

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
NE/S Ebenezer Road, 1300' NW of the c/l	
Stumpfs Road	* ZONING COMMISSIONER
(6204 Ebenezer Road)	
15 th Election District	* OF BALTIMORE COUNTY
5 th Council District	
	* Case No. 02-273-SPH
Frederick George Green, Sr., et ux	
Petitioners	*

* * * * *

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, Frederick George Green, Sr., and his wife, Helen Joyce Green. The Petitioners request a special hearing to approve a waiver of the requirements of Section 26-266(2) of the Baltimore County Code to permit access for two proposed lots of less than 3.0 acres in area to a local or collector street through an existing right-of-way in lieu of the required access by way of an in-fee strip. Further, if necessary, a waiver is requested of Section 22-266(4) of the Code, to permit a panhandle length in excess of 1,000 feet in the R.C. zone. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Frederick and Helen Green, property owners, their daughter, Patricia Green, and Kenneth G. Wells, the Registered Property Line Surveyor who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a triangular shaped parcel located at the end of an existing private road on the northeast side of Ebenezer Road, approximately 1300' northwest of Stumpfs Road in Middle River. Access to the property is by way of a driveway located within the bed of an existing right-of-way, which was apparently established many years ago. The driveway is in excess of 1,000 feet in length and actually serves

ORDER RECEIVED FOR FILING

Date

By

3/5/12
RGP

three existing dwellings. The first dwelling is located on the Stein/Haag property, which directly fronts Ebenezer Road. As shown on the site plan, the driveway accesses the Stein/Haag property approximately 215 feet from Ebenezer Road. From that point of access, the driveway jogs to the left approximately 75 feet and then continues an additional 735 feet to provide access to a dwelling on the Thomas property. Further on, at a distance of approximately 197 feet, the driveway enters the subject property owned by Mr. & Mrs. Green. The Green property contains a gross area of 3.73 acres, more or less, zoned R.C.2, and is improved with a single family dwelling in which the Greens reside. In addition to the dwelling, the property features a barn and a shed.

Mr. & Mrs. Green have owned and resided on the subject property since 1965. They now propose to subdivide the property to create two separate lots. They will retain proposed Lot 1, which will contain 2.68 acres in area, their residence and outbuildings as described above. Proposed Lot 2 will contain 1.05 acres in area and is intended for development with a new single family dwelling. At issue is the proposed means of access to the new lot. The Petitioners propose continuing the use of the existing right-of-way to provide that access.

Section 26-266 of the Baltimore County Code regulates the use of panhandle driveways. Section 26-266(4) thereof provides that a panhandle driveway cannot exceed 1,000 feet in length. Section 26-266(1) provides that each lot shall have an in-fee strip to provide access to a public road. The applicant seeks relief from these Sections pursuant to Section 26-172 of the Code. That Section permits the Hearing Officer (Zoning Commissioner) to grant waivers of certain development regulations, including the provisions of Section 26-266 of the Code. It is also to be noted that a panhandle driveway is defined in Section 26-168(ff) as "The paved roadway which serves one or more abutting panhandle lots and provides vehicular access to the local street or to a collector street."

Testimony and evidence offered was that the existing driveway has a consistent width of approximately 12 to 13 feet along its entire length. As noted above, this right-of-way was established by deed many years ago. In this regard, Mr. & Mrs. Green have owned and resided on

ORDER RECOMMENDING ZONING
3/15/02
[Signature]

the property since 1965. Apparently, the arrangement works well and provides appropriate and acceptable access to the three existing lots as described above.

Based upon the testimony and evidence offered I am persuaded to grant the request to allow access to a local or collector street for the existing and proposed lots in the manner presently provided. Thus, relief will be granted so that access can be through the existing right-of-way in lieu of the in-fee strip required by Section 26-266(2) of the Code. Whether relief is required from Section 26-266(4), which limits the maximum length of a panhandle driveway to 1,000 feet, is an interesting question. The definition of panhandle driveway as set out in Section 26-168(ff) indicates that it includes those paved roadways that provide access to panhandle lots. Panhandle lots, as defined in Section 26-168(gg), are those lots which have access to a local or collector street by a narrow strip of land which is held in fee. Technically, the subject lots are not panhandle lots as they do not have fee-simple access to the public roads. The existing right-of-way, although sharing the characteristics of a panhandle driveway, does not meet that definition. Thus, a waiver from the requirements of Section 26-266(4)(f) is not technically necessary. I note, however, that same would be granted if legally required.

In granting the special hearing relief, however, several Zoning Advisory Committee (ZAC) comments are to be noted. First, a comment was received from Lt. Jimmie Mezick of the Fire Department's Fire Marshall's Office, dated September 11, 2001. That comment indicates that the proposed driveway must be 16 feet wide and of a hard surface capable of supporting emergency apparatus weighing 50,000 lbs. on two axles. The rationale behind the Fire Department's comment and policy is obvious. In the event of an emergency at the Green property or the other dwellings along this strip, appropriate access must be provided for Fire Department trucks and ambulances. This obvious public safety concern has merit. On the other hand, substantial improvement to the existing driveway does not appear appropriate in that but one house is being added. Apparently, the driveway has provided perfectly acceptable access to the Stein/Haag, Thomas, and Green properties over the years.

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Date

By

Upon due consideration of this issue, I will incorporate the Fire Department's comment; however, in doing so, I urge both the Department and the Petitioners to review this issue further to reach an acceptable disposition. Perhaps a site visit by a representative of the Department would be appropriate. Depending upon the condition of the road and the topography of the roadbed and shoulders, the Department might be agreeable to less substantial and expensive improvements. Ultimately, I will leave that to the discretion of the Office of the Fire Marshall.

A second ZAC comment to be noted is from the Office of Planning, which supports the proposal. Indeed, its comment is considered a favorable recommendation, pursuant to Section 26-172 of the Code. The third comment received is from the Department of Environmental Protection and Resource Management (DEPRM). There are actually two comments from DEPRM. The first is from the Ground Water Management Division and provides certain requirements for the proposed new lot and existing well and septic system. Those comments shall be incorporated herein and compliance required by the property owner. The second comment is from the Agricultural Preservation Division of DEPRM. Owing to the rural area, Mr. Lippincott of that division recommends that a 50-foot setback be maintained from the proposed dwelling to the property line. This appears an appropriate restriction to the east where the proposed building envelope is shown to be 36 feet from the property line. Thus, the restriction shall be incorporated for that side; however, the restriction does not seem warranted to the south adjacent to the Thomas property. In this regard, the 35-foot setback shown appears adequate, given the Thomas dwelling is nearly 300 feet away from the proposed building envelope. Mr. Lippincott also recommends that the proposed well be set back 50 feet from the property line. However, I will defer to the Ground Water Management Division of DEPRM as to an appropriate location for that well.

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

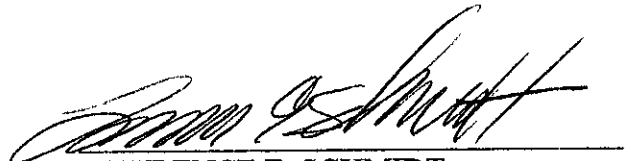
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of March, 2002 that the Petition for Special Hearing seeking approval of a waiver of the requirements of Section 26-266(2) of the Baltimore County Code to permit access for two

ORDER RECEIVED FOR FILING
Date 3/15/02
By [Signature]

proposed lots of less than 3.0 acres in area to a local or collector street through an existing right-of-way in lieu of the required access via an in-fee strip, 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 recommendations made by the Office of the Fire Marshall, pursuant to their September 11, 2001 comment. However, as more fully set out above, it is suggested that this issue be studied further to determine if less substantial and expensive improvements can be made to the existing right-of-way sufficient to satisfy the Fire Department's requirements.
- 3) Compliance with the ZAC comments submitted by the Department of Environmental Protection and Resource Management's Agricultural Preservation Division, as modified above. That is, the Petitioners shall be required to maintain a 50-foot setback to the eastern property line; however, the 35-foot setback shown towards the southern property line and the Thomas property is acceptable. The Ground Water Management Division shall determine the appropriate location for the well. Within sixty (60) days of the date of this Order, Petitioners shall submit a revised site plan incorporating the modified relief granted herein.
- 4) Compliance with the requirements of the Ground Water Management Division of DEPRM.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a waiver of Section 22-266(4) of the Code, to permit a panhandle length in excess of 1,000 feet in the R.C. zone, be and is hereby DISMISSED AS MOOT.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 3/15/12

By [Signature]



Baltimore County
Zoning Commissioner

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

March 14, 2002

Mr. & Mrs. Frederick G. Green, Sr.
6204 Ebenezer Road
Middle River, Maryland 21220

RE: PETITION FOR SPECIAL HEARING
NE/S Ebenezer Road, 1300' NW of the c/l Stumpfs Road
(6204 Ebenezer Road)
15th Election District – 5th Council District
Frederick G. Green, Sr., et ux - Petitioners
Case No. 02-273-SPH

Dear Mr. & Mrs. Green:

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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Kenneth G. Wells
7403 New Cut Road, Kingsville, Md. 21087
DEPRM; Fire Department; People's Counsel; Case File

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



Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6204 Ebenezer Road (2 proposed lots)
which is presently zoned RC2

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 to Section 26-266(2),

Baltimore County Code, to approve access to the local or collector street for 2 proposed lots of less than 3 acres through an existing right-of-way instead of an in-fee strip, in the case where such a right-of-way has been established prior to the submittal of the development plan, and if necessary, a waiver to Section 22-266(4), Baltimore County Code, to approve a panhandle length in excess of 1000 feet in the 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

State

Zip Code

Legal Owner(s):

Frederick George Green SR.

Name - Type or Print

Frederick George Green SR

Signature

HELEN JOYCE GREEN

Name - Type or Print

Helen Joyce Green

Signature

6204 Ebenezer Rd.

Address

410 335 3030

Telephone No.

Middle River

City

MD.

State

21220

Zip Code

Representative to be Contacted:

FREDERICK GREEN, JR.

Name

6204 EBENEZER ROAD

Address

410-335-2980

Telephone No.

MIDDLE RIVER

City

MD

State

21220

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

JNP

Date

12/27/01

Case No. 02-273-SPH

Date 9/15/98

By

ORDER RECEIVED FOR FILING
Date 9/15/98
By [Signature]

kjWellsInc
Land Surveying and Site Planning

Telephone: (410) 592-8800
Fax: (410) 817-4055
email: kjWellsInc@msn.com

7403 New Cut Road
Kingsville, Md. 21087-1132

December 10, 2001

**Zoning Description
For
6204 Ebenezer Road
15th Election District
5th Councilmanic District**

Beginning at a point on the north^{east} side of Ebenezer Road which is 70 feet wide at a distance of 1,300 feet northwest of the centerline of the nearest improved intersecting road named Stumpfs Road thence northeasterly 215 feet; thence northwesterly 75 feet; thence northeasterly 737.1 feet; thence northwesterly 197.6 feet to the point of beginning; thence South 81 degrees 52 minutes 17 seconds West 144.43 feet; thence North 3 degrees 05 minutes 41 seconds West 491.65 feet; thence South 61 degrees 07 minutes 02 seconds East 649.28 feet; thence South 0 degrees 12 minutes 15 seconds East 99.86 feet; thence South 81 degrees 52 minutes 17 seconds West 403.40 feet to the place of beginning. Containing 3.732 acres of land more or less as recorded in the Land Records of Baltimore County in Liber 4502 folio 410.

02-273-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

0000

DATE

12/17/01

ACCOUNT

R-001-006-6150

AMOUNT

\$ 100.00

RECEIVED FROM:

John & Frederick Green

FOR:

604 Fawcett Road (Proposed 1st)

(2-273-SPH)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

CHECK NO. 1000

DATE 12/27/2001 10:31:07

BY JOHN & FREDERICK GREEN

3

100.00

100.00

Receipt for

100.00 of

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 #02-273-SPH

6204 Ebenezer Road

N/E/S of Ebenezer Road, 1300' NW of Shump's Road

15th Election District - 7th Councilmanic District

Legal Owner(S): Joyce & Frederick Green, Sr.

Special Hearing: to approve a waiver for access to the local or collector street for 2 proposed lots of less than 3 acres through an existing right-of-way, instead of an in-lieu strip, in the case where such a right-of-way has been established prior to the submittal of the development plan, and if necessary, a waiver to approve a parhandle length in excess of 1000' feet in the RC Zone.

Hearing: Monday, February 25, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bostley 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) 867-4386.

(2) For information concerning the file and/or Hearing, Contact the Zoning Review Office at (410) 867-3391.

2002 Feb. 7

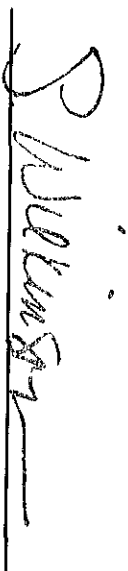
CS19242

CERTIFICATE OF PUBLICATION

_____ 2/7/2002

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 2/7/2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Caronsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 02-273-SPH

Petitioner/Developer: JOYCE +

FREDRICK GREEN SR

Date of Hearing/Closing: 2/25/02

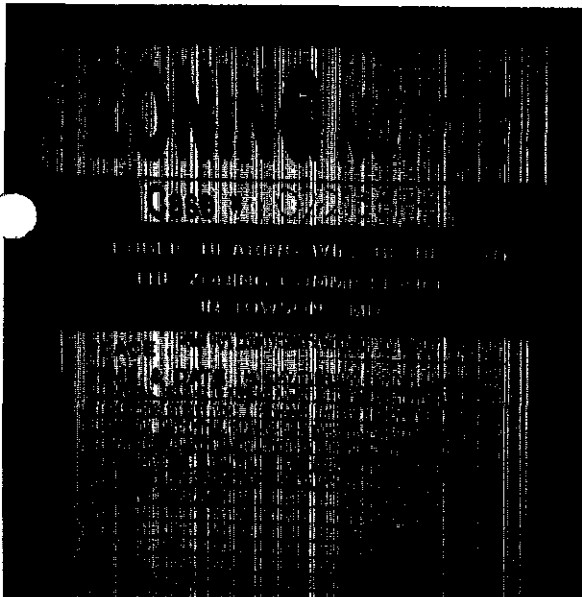
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 6204 EBENEZER RD

The sign(s) were posted on 2/10/02
(Month, Day, Year)



Sincerely,

[Signature] 2/10/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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: 02-273-SPH

Petitioner: GREEN

Address or Location: 6204 EBENEZER ROAD, MIDDLE RIVER, MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Fred Green JR

Address: 6204 EBENEZER RD
MIDDLE RIVER MD 21220

Telephone Number: 410-335-2980

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 7, 2002 Issue – Jeffersonian

Please forward billing to:
Fred Green Jr.
6204 Ebenezer Road
Middle River MD 21220

410 335-2980

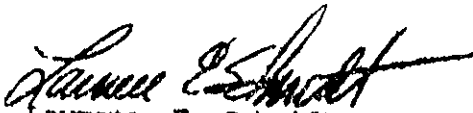
NOTICE OF ZONING HEARING

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: 02-273-SPH
6204 Ebenezer Road
NE/S of Ebenezer Road, 1300' NW of Stumpfs Road
15th Election District – 7th Councilmanic District
Legal Owners: Joyce & Frederick Green SR.

Special Hearing to approve a waiver for access to the local or collector street for 2 proposed lots of less than 3 acres through an existing right-of-way, instead of an in-fee strip, in the case where such a right-of-way has been established prior to the submittal of the development plan, and if necessary, a waiver to approve a panhandle length in excess of 1000 feet in the RC. Zone.

HEARING: Monday, February 25, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G72
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



Baltimore County
Department of Permits and
Development Management

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

January 28, 2002

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: 02-273-SPH
6204 Ebenezer Road
NE/S of Ebenezer Road, 1300' NW of Stumpfs Road
15th Election District – 7th Councilmanic District
Legal Owners: Joyce & Frederick Green SR.

Special Hearing to approve a waiver for access to the local or collector street for 2 proposed lots of less than 3 acres through an existing right-of-way, instead of an in-fee strip, in the case where such a right-of-way has been established prior to the submittal of the development plan, and if necessary, a waiver to approve a panhandle length in excess of 1000 feet in the RC. Zone.

HEARING: Monday, February 25, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon G.D.Z.
Director

C: Helen Joyce & Frederick George Green Sr., 6204 Ebenezer Road,
Middle River 21220
Frederick Green Jr. 6204 Ebenezer Road, Middle River 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SUNDAY, FEBRAURY 10, 2002.**
- (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.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

February 22, 2002

Helen J & Frederick G Green Sr
6204 Ebenezer Road
Middle River MD 21220

Dear Mr. & Mrs. Green:

RE: Case Number: 02-273-SPH, 6204 Ebenezer Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 27, 2001.

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. G5Z
Supervisor, Zoning

Review

WCR:

Enclosures

c: People's Counsel

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



HP
2/25

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 28, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
for February 4, 2002
Item Nos. 263, 264, 265, 267, 268, 269,
270, 271, 272, 273, 274, 275, 276, 278,
279, 280, 281, 282, 283, 284, 285, 286,
287, 288, 290 and 292

MAR 5

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:cab

cc: file

ZAC-2-4-2002-NO COMMENT-02282002 doc



Baltimore County
Fire Department

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

January 31, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF January 28, 2002

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:

263, 267, 268, 270, 271, (273), 274, 275, 276, 278, 279, 280, 282,
283, 284, 287, 289, 290,

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



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: Todd G. Taylor *TGT*
DATE: February 28, 2002
SUBJECT: Zoning Item 273
Address 6204 Ebenezer Road

Zoning Advisory Committee Meeting of January 28, 2002

The Department of Ground Water Management will refer to the attached comments dated 9/26/01.

Reviewer: Sue Farinetti

Date: February 28, 2002

LS
2/25

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: Todd Taylor

DATE: March 1, 2002

Zoning Advisory Committee Meeting of January 28, 2002

SUBJECT: NO COMMENTS for the FOLLOWING ZONING ITEMS:

263 - 265, 268, 271, 272, 275 - 277, 279 - 281, 283, 284, 286, 287, 290 - 292

Agricultural Preservation is still reviewing Zoning Items: 270, (273), 278, and 288.

As
2/26

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: Todd G. Taylor TGT

DATE: 3/04/02

MAR 7 2002

SUBJECT: Zoning Item 273
Address 6204 Ebenezer Road

Zoning Advisory Committee Meeting of: January 28, 2002

Adjacent property is in agricultural use. If this grant is approved, make one of the conditions that we require well and dwelling to be at least 50 feet from the property boundary.

Reviewer: Wally Lippincott

Date: March 4, 2002

RE: PETITION FOR SPECIAL HEARING
6204 Ebenezer Road, NE/S Ebenezer Rd,
1300' NW of Stumpfs Rd
15th Election District, 5th Councilmanic

Legal Owner: Fredercik G. & Helen J. Green, Sr.
Petitioner(s)

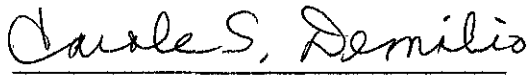
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-273-SPH

* * * * *

ENTRY OF APPEARANCE

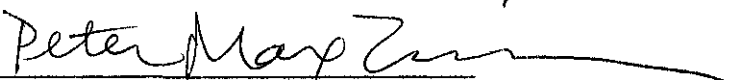
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation 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 30th day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to Frederick Green, Jr., Fredercik G. & Helen J. Green, Sr., 6204 Ebenezer Road, Baltimore, MD 21220, Petitioners.


PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

for
#273

DATE: September 26, 2001

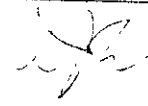
TO: Joe Chmura
Department of Permits and Development Management

FROM: Daniel J. Esser, R.S., Ground Water Management 
Department of Environmental Protection & Resource Management

SUBJECT: **Minor Subdivision Review**

Project Name: Green, Frederick Property
Minor Sub No: 01084M
District: 15C5
Engineer: K.J. Wells, Inc.
Phone: 410-592-8800

The following comments must be addressed prior to plan approval:

Comments	Date Resolved	Reviewer
1. Label all perc tests.		
2. Add the (failed) test "C" on Lot #2.		
3. Note as to the existence of all well(s), septic system(s), & underground (fuel) storage tanks on site and within 100 feet of property lines.		
4. A new well must be drilled on Lot #1.		
5. The old (shallow) well must then be properly abandoned.		
6. The existing septic system must be pumped-out & certified to be in good working order by a licensed and certified septic contractor.	9.28.01	

Note: Please include a revision date on all revised plans submitted.

J:\PLAN REVIEW COMMENTS\Green,MS,9-26-01.doc

JP.
2/25

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 6, 2002

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

SUBJECT: 6204 Ebenezer Road

INFORMATION:

Item Number: 02-273

Petitioner: Frederick George Green Sr.

Zoning: RC 2

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit access to a local/collector street for 2 proposed lots via an existing right-of-way in lieu of individual 12 foot wide in-fee strips providing there are no deed restrictions prohibiting said access.

Prepared by: Maeda Cump

Section Chief: Jeffrey W. Long
AFK:MAC:



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.29.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 273

JMP

Dear Mr. Zahner:

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,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Zoning Commissioner

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

March 20, 2002

Mr. & Mrs. Frederick G. Green, Sr.
6204 Ebenezer Road
Middle River, Maryland 21220

RE: PETITION FOR SPECIAL HEARING
NE/S Ebenezer Road, 1300' NW of the c/l Stumpfs Road
(6204 Ebenezer Road)
15th Election District – 5th Council District
Frederick G. Green, Sr., et ux - Petitioners
Case No. 02-273-SPH

Dear Mr. & Mrs. Green:

Pursuant to the Order issued by me in the above-captioned matter on March 15, 2002, kindly be advised that I have received notification from Lt. Mezick of the Fire Marshall's Office that his Department will accept the 12-foot width of the existing driveway for the two proposed lots. A copy of his e-mail is attached hereto for your records and will be incorporated into the case file. Therefore, you may consider that issue resolved.

Should you have any questions on the subject, please do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Kenneth G. Wells
7403 New Cut Road, Kingsville, Md. 21087
DEPRM; Fire Department; People's Counsel; Case File



From: Jimmie Mezick
To: Chmura, Joseph
Date: 2/26/02 9:16AM
Subject: Green, Frederick #01084M

The Fire Department will accept the 12ft. width of the proposed driveway. ...

6



Baltimore County
Fire Department

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

September 11, 2001

TO: JOE CHMURA, PDM, MAIL STOP-1105
FROM: LIEUTENANT JIMMIE MEZICK
BALTIMORE COUNTY FIRE MARSHAL OFFICE
MAIL STOP-1102F, PHONE (410) 887-4881

SUBJECT: SUBDIVISION REVIEW COMMENTS

PROJECT NAME: GREEN, FREDERICK PROPERTY

PROJECT NUMBER: 01084M

LOCATION:

DISTRICT: 15C5

COMMENTS:

13. THE PROPOSED PANHANDLE DRIVEWAY OR DEADEND ROAD MUST BE A MINIMUM OF 16 FEET WIDE AND OF A HARD SURFACE CAPABLE OF SUPPORTING EMERGENCY APPARATUS, WEIGHING 50,000 LBS ON TWO AXLES; AND IF IN EXCESS OF 300 FEET IN LENGTH, SHALL HAVE A CUL-DE-SAC OR T-TURNAROUND. (CUL-DE-SAC TURNING RADIUS MINIMUM 35 FOOT WALL TO WALL, *INSIDE TURNING RADIUS*.)

7877

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



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

KENNETH WELLS

7403 NEW CUT RD 21087

PATRICIA GREEN

6204 EBENEZER RD 21220

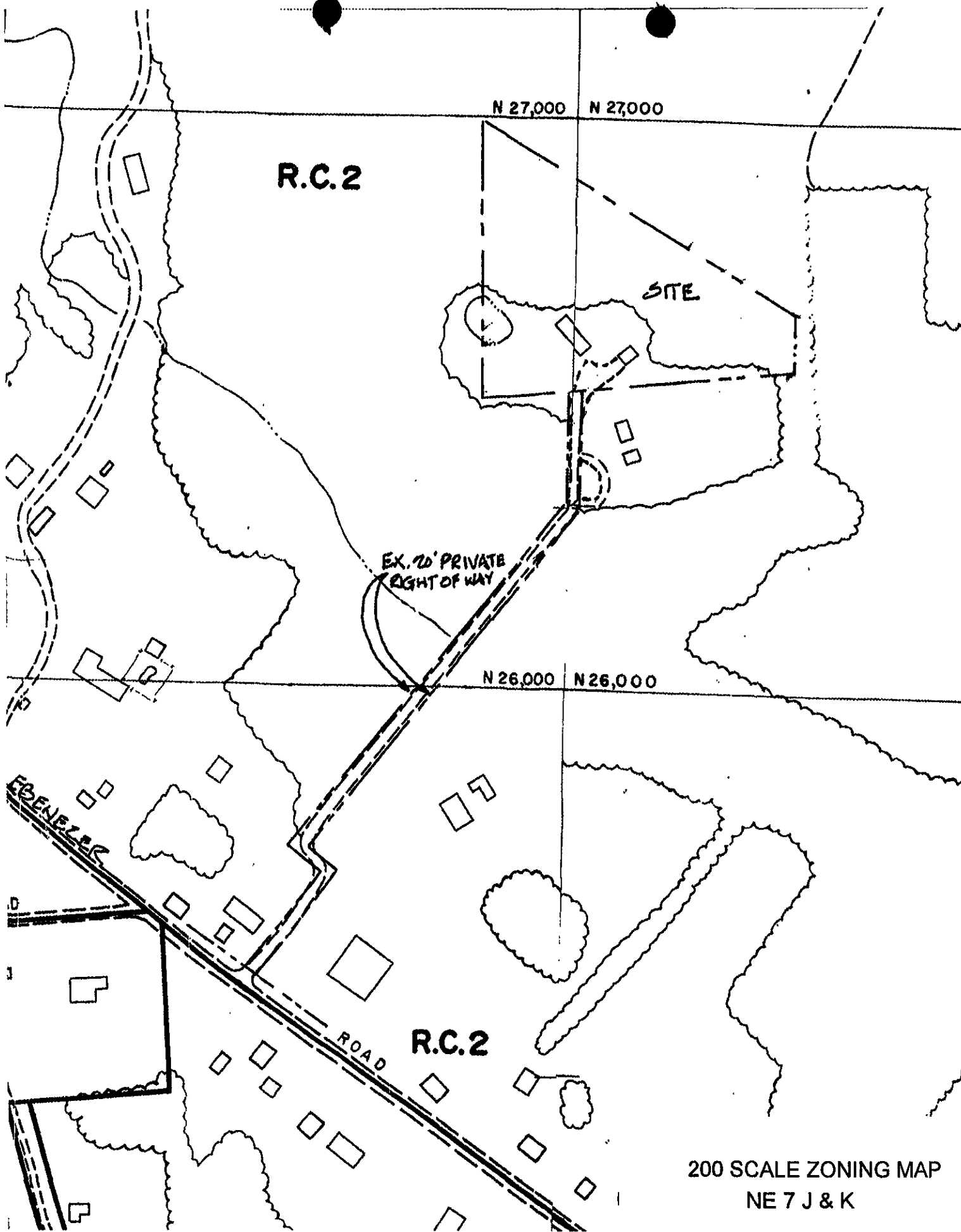
HELEN J. GREEN

6204 EBENEZER RD. 21220

FREDERICK G. GREEN

6204 EBENEZER Rd. 21220





02-273-SPH

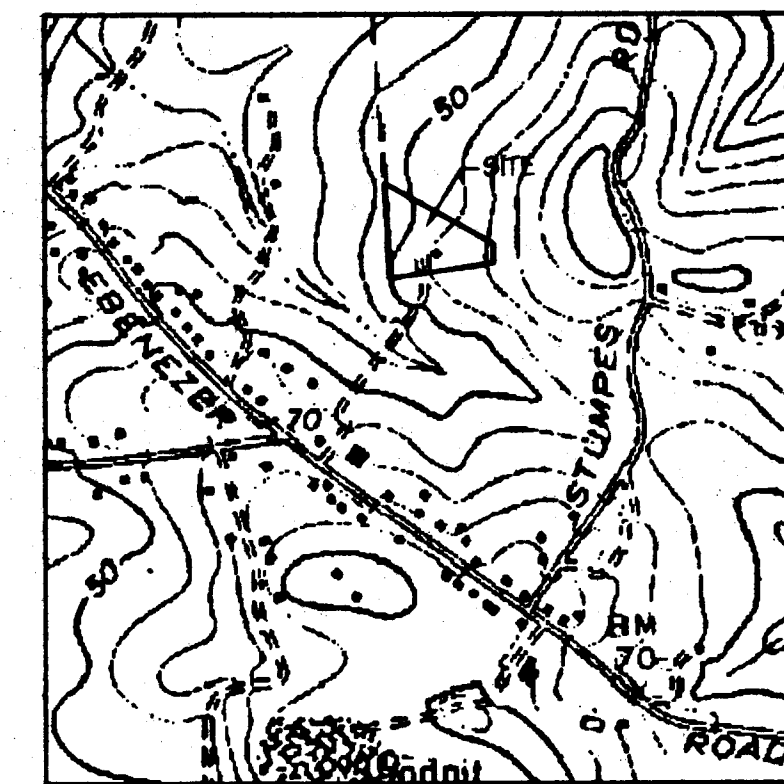
SITE DATA:

- 1) OWNER: FREDERICK AND HELEN GREEN
- 2) OWNER'S ADDRESS: 6204 EBENEZER ROAD BALTIMORE, MARYLAND 21220
- 3) DEED REFERENCE: 4502/410
- 4) TAX ACCOUNT NUMBER: 1507583040
- 5) TAX MAP: 85 GRID 09 PARCEL 500
- 6) ZONING: RC-2
- 7) ZONING MAP: NE 7J & 7K
- 8) CENSUS TRACT: 4517.02
- 9) COUNCILMANIC DISTRICT: 5th
- 10) ELECTION DISTRICT: 15th
- 11) WATERSHED: BIRD RIVER
- 12) SUBWERSHED: 15
- 13) SCHOOL DISTRICT: GLENMAR ES
- 14) REGIONAL PLANNING DISTRICT: 322
- 15) AREA OF TRACT: 3.7300 ACRES
- 16) AREA OF HIGHWAY WIDENING: 0 ACRES
- 17) NET AREA: 3.7300 ACRES
- 18) DENSITY CALCULATIONS:
LOTS ALLOWED: 2
LOTS PROPOSED: 2
- 19) EXISTING AND PROPOSED USE:
SINGLE FAMILY DWELLINGS
- 20) AREA OF DISTURBANCE: 16,000 SF
- 21) PRIOR ZONING HEARINGS: NONE

NOTES:

- 1) THIS PLAN IS NOT A RECORD PLAT AND ANY REFERENCE MADE TO THIS PLAN IS FOR INFORMATIONAL PURPOSES ONLY.
- 2) THE PROPERTY LINES SHOWN HEREON REFLECT THOSE LINES DESCRIBED IN THE REFERENCED DEED AND MAY NOT BE THE ACTUAL LINES OF POSSESSION THAT MAY BE CLAIMED BY ADVERSE POSSESSION.
- 3) ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORM DRAIN, OR ADJACENT PROPERTY.
- 4) ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30 PERCENT OF CLEARED AREA AND CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION OR INTO DRY WELLS WHERE FEASIBLE.
- 5) HOUSE DOWNSPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR INTO DRY WELLS WHERE FEASIBLE.
- 6) THIS PROPERTY AS SHOWN HEREON HAS BEEN HELD INTACT PRIOR TO OCTOBER 1960. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THE PROPERTY AS SHOWN HEREON HAS BEEN EVER UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLING.
- 7) ANY FUTURE SUBDIVISION OF THIS PROPERTY MAY REQUIRE STORM WATER MANAGEMENT QUANTITY CONTROL.
- 8) THERE ARE NO ZONING LINES WITHIN 200 FEET OF SUBJECT PROPERTY.
- 9) MAXIMUM BUILDING HEIGHT NOT TO EXCEED 30 FEET.
- 10) SHOULD THE EXISTING WELL ON LOT 1 BE ABANDONED, THEN THE NEW WELL SHALL BE RELOCATED WITHIN THE DESIGNATED FUTURE WELL AREA AS SHOWN HEREON.
- 11) THE PROPERTY SHOWN HEREON WILL BE EXEMPT FROM THE FOREST CONSERVATION REQUIREMENTS PER AN INTRAFAMILY DECLARATION. THE LIMIT OF CLEARING SHALL NOT EXCEED 40,000 SF.
- 12) THERE ARE NO PRIOR ZONING HEARINGS.
- 13) THE SITE IS SERVED BY PRIVATE WELL AND SEPTIC SYSTEM.
- 14) NOT WITHIN 100-YEAR FLOOD PLAIN
- 15) NOT WITHIN C.B.C.A.
- 16) NOT HISTORIC DISTRICT

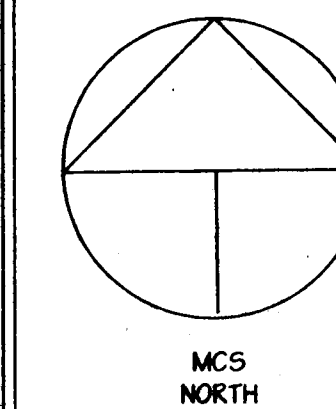
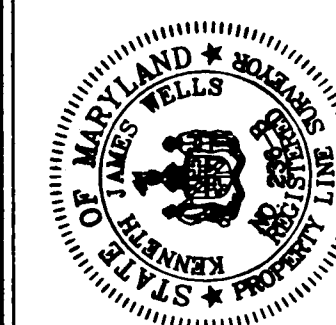
LINE TABLE		
LINE	LENGTH	BEARING
L1	20.03	S60°05'50"E



VICINITY MAP
SCALE: 1" = 1000'

kjwellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 598-8800

Land Surveying & Site Planning



REVISIONS:
NO. DATE

PLAN TO ACCOMPANY A PETITION
FOR A SPECIAL HEARING OF THE
GREEN PROPERTY
6204 EBENEZER RD
BALTIMORE, MARYLAND

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 6/20/2001
PROJECT NO.:
2001-022
SHEET 1 OF 1

02-273-SPH

LEGEND:

UTILITY POLE

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