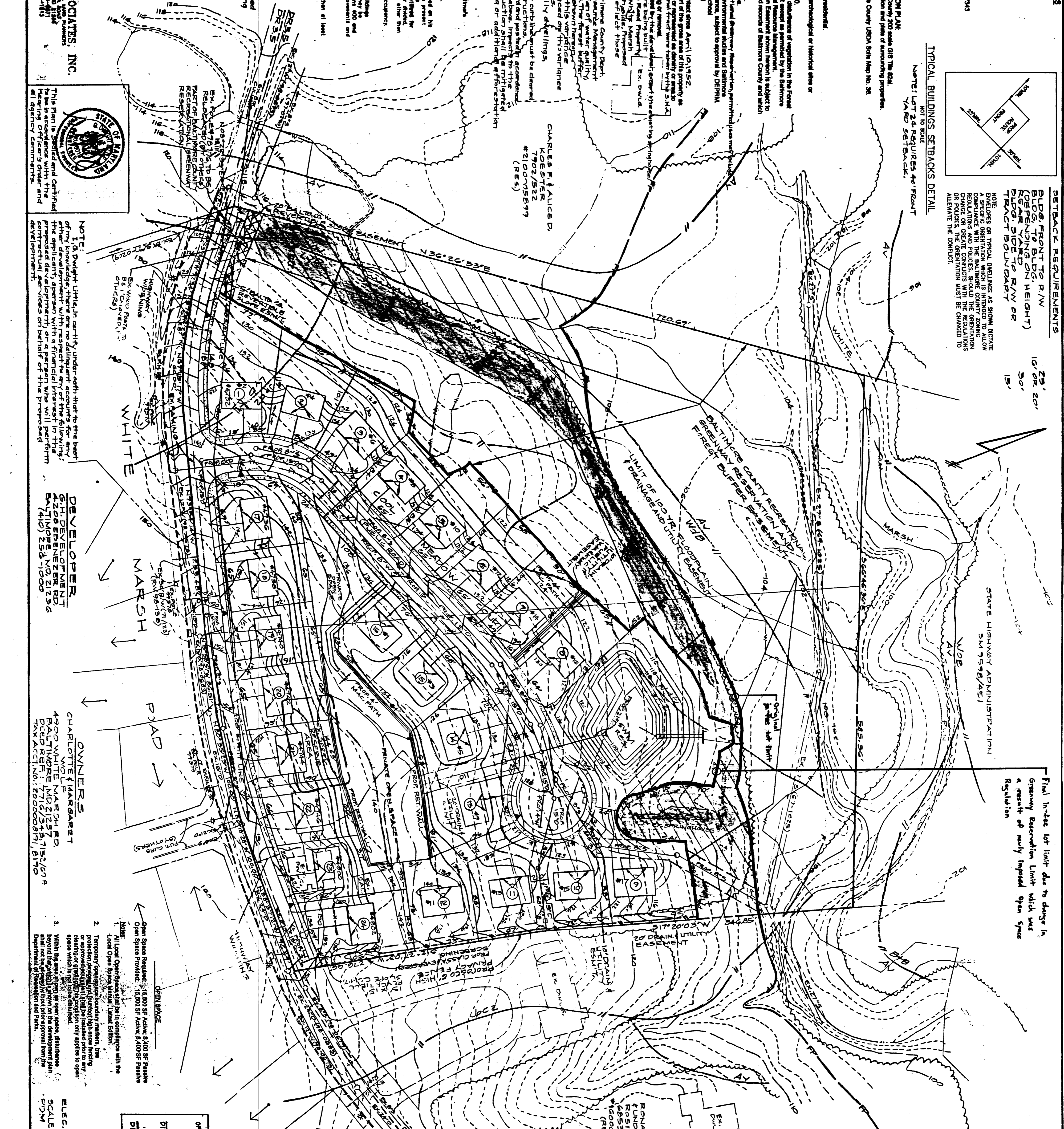
- 4. REFERENCE FOR EXISTING FEATURES SHOWN ON PLAN:
A. Topography shown is based on Baltimore County 200 scale GIS Data.
B. Property owner shown is taken from deed information and plot of surrounding properties.
C. Existing utility lines are shown on the plan.
D. Set lines and spot shown are taken from Baltimore County USA 200 scale map No. 38.
- 5. GENERAL INFORMATION:
A. Existing use on site: Single Family Residential.
B. Proposed use: Single Family Residential.
C. Existing lot area: 207,100 sq. ft. (4.74 acres).
D. Wetlands shown have been field verified.
E. There are no known underground species habitats, archeological or historical sites or
contaminated areas on the subject property.
F. There shall be no development within 100 feet of the site to be sited.
G. This plan shall be subject to the Department of Environmental and Planning Services.
H. Any Forest Easement, or Forest Conservation Easement shown hereon is subject to
specific easement and/or restrictions as shown in the land records of Baltimore County and which
shall be provided to the applicant at all public meetings.
I. This site is located in the White Marsh Urban Drainage Area.
J. When the area shown as Baltimore County Forest Reserve, Wetland, Environmental Studies and Baltimore
County Forest Reserve is shown on the plan, it shall be subject to the Baltimore County
County Forest Reserve and Wetland Management Plan and shall be subject to approval by DEPRM.
K. School District:
Fulton Elementary School
Parkville Middle School
- 6. THE PROPERTY AS SHOWN ON THIS PLAN HAS BEEN RECORDED FROM APRIL 12, 1952.
THE DEED ON WHICH THIS PROPERTY IS BASED IS BALTIMORE COUNTY DEED 110,000,000,000,000.
A. Existing utility lines are shown on the plan and shall be provided to the applicant at all public meetings.
B. The Department of Environmental and Planning Services shall be notified of any utility lines
found on the site.
C. The Department of Environmental and Planning Services shall be notified of any utility lines
found on the site.
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Y. The Department of Environmental and Planning Services shall be notified of any utility lines
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Z. The Department of Environmental and Planning Services shall be notified of any utility lines
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- 7. A wetland buffer zone of 100 feet shall be established around the wetlands shown on the plan.
8. A variance shall be granted for the proposed development if the applicant can demonstrate that
the proposed development is in the public interest and that the proposed development is
not a nuisance.
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STATE OF MARYLAND
DEPARTMENT OF ENVIRONMENTAL AND PLANNING SERVICES
BALTIMORE, MARYLAND
21201
Phone No. (410) 256-1000

WOLFE & ASSOCIATES, INC.
1000 WASHINGTON BLVD.
BALTIMORE, MARYLAND 21201
Phone No. (410) 256-1000



AREA DATA

Area	Area	Area	Area	Area
5.5	11,702	4.1	8,312	2.3

UTILITIES

Utility	Depth	Material	Location
Water	12"	Iron	Underground
Gas	18"	Iron	Underground
Electric	24"	Iron	Underground
Storm Sewer	36"	Concrete	Underground
Sanitary Sewer	36"	Concrete	Underground

ADDITIONAL INFORMATION

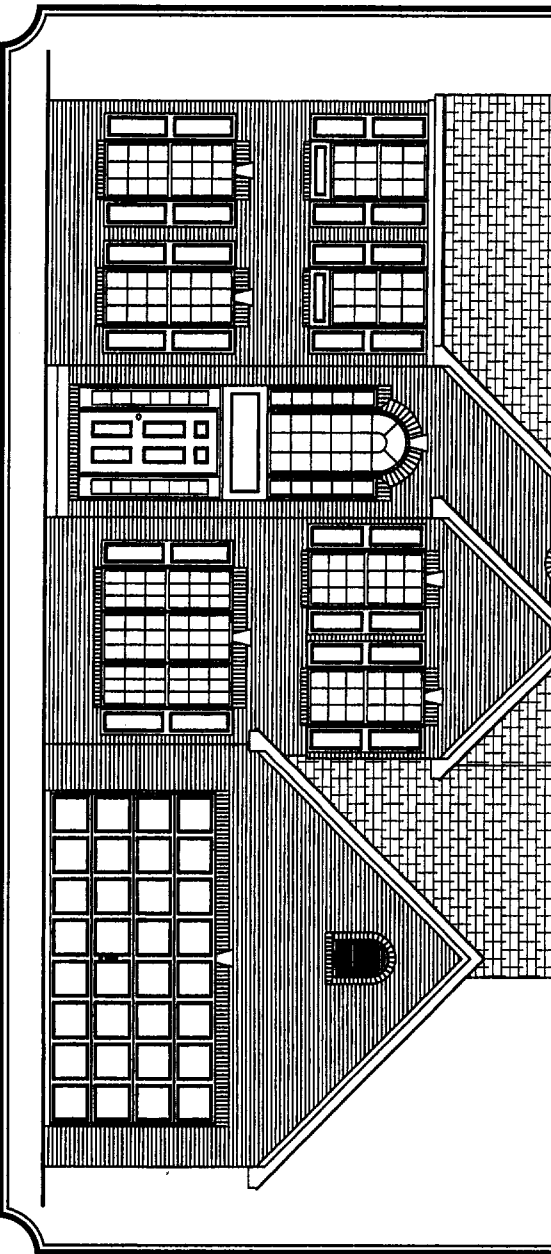
Multiple Access: NONE
Water: Available
Power: Available
Gas: Available
Sewer: Available
Drainage: Adequate

APPROVED AREAS
AFFORESTATION
FOREST CONSERVATION EASEMENT (13 ACRES)

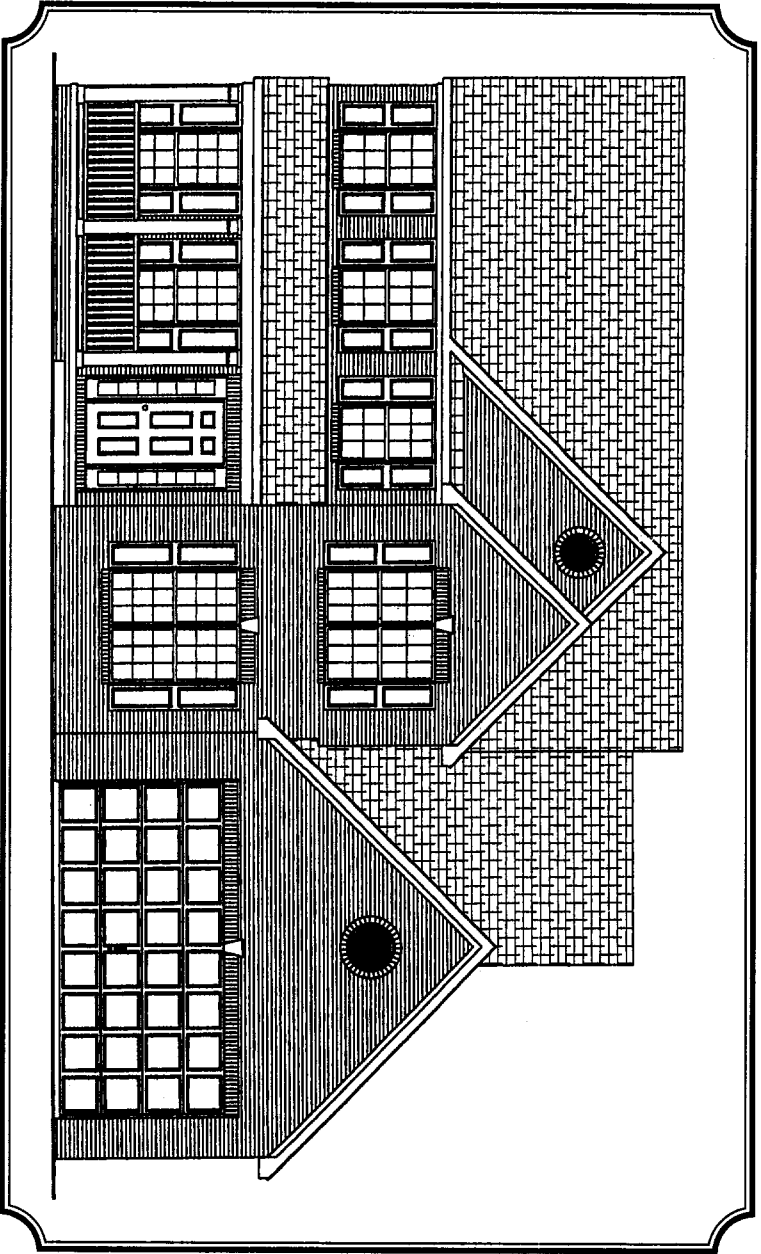
Office of Planning and Zoning
Director of Planning
Director of P.Z.M. Dept

FINAL DEVELOPMENT PLAN
WOLF PROPERTY
BALTO. COUNTY, MD
DATE: SEPT 25, 2000

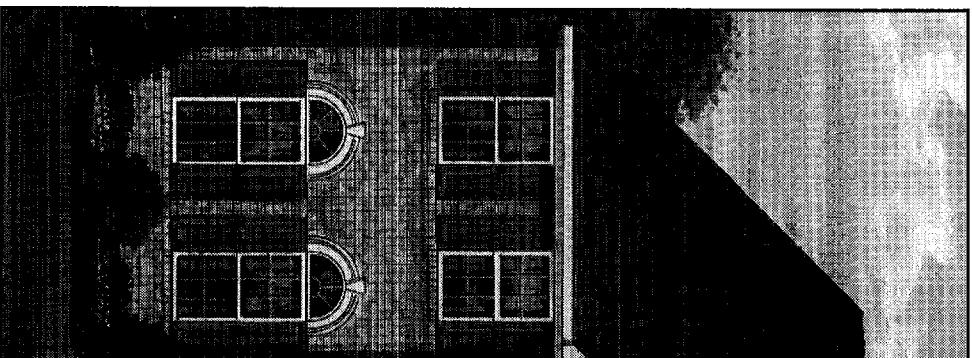
Scale: 1" = 50'
DWG FILE NO. XIV-588



Elevation A

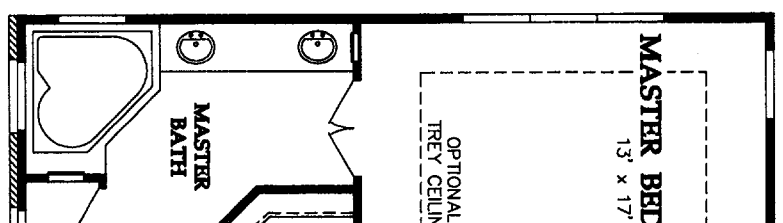
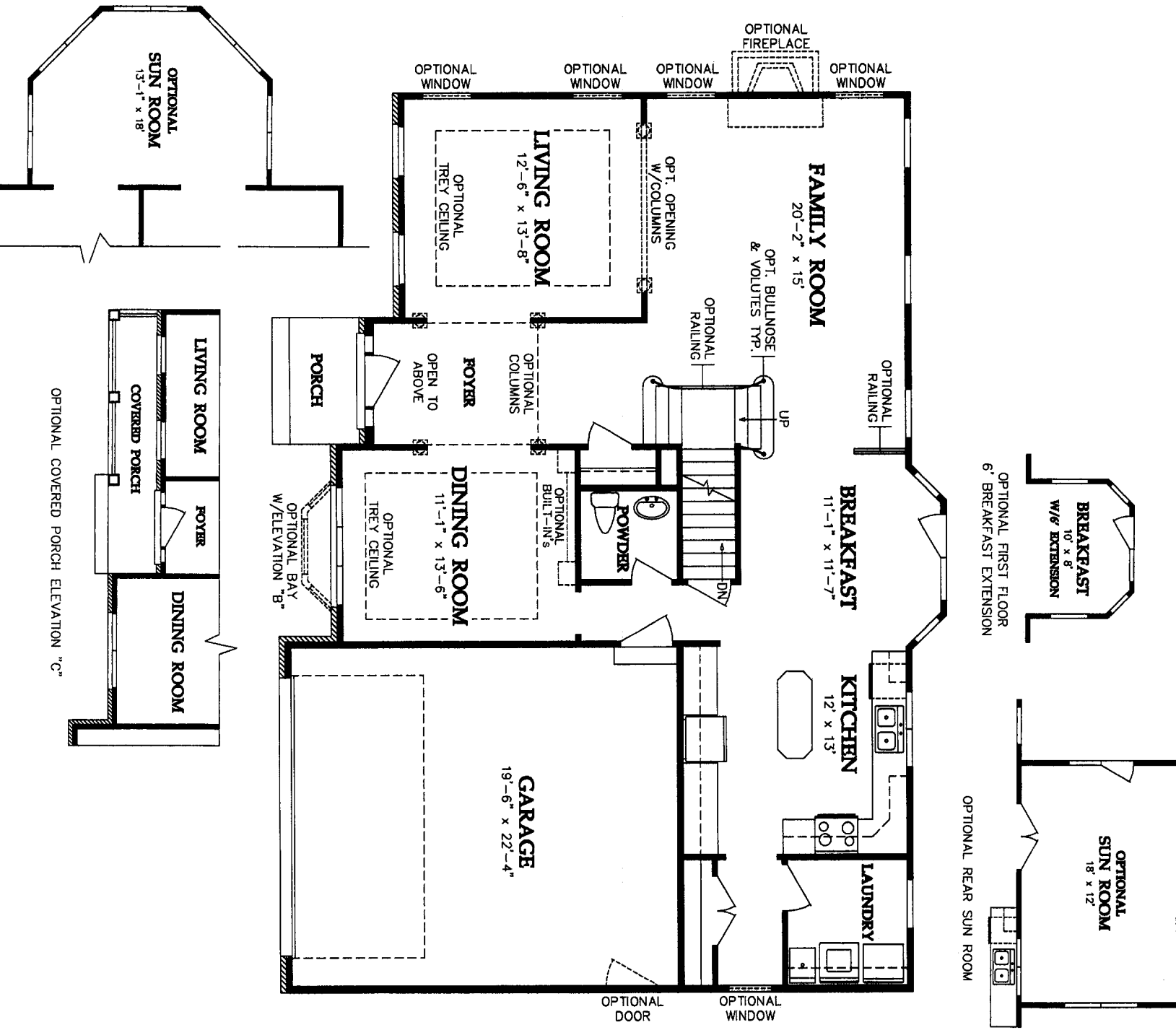


Elevation C



SIERRA HOMES

TR



All details and dimensions are approximate.