

12/21

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. _____

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

RE: Undersized Lots

Residential Processing Fee Paid (\$50.00)
Accepted by RDD
Date 11-21-02

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Print Name of Applicant SUSAN C. PETTI Address 38 TRAILWOOD ROAD BALT., MD Telephone Number 410 346-9990
Lot Address 917 QUAKER BOTTOM RD Election District 8th Councilmanic District 3rd Square Feet 21,810 SF
Lot Location: 23A' NE @ W side corner of QUAKER BOTTOM RD, 566' E WAT feet from NE @ W corner of York Rd.
Land Owner: Todd L. Morrill Tax Account Number 0810047300
Address: P.O. Box 21 FIDELAND, MD 21053 Telephone Number (410) 357-5488

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
PROVIDED?

- | | YES | NO |
|--|-------------------------------------|-------------------------------------|
| 1. This Recommendation Form (3 copies) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Permit Application | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Site Plan
Property (3 copies) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Topo Map (2 copies): available in Room 206, County Office Building - (please label site clearly) | <u>on plan</u> | <input type="checkbox"/> |
| 4. Building Elevation Drawings | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Photographs (please label all photos clearly)
Adjoining Buildings | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Surrounding Neighborhood | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Current Zoning Classification: <u>RC 5</u> | | |

Date	12/11/02	# of pages	1
From	Lynn Lankford	Co.	
Phone #	3480	Fax #	
Post-it Fax Note	7671	To	D. Morrill
		Co./Dept.	Zoning
		Phone #	
		Fax #	8829

RECOMMENDATIONS / COMMENTS:

Approval Disapproval Approval conditioned on required modifications of the application to conform with the f...

Signed by: [Signature]
for the Director, Office of Planning and Community Conservation

RECEIVED
NOV 22 2002
OFFICE OF PLANNING

Date: 12/11/02

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

Department of Permits and Development Management (PDM)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit application has been reviewed and is accepted for filing by David Duvall on 11-21-02.
(name of planner) Date (A)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00. This fee is subject to change. Confirm all current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE Dec 3, 2002 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) Dec 18, 2002 C (B-3 Work Days)

TENTATIVE DECISION DATE Dec 21, 2002 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

Post-It® Fax Note	7671	Date	10/11	# of pages	3
To	TODD MORRILL	From	C. MOXLEY		
		Co.			
		Ch./Dept.			

IN RE: APPLICATION FOR BUILDING PERMIT * BEFORE THE
 FOR UNDERSIZED LOT *
 S/S Quaker Bottom Road, * DEPUTY ZONING COMMISSIONER
 500' W corner of York Road * OF BALTIMORE COUNTY
 8th Election District *
 3rd Councilmanic District * Permit No.:
 (917 Quaker Bottom Road) *
 Todd L. Morrill *
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a requested approval of a building permit to construct a home on an undersized lot. The owner of the property, Todd Morrill, applied for a building permit to construct a single-family residential dwelling at 917 Quaker Bottom Road. The building permit application was filed pursuant to Section 304 of Baltimore County Zoning Regulations. Pursuant to the aforesaid regulations, the property was conspicuously posted with a sign indicating the application for said building permit. Within fifteen (15) days of the posting of the sign a request for hearing was made by Mr. Kenneth Bosley, nearby property owner.

Appearing at the hearing on behalf of this matter were Todd Morrill and his attorney, Howard L. Alderman, Jr. Appearing in opposition to the Petitioner's request was Kenneth Bosley, nearby property owner.

Testimony and evidence indicated that the property, which is the subject of this hearing request, consists of approximately 0.5 acres, more or less, zoned RC 5. The subject property is unimproved at this time. However, it did contain a single family residential dwelling as was shown on Petitioner's Exhibit 6A, the photograph submitted into evidence. The house which had been situated on the property for many decades was in an extreme state of disrepair and

CHALMERS
 10/11/02

by the property owner. The subject property is unimproved at this time. The Petitioner is requesting a building permit to construct a new single-family residential dwelling on the subject property as shown on Petitioner's Exhibit No. 2, the site plan of the property. Mr. Morrill testified that he is constructing this dwelling for his uncle who is a disabled Vietnam veteran. He further testified that his mother lives on the adjacent lot in a home which Mr. Morrill recently constructed for her. Mr. Morrill applied for a building permit pursuant to Section 304 of the Baltimore County Zoning Regulations. However, because of the hearing demanded by Mr. Bosley, the matter was set in before me.

Mr. Bosley, who appeared in opposition to the Petitioner's request, testified that he was concerned that the property was not suitable for a septic system. He indicated that many properties in this particular area, due to its low elevation and closeness to a nearby stream, are not capable of passing percolation standards. Furthermore, he believes the 1/2 acre size of the lot in question is not consistent with the property's RC 5 zoning classification. He asked that the hearing and building permit be denied.

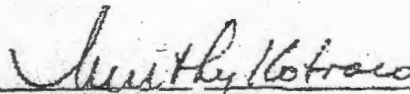
The testimony and evidence offered at the hearing clearly demonstrated that the property, which is the subject of this request, has been a lot of record since at least 1924. This fact was corroborated by Mr. Bosley himself. Further, after the close of the hearing, I reviewed the records of the Department of Environmental Protection and Resource Management as to the percolation tests that were performed on the property. The records of that department indicated that all percolation tests were in fact valid and the property is suitable for construction with a new single-family residential dwelling. The evidence further indicated that the property was once improved with a dwelling in the past.

Date 9/28/00
By R. Garrison

The standard of review applied by this Deputy Zoning Commissioner, pursuant to Section 304.4 of the Baltimore County Zoning Regulations, is whether the proposal to construct this single-family dwelling is appropriate. After considering the testimony and evidence offered at the hearing, I find that the Petitioner's request to construct a 40 ft. x 26 ft. single-family residential dwelling on the property is in fact appropriate and shall be granted. It should also be noted that the Planning Office has reviewed this particular request and also recommends approval of the building permit.

THEREFORE, IT IS ORDERED this 28th day of September, 2000, by this Deputy Zoning Commissioner for Baltimore County, that the Petitioner's request for a building permit to construct a single family residential dwelling on the subject property, in accordance with Section 304 of the Baltimore County Zoning Regulations, be and is hereby APPROVED.

IT IS FURTHER ORDRED that any party has the right to file an appeal within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

Date 9/28/00
By R. J. [Signature]

