



Baltimore County
Zoning Commissioner

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

August 9, 2002

Mr. & Mrs. Karl von Lindenberg
3898 Schroeder Avenue
Perry Hall, Maryland 21128

Re: Petition for Special Hearing
Case No. 02-527-SPH
Property: 3898 Schroeder Avenue

Dear Mr. & Mrs. von Lindenberg:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been granted 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 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

IN RE: PETITION FOR SPECIAL HEARING
E/S of Schroeder Avenue, 13 ft. N
centerline of Gunview Farm Court
11th Election District
5th Councilmanic District
(3898 Schroeder Avenue)

Karl and Susan von Lindenberg
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-527-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Karl and Susan von Lindenberg. The Petitioners are requesting a special hearing for a waiver of Public Design Standards to eliminate the construction of curb and gutter and road widening along the frontage of a proposed two-lot minor subdivision.

Appearing at the hearing on behalf of the special hearing request were Karl and Susan von Lindenberg, Paul Nardrett and Sean Schmidt. Appearing as protestants in the matter were Brenda Ward and Dennis Eckard. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, is located on the north side of Schroeder Avenue, opposite its intersection with Gunview Farm Court. The von Lindenberg's own a house located at 3898 Schroeder Avenue. They are in the process of subdividing their property to create a new lot of record upon which a home may be constructed in the future. At issue in the case is the requirement from the Department of Public Works that the von Lindenberg's set aside an area of their property for the purpose of constructing concrete curbs and gutters, sidewalks, and also widening the paved portion of Schroeder Avenue on their side of that roadway. The von Lindenberg's are requesting relief from this requirement, given the tremendous cost and expense to them, in order to provide these improvements. The von Lindenberg's stated that there are no curbs, gutters and sidewalks

ORDER RECEIVED FOR FILING

Date

By

5/9/02

S. J. G. [Signature]

on their side of Schroeder Avenue and that the roadway functions in an acceptable fashion at this time. They, therefore, ask that the special hearing be granted and they not have to provide these improvements. Furthermore, the von Lindenberg's indicated that they are merely proposing to subdivide their property, creating one additional lot. These costs and expenses, given their small-scale development proposal, are exorbitant and would make the subdivision of their property financially unacceptable.

Appearing in opposition to the Petitioners' request were Brenda Ward and Dennis Eckard. These individuals are residents of the area and are familiar with Schroeder Avenue. They are concerned regarding the narrow width of Schroeder Avenue, the bend in the road and the fact that Schroeder Avenue crests at the property owned by the von Lindenberg's. This area of roadway is shaded by large mature trees and often becomes icy and slippery during the winter months. These citizens ask that Schroeder Avenue be widened in order to provide a safer means of passage for motorists who travel this area.

Additional testimony was provided by Mr. Eckard indicating that the installation of curb, gutter and sidewalks on the side of the von Lindenberg property would not be necessary, given that there are no other such amenities on the northeast side of that roadway. Mr. Eckard opined that providing sidewalks on the von Lindenberg side of Schroeder Avenue would invite pedestrians to cross over the roadway to utilize the sidewalk, which would not be a safe pedestrian maneuver. Therefore, he believes that the special hearing should be granted in a limited fashion so as to not require that sidewalks, curb and gutter be installed by the von Lindenberg's. However, he still would like to see the small amount of road paving installed as shown on Petitioners' Exhibit No. 2, the site plan submitted into evidence.

After considering the testimony and evidence offered at the hearing, I find that the special hearing request filed by these Petitioners should be granted in a limited fashion. After hearing

from the citizens in attendance, I find that it shall not be necessary for the von Lindenberg's to actually construct sidewalks, curbs and gutters on their side of Schroeder Avenue. However, it shall be necessary for them to dedicate to Baltimore County the area of land necessary for such future improvements. In addition, the Petitioners shall be required to provide the widening of Schroeder Avenue, as shown on the site plan submitted. The actual widening area is a small sliver of macadam widening which, at its widest point measures approximately 10 ft. and tapers down to nothing over a distance of approximately 160 ft. The von Lindenberg's shall not be required to perform this road widening until such time as the adjacent property owner excavates and grades the front portion of their property for the installation of a proposed storm drainpipe. The property adjacent to this is being developed as a subdivision of homes known as "Broad Run". The Broad Run developers are required to grade and install a drainpipe across this area of the Petitioners' property. Only after the Broad Run developers install this pipe shall the Petitioners become obligated to perform the road widening. Hopefully, this will lessen the cost and expense to the von Lindenberg's to only have to pay for the macadam paving itself. All other grading and excavation work, in order for Schroeder Avenue to be widened, shall be paid for and accomplished by the adjacent developer of Broad Run and not the von Lindenberg's. Their contribution to this road widening effort shall be limited to only paying for the installation of the macadam.

The Department of Public Works shall take note of this Order and shall take into consideration the findings made herein when approving, reviewing and designing the grading plan submitted by the developers of Broad Run for the installation of the storm drain along this area of the von Lindenberg property. The Department of Public Works shall take into consideration the widening of Schroeder Avenue in the final design of the grading plan for the installation of this drainpipe. This will, in effect, accomplish two goals; that being the

installation of the storm drain and the widening of Schroeder Avenue. Again, this shall be in an effort to lessen the cost and expense upon the von Lindenberg's.

Having considered the testimony and evidence offered at the hearing and in accordance with the findings previously made in this Order, I shall grant the relief requested.

THEREFORE, IT IS ORDERED, this 9th day of August, 2002, by the Deputy Zoning Commissioner for Baltimore County, that the special hearing request to eliminate the construction of curb and gutter and the installation of sidewalks along Schroeder Avenue, be and is hereby GRANTED. It shall not be necessary for the von Lindenberg's to make these improvements.

IT IS FURTHER ORDERED, that the von Lindenberg's shall be required to provide the necessary macadam paving to accomplish the road widening of Schroeder Avenue on their side of the roadway, as shown on Petitioners' Exhibit No. 1, the site plan submitted into evidence. This road widening shall only occur after the developers of "Broad Run", the adjacent residential subdivision, have graded and installed the storm drainpipe along this same area of the von Lindenberg property. The grading plan submitted by the developers of "Broad Run" shall account for and provide the proper grading so that Schroeder Avenue may be widened at the least expense to Mr. & Mrs. von Lindenberg.

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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3898 Schroeder Avenue
which is presently zoned D.R. 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a waiver of Public Design Standards to eliminate construction of curb and gutter and road widening along the frontage of a proposed two-lot minor subdivision.

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:

To Be Determined
Name - Type or Print _____ City _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Karl von Lindenberg
Name - Type or Print _____
Signature Karl von Lindenberg
Susan von Lindenberg
Name - Type or Print _____
Signature Susan von Lindenberg
3898 Schroeder Avenue (410) 256- 4786
Address _____ Telephone No. _____
Perry Hall, MD 21228
City _____ State _____ Zip Code _____

Representative to be Contacted:

Hicks Engineering Company, Inc./ Sean Schmidt
Name _____
200 East Joppa Road (410) 494-0001
Address _____ Telephone No. _____
Towson, MD 21286
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JRF Date 5-24-02

Case No. 02-527-JPH

REV. 9/1/98

ORDER RECEIVED FOR FILING
Date 5/29/02
By [Signature]

ZONING DESCRIPTION FOR
NO. 3898 SCHROEDER AVENUE
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING at a point in the center of Schroeder Avenue, as planned as a fifty-foot wide right of way, at the distance of 13 feet, more or less, north of the centerline of Gunview Farm Court, fifty-foot wide right of way, thence leaving said point of beginning and running the following courses and distances, and referring to the North American Datum, 1983, to describe the said parcel;

- 1) North 54° 23' 37" East 190.00 feet, thence
- 2) South 28° 37' 23" East 219.15 feet, thence
- 3) South 32° 55' 00" West 165.09 feet, thence
- 4) North 45° 48' 23" West 61.90 feet, thence
- 5) South 54° 33' 37" West 25.41 feet, to a point in the approximate center of Schroeder Avenue, thence binding in the approximate center of Schroeder Avenue,
- 6) North 45° 48' 23" West 27.60 feet, thence continuing in the center of Schroeder Avenue,
- 7) North 26° 10' 23" West 192.40 feet to the Point of Beginning.

Handwritten signature: Samuel E. Hicks, P.E.



The seal is circular with a double border. The outer border contains the text "STATE OF MARYLAND" at the top and "REGISTERED PROFESSIONAL ENGINEER" at the bottom. The inner circle features a central emblem of a ship on water, with the name "DONALD EDWIN HICKS" arched above it and the number "No. 8076" below it.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **12692**

DATE 5-24-02 ACCOUNT 001-006-6150
AMOUNT \$ 250.00

RECEIVED FROM: Mr & Mrs Karl Von Lindenberg
3498 Schroeder Ave. ITEM # 527
FOR: OHU Special Hearing TAKEN BY: JRF

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
5/24/2002 5/24/2002 10:46:04
REG MS06 WALKIN KMCN KXH DRAWER 4
>>RECEIPT # 079727 5/24/2002 OFLN
Dep: 5 528 ZONING VERIFICATION
CR NO. 012692

Recpt Tot \$250.00
250.00 CK .00 CA
Baltimore County

CASHIER'S VA

Inform the Eag'r,
they need the ff:
1) DRC
2) Public Works
recommendation letter.

**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: #02-527-SPH
3898 Schroeder Avenue
E/S of Schroeder Avenue, 13'
N of centerline of Gunview
Farm Court
11th Election District
5th Councilmanic District
Legal Owner(s): Karl & Susan
von Lindenberg

Special Hearing: to approve a waiver of Public Design Standards to eliminate construction of curb and gutter and road widening along the frontage of a proposed two-lot minor subdivision.

Hearing: Tuesday, July 16, 2002 at 9:00 a.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.

JT/7/620 July 2 C548233

CERTIFICATE OF PUBLICATION

7/3/, 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 1 successive weeks, the first publication appearing on 7/2/, 2002.

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

S. Wilkinson

LEGAL ADVERTISING

**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/neighbor 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: 02-527-SP4

Petitioner: MR. & MRS KARL VON LINDENBERG

Address or Location: 3808 SCHROEDER AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS KARL VON LINDENBERG

Address: 3808 SCHROEDER AVE

PERRY HALL, MD

21228

Telephone Number: 410-256-4786

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 2, 2002 Issue – Jeffersonian

Please forward billing to:

Mr. & Mrs. Karl von Lindenberg
3898 Schroeder Avenue
Perry Hall MD 21228

410 256-4786

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: 02-527-SPH

3898 Schroeder Avenue

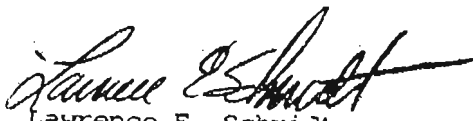
E/S of Schroeder Avenue, 13' N of centerline of Gunview Farm Court

11th Election District – 5th Councilmanic District

Legal Owner: Karl & Susan von Lindenberg

Special Hearing to approve a waiver of Public Design Standards to eliminate construction of curb and gutter and road widening along the frontage of a proposed two-lot minor subdivision.

HEARING: Tuesday, July 16, 2002 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDD
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

June 11, 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: 02-527-SPH
3898 Schroeder Avenue
E/S of Schroeder Avenue, 13' N of centerline of Gunview Farm Court
11th Election District – 5th Councilmanic District
Legal Owner: Karl & Susan von Lindenberg

Special Hearing to approve a waiver of Public Design Standards to eliminate construction of curb and gutter and road widening along the frontage of a proposed two-lot minor subdivision.

HEARING: Tuesday, July 16, 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". The signature is fluid and cursive, with a large initial "A" and a stylized "J".

Arnold Jablon G.D.Z.
Director

C: Mr. & Mrs. Karl von Lindenberg, 3898 Schroeder Avenue, Perry Hall 21228
Sean Schmidt, Hicks Engineering Company, Inc, 200 E Joppa Road, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 1, 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

July 12, 2002

Mr. & Mrs. Karl von Lindenberg
3898 Schroeder Avenue
Perry Hall MD 21128

Dear Mr. & Mr von Lindenberg:

RE: Case Number: 02-527-SPH, 3898 Schroeder Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 24, 2002.

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

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

Very truly yours,

W. Carl Richards, Jr.

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

WCR: gdz

Enclosures

c: Hicks Engineering Co Inc, Sean Schmidt, 200 E Joppa Road, Towson 21286
People's Counsel

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





Baltimore County
Fire Department

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

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

June 5, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 3, 2002

Item No.: See Below

Dear Mr. Zahner:

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

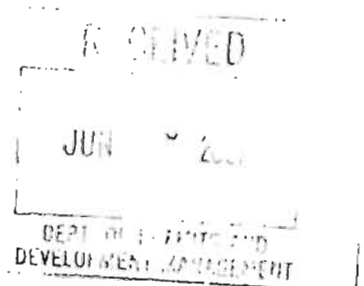
The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

527
524-534

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



done
7/16

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RB Seeley*

DATE: July 15, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of June 3, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

511-514, 516, 517, 519-525, 527, 529-531, 533

Sp
7/16

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: July 19, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For June 10, 2002
Item No. 527

The Bureau of Development Plans Review has reviewed the subject zoning item.

The Department of Public Works does not support the waiver of the curb and gutter and road widening because the adjacent property, "Broad Run", is improving Schroeder Avenue now, and the property across the street has curb and gutter in place.

The policy of the Department of Public Works requires improvements to the road frontage when the adjacent property has been built to the ultimate road section.

RWB:CEN:jrb

cc: File

Sh
7/16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 19, 2002

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

SUBJECT: 3809 Schroeder Avenue

INFORMATION:

Item Number: 02-527

Petitioner: Karl von Lindenberg

Zoning: DR 2

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request to waive the Public Design Standards in order to eliminate the construction of curb and gutter and, road widening along Schroeder Avenue, germane to the subject two-lot subdivision.

Prepared by:



Section Chief:



AFK/LL:MAC:

JUN 24



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.4.02

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

RE: Baltimore County
Item No. 527 JRF

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,

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

RE: PETITION FOR SPECIAL HEARING
3898 Schroeder Ave.E/s of Schroeder Ave. 13 ft N of
ctr line of Gunview Farm Court
11th Election District 5th Councilmanic District

Legal Owner: Karl von Lindenberg and
Susan von Lindenberg
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No.02-527-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 of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. De Milio

CAROLE S. DEMILIO *PMZ*
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 19th day of June, 2002 a copy of the foregoing Entry of Appearance was mailed to Karl and Susan von Lindenberg, 3898 Schroeder Avenue, Perry Hall, MD 21228, petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN



IMPROVEMENT ASSOCIATION, INC.

P.O. Box 63 Perry Hall, Maryland 21128

<http://www.bcpl.net/~phia>

phia@mail.bcpl.net

RESOLVED: That the position of the Perry Hall Improvement Association as adopted by the Zoning, Development, and Permits Committee on the zoning matter known as:

Schroeder Avenue public works waiver

is that:

The Perry Hall Improvement Association opposes the waiver.

As witness our hands and seal this 10th day of July, 2002.

ATTEST:

Perry Hall Improvement Association

William Libercci, Secretary

David Marks, President

AFFIVADIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

To WIT:

I hereby swear under penalty of perjury that I am currently a duly elected member of the Zoning, Development, and Permits Committee of the Perry Hall Improvement Association.

ATTEST:

Perry Hall Improvement Association



William Libercci, Secretary



David Marks, President

Date: January 13, 2002

Fax

Please deliver immediately to: Mr. Timothy Kotroco
of: Baltimore County Zoing Commissioner's Office
Fax number: 4108873468
Voice number:

Fax received from: Karl von Lindenberg
of:
Fax number: (410) 256-0418
Voice number: (410) 256-0418

Date: 7/22/02

Time: 1:28:55 PM

Number of Pages: 1

Subject:

Message:

Karl and Susan von Lindenberg
3898 Schroeder Avenue
Perry Hall, Maryland 21128
(410) 256-4786

July 21, 2002

Mr. Timothy M. Kotroco, Deputy Zoning Commissioner
Baltimore County Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Case Number 02-527-SPH
3898 Schroeder Avenue, Minor Subdivision Plan, von Lindenberg Property
Special Hearing for Waiver of Public Design Standards to Eliminate
Construction of Curb & Gutter and Road Widening

Dear Mr. Kotroco:

Subsequent to the above referenced hearing of July 16, 2002, the following information is presented as an overview from our perspective for your review and consideration.

Background

On August 6, 2001, a public hearing was held regarding approval of the Development Plan for 3900 Schroeder Avenue, an adjacent property. This Plan proposed the development of a 6.13 acre parcel with 12 single-family residential lots by J. W. Ruppert III (labeled as Broad Run). My wife and I were the only individuals that appeared at the hearing in opposition to the Developer's request for approval. We expressed of primary concern the close proximity of the proposed stormwater retention pond to our existing home and its possible deleterious effects to our property for aesthetics and value. Discussions followed during the hearing that focused on the Developer conveying additional land to us (enabling us to subdivide) in exchange for granting a stormwater pipe easement. Having the potential value of this possible subdivision communicated to us at the hearing, we withdrew our opposition contingent upon issuance of your order to the conditions, as discussed.

Following that hearing, you issued an Opinion and Development Plan Order, dated August 14, 2001, which generally imposed the following conditions and restrictions for approval of the Broad Run Development Plan:

- The Developer would be required to convey to us a triangular parcel of property depicted on the Development Plan as Parcel A. This would provide an additional buffer area from the stormwater pond, would incorporate the property of our existing driveway, and would provide sufficient acreage (cumulative) to allow the right of subdivision of our property.
- In return for the conveyance of Parcel A to us, we would grant an easement to the Developer that would allow installation of his proposed stormwater pipe across our property, adjacent to the paved edge of Schroeder Avenue.
- The Developer would be required to install landscaping pursuant to a landscape plan submitted to Mr. Avery Harden, Landscape Architect for Baltimore County.

Due to our inexperience and overall naivety regarding development plans, subdivisions, regulations and requirements, etc., we obtained legal assistance from the law firm of Holzer and Lee of Towson and entered into a Development Agreement with J. W. Ruppert III on December 19, 2001 that was based on your Development Plan Order of August 14, 2001. Included in this Development Agreement was language that required us to prepare and submit a proposal to Baltimore County for the subdivision of our property and approval by Baltimore County of our subdivision within 60 days was anticipated due to the issued

Order. In the event approval of our subdivision was not obtained within 60 days, both parties agreed "to submit to the development process of Baltimore County."

We proceeded in hiring Hicks Engineering Co., Inc. of Towson to prepare and submit a Development Plan to Baltimore County for the minor subdivision of our proposed 1.088 acre parcel with 2 dwelling units (one existing). The Subdivision Plan, dated January 25, 2002, was submitted to Baltimore County for review and comments. In response to comments regarding water and sanitary sewer, we proceeded to employ Burgemeister-Bell, Inc. for connections to public water and sewerage, thereby eliminating our previously connected well and septic systems as part of the daily utilities. Additional comments following the review process included construction of combination curb and gutter, sidewalk, and widening of Schroeder Avenue. Installation of curbing and gutters and widening of Schroeder Avenue represented significant expense to our Minor Subdivision Plan for approval. Therefore we requested a waiver to this requirement and a special hearing on this matter was held on July 16, 2002.

Present

Hicks Engineering reported at the hearing that estimated costs to install sidewalks, curbing and gutters and widen Schroeder Avenue were approximately \$35,000. Since our savings had already been exhausted previously from attorney fees, engineering fees, and construction fees paid for water and sewer connections, Hicks Engineering, on our behalf, presented the reasoning for the request for the waiver as "undue hardship". Other comments presented in support of the waiver included the following:

- Sidewalk, curbing and gutter in the area is present from the Gunview development, but only exists on one side of Schroeder Avenue which is the opposite side of the street from our proposed subdivision.
- The approved subdivision plan for Broad Run did not require sidewalk, curbing and gutters along Schroeder Avenue.
- The financial impact of this specific requirement of Baltimore County is far greater for a minor subdivision plan (i.e. - one property divided into maximum two lots) as compared to a subdivision plan that produces numerous building lots.

Appearing in opposition to our waiver request were Dennis Eckard and Brenda Ward of the Perry Hall Improvement Association. Reasoning presented for their opposition focused primarily on safety, more specifically, concern for the limited width of Schroeder Avenue and the current hill that is adjacent to our property boundary. Reportedly, these conditions posed an extreme hazard to current motorists, joggers, walkers, etc.

Summary/Personal Comments

As we await your decision regarding the hearing for our waiver request, I can't keep myself from reflecting on activities that transpired the past year. As indicated at the hearing, I feel that we (my wife and I) were somehow catapulted into this situation, perhaps largely due to our ignorance of Baltimore County with respect to Permits and Development Management. We are not engineers or planners and do not consider ourselves a developer even though we are assigned that title immediately upon interest in subdividing property. We are, what I would venture to say, your typical family that resides in Perry Hall. We have lived at our present address for 16 years and have the same interests regarding quality of life. We have volunteered in the past as active members in the Perry Hall Improvement Association and continue to raise our children here.

Therefore, it came to some surprise that the Perry Hall Improvement Association would appear, without prior notice for gathering of information, in opposition to our request for a waiver. I agree completely that Schroeder Avenue is narrow at our property boundary and the hill may present a clear sight distance hazard. However, being the "country road" that it is, Schroeder Avenue displays these same conditions as soon as one enters onto it from Belair Road. In comparison to other nearby "country roads" such as Forge Road and Chapel Road which also are mostly narrow with no sidewalks, curbing and gutters, I believe Schroeder Avenue generally presents a lesser hazard to the community. Perhaps widening of Schroeder Avenue may encourage greater speeds of motorists and produce an even greater hazard than what now may

exist. While I can understand, in general principle, Perry Hall Improvement Association's position opposing approval of our waiver, our inability to financially implement these conditions (should our waiver be denied) results in the existing roadway conditions of Schroeder Avenue remaining as they are. It is difficult not viewing the situation on a personal basis since I suspect their attendance at a hearing, in opposition, can influence a decision of denial. Furthermore, I question why representatives from the Perry Hall Improvement Association were not present at the hearing for approval of the Broad Run Development Plan to present these similar concerns.

I feel, to some degree, victimized to the entire land development system of Baltimore County. Due to our neighbor's decision of selling their property to a developer, we were quickly faced with decisions that would significantly impact our lives, yet had little knowledge to best base our decisions. We trusted and relied on individuals believed to be professionals in this field to provide guidance for us. When the early decision was made to grant a stormwater easement in exchange for additional property, the thought of subdividing our property appeared attractive. Property value figures of \$80,000 - \$100,000 for a half-acre lot were communicated, but, as always, are purely speculative. Since we have already exhausted our savings with an additional \$35,000 looming in the foreground for additional development requirements, that early decision of exchange certainly appears less attractive at best. Perhaps we were ill advised, improperly prepared, and acted (or did not act) in a manner that can certainly be questioned. Regardless, one year ago we were living in the comforts of our surroundings, were generally stress-free, had savings in the bank, and were enjoying our quality of life. Today, there is uncertainty in our lives; impending construction, our prospective neighbors, the neighboring stormwater retention pond, buffer screening, approval of our waiver, approval of our subdivision plan, etc.....all items associated with land development. We have no money in the bank, my wife's health has suffered, and our lives are generally tumultuous.

Thank you for affording me this opportunity to present my viewpoint on our proposed Minor Subdivision Plan and associated conditions. I trust that your decision on the special hearing for our waiver request will be made with the careful consideration which it deserves.

Sincerely,



Karl von Lindenberg

cc: David Marks, Perry Hall Improvement Association
Vincent Gardina, Baltimore County Council, District 5
Shawn Schmidt, Hicks Engineering

02-527-SPH

7/16/02

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

SEAN SCHMIDT / HICKS ENG

200 E. Joppa Rd 21286

PAUL NARDRETT / " " "

KARL VON LINDENBERG

3898 SCHROEDER AVE. 21128

Susan von Lindenberg

3898 Schroeder Ave. 21128



7/16/02

PROTESTANT'S SIGN-IN SHEET

[illegible]

PART OF
ZONING MAP
NE 12 H
SCALE: 1"=200'

SITE

SCHROEDER
AVENUE

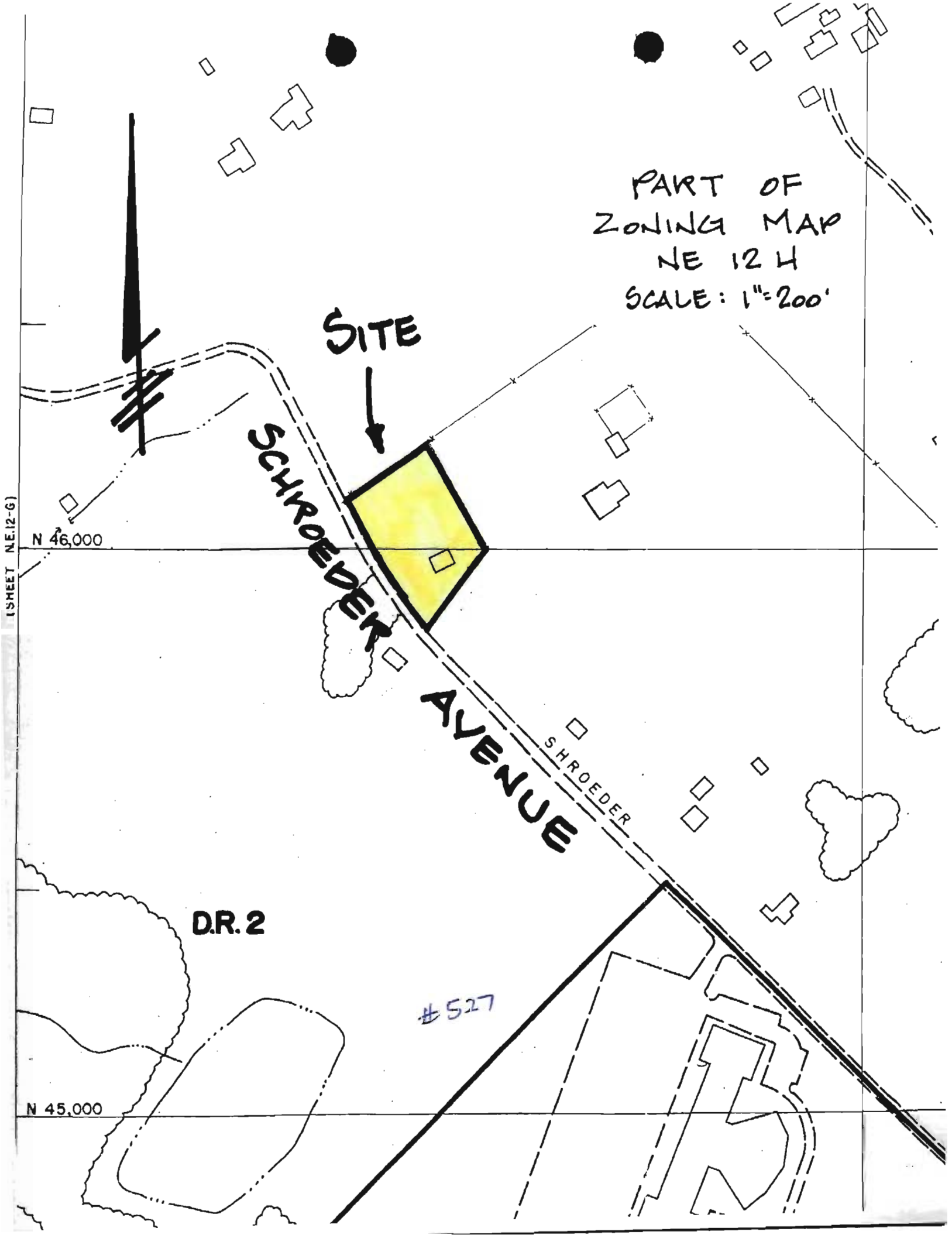
D.R. 2

#527

N 46,000

N 45,000

(SHEET NE.12-G)



PAUL W. MATILLO. LARRY
2075 560
74 02A
P 230

STATE OF MARYLAND
4038/307
46 24A
P58

SUNPOWDER
ELEM. SCHOOL
P 220

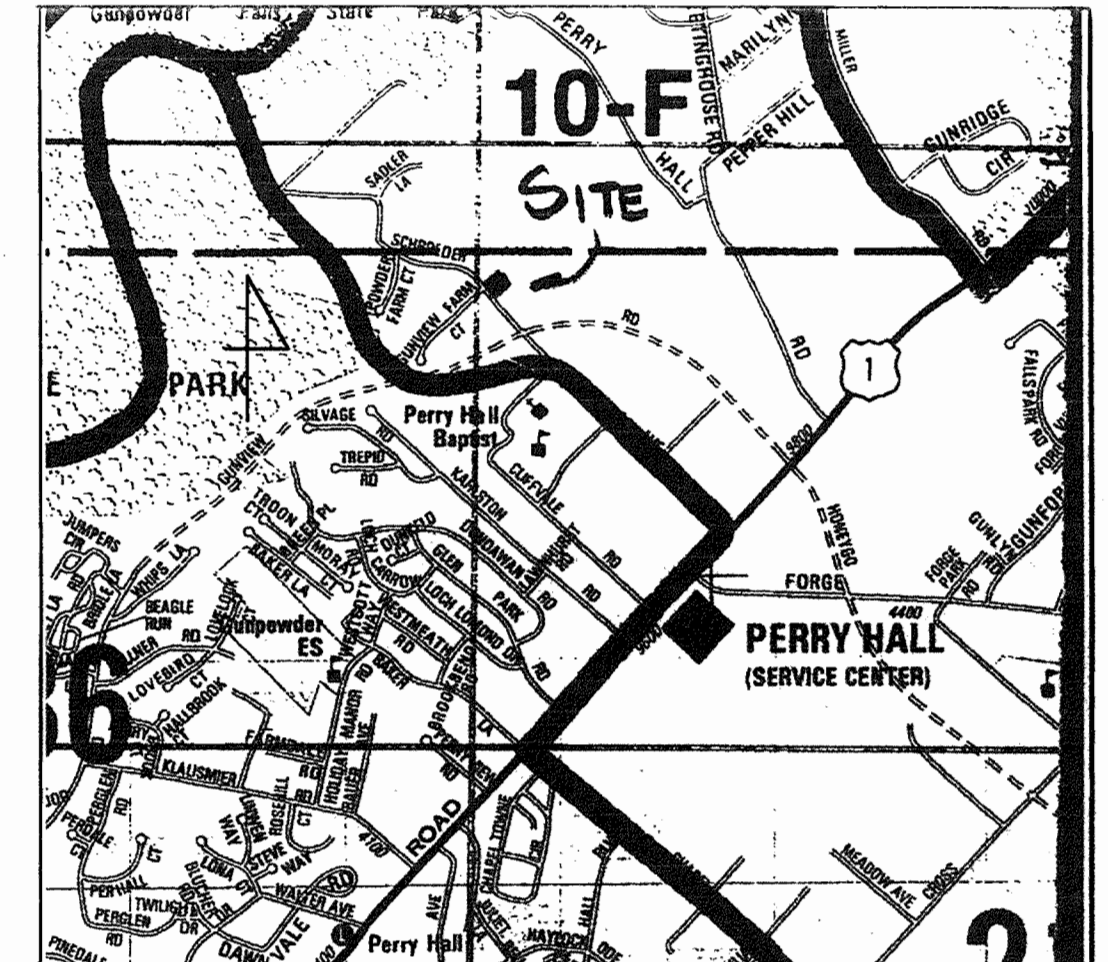




Petitioners
Exhibit #2

GENERAL NOTES

1. THE PROPOSED TRACT IS NOT ASSOCIATED WITH THE MARYLAND HISTORICAL SOCIETY OR ANY LANDMARKS.
2. NO STREAMS OR WETLANDS ARE LOCATED ON OR WITHIN 200' OF THE TRACT.
3. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
4. THIS SITE IS NOT WITHIN ANY 100 YR. FLOODPLAIN.
5. TO THE BEST OF OUR KNOWLEDGE NO HAZARDOUS MATERIALS ARE ON SITE.
6. TOTAL AREA OF LAND DISTURBANCE 7,490 S.F. OR 0.17 ACRES +/-
7. EXISTING WELLS AND SEPTIC DRAINAGE AREAS ON AND WITHIN 100 FEET OF THE SITE ARE AS SHOWN HEREON.
8. ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE SWM CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.
9. THERE ARE NO UNDERGROUND (FUEL) STORAGE TANKS ON OR WITHIN 100 FEET OF THE PROPERTY TO THE BEST OF OUR KNOWLEDGE.
10. COORDINATES AND GRID TICKS SHOWN HEREON ARE REFERENCED TO THE MARYLAND COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (1991)
11. THE DEVELOPER SHALL NOT ALLOW ANY CABLE TELEVISION CABLES TO BE INSTALLED IN THIS SUBDIVISION WITHOUT THE REQUIRED PERMITS BEING OBTAINED. BALTIMORE COUNTY WILL NOT ASSUME ANY RIGHTS OF WAY, EASEMENTS, OR MAINTENANCE OF ANY PUBLIC IMPROVEMENTS, WHERE SUCH CABLES HAVE BEEN INSTALLED WITHOUT A PERMIT UNTIL THE CABLES HAVE BEEN INSTALLED ARE SATISFACTORILY LOCATED.
12. DRIVEWAY ENTRANCE TO BE BUILT PER D.P.W.'S STANDARD PLATE R-15A
13. THE FOREST CONSERVATION REQUIREMENTS WILL BE MET BY OBTAINING A VARIANCE FOR AND PURCHASING OF A CREDIT IN A DEPRM APPROVED FOREST RETENTION BANK.



SITE DATA

GROSS AND NET SITE AREA: 1.088 ACRES±
EX. ZONING: DR-2 MAP NE12H
DEED REFERENCE: 7122/501
TAX ACCOUNT NO: 1119011330
DENSITY ALLOWED: 2 SINGLE FAMILY DWELLINGS
EXISTING USE: RESIDENTIAL
TAX MAP 63 GRID 15 PARCEL 56:
CENSUS TRACT: 4114.03
REGIONAL PLANNING DISTRICT: 317 A
WATER SHED: W-5 MAP W-17-B-TRIBUTARY
SUBSEWERSHED: GUNPOWDER FALLS
SCHOOL DISTRICTS: KINGSVILLE ELEMENTARY
PERRY HALL MIDDLE
PERRY HALL HIGH SCHOOL

NOTE: REFER TO HEARING OFFICER'S
OPINION & DEVELOPMENT PLAN
ORDER, CASE NO. V1-864 DATED
AUGUST 14, 2001

NOTE: REFER TO DEVELOPMENT AGREEMENT
BETWEEN J. WILLIAM RUPERT III
AND MR. & MRS. KARL VON LINDENBERG
DATED DECEMBER 19, 2001.

LEGEND

- PROP. FRONT HOUSE ORIENTATION
 - PROP. PAVING
 - EXISTING TREES
 - BUILDING SETBACK LINE
 - EX. SOILS LINE AND TYPES
- ↓
B.S.L.
LeB2
LeC2

HEREFORE, IT IS ORDERED, by this Hearing Officer for Baltimore County, this 14th day of August, 2001, that the Development Plan submitted into evidence as Developer's Exhibit Nos 1A and 1B, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the approval of the Development Plan is based on the following conditions and restrictions, all of which are conditions precedent to the relief granted herein:

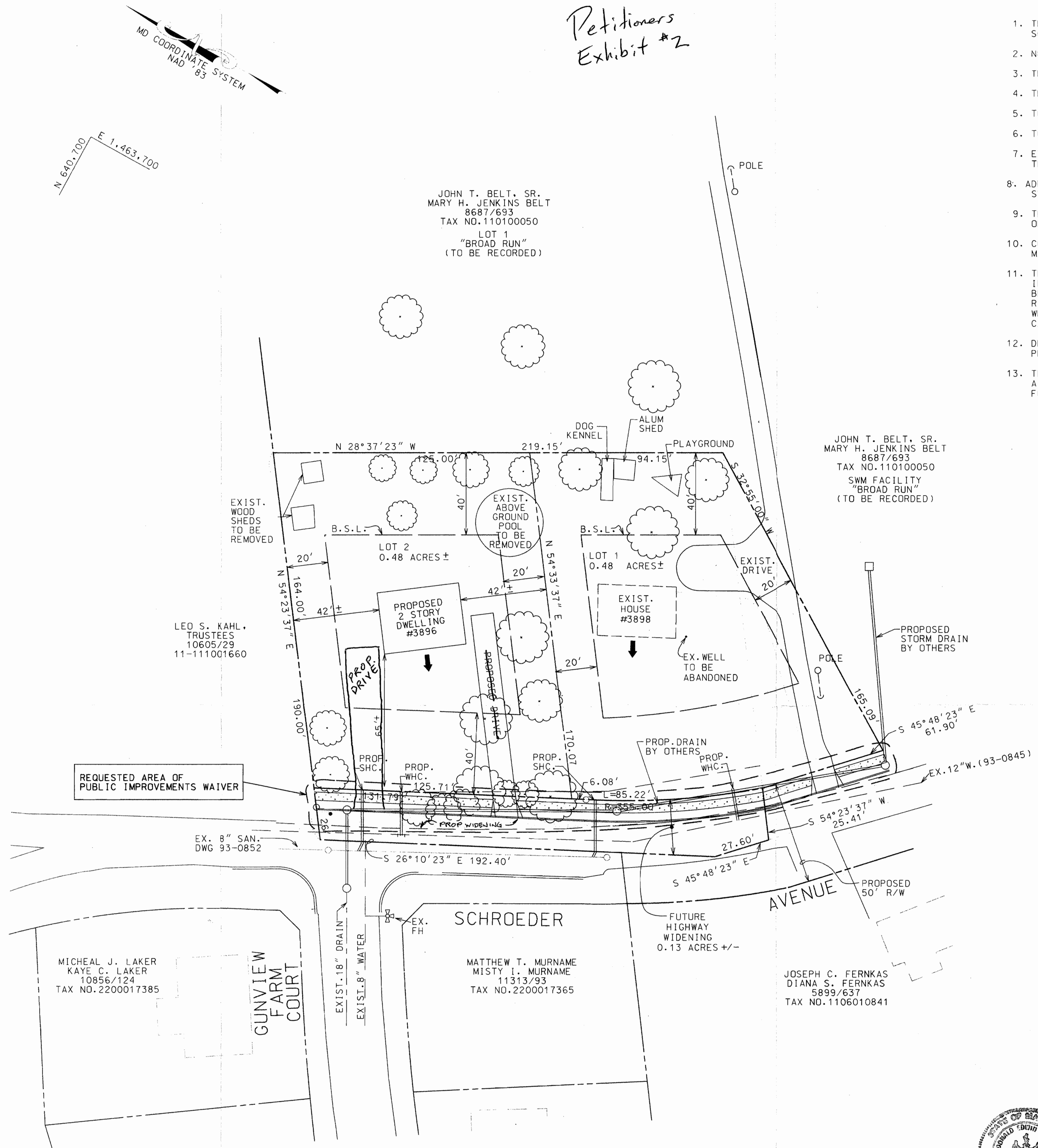
1. The Developer shall be required to convey unto Karl and Susan Von Lindenberg that triangular parcel of property depicted on the Development Plan as Parcel A. Parcel A is immediately adjacent to the current lands owned by the Von Lindenberg's. It is actually the land upon which the Von Lindenberg's driveway is situated. The conveyance of this parcel serves several purposes. First, it provides an additional area of land for a buffer between the Von Lindenberg's house and the stormwater management facility to be installed on the property. Secondly, it conveys to the Von Lindenberg's the land upon which their driveway is situated. Third, it provides additional land, that when added to the property already owned by the Von Lindenberg's will give them one right of subdivision of their property. Therefore, by conveying Parcel A to the Von Lindenberg's, they will increase their landholdings and consequently will have 2 density units associated with their property. This would allow them to proceed through a minor subdivision process in the future. Therefore, I hereby find, that once Parcel A is conveyed to the Von Lindenberg's, that they shall have 2 density units associated with their property which will allow them the right to subdivide and create one additional lot from their landholdings.
2. In return for the conveyance of Parcel A to the Von Lindenberg's, they shall grant an easement to this Developer allowing the installation of a stormwater outfall pipe from the stormwater management facility across the Von Lindenberg property immediately adjacent to the paved edge of E. Schroeder Avenue. This drainage and utility easement, which shall house the outfall pipe from the stormwater management facility, shall be no wider than 10 ft. from the edge of the paved road of E. Schroeder Avenue.
3. The Developer shall be required to install landscaping pursuant to a landscape plan which shall be submitted to Mr. Avery Herten, Landscape Architect for Baltimore County. Said landscaping shall, to the extent possible, buffer the rear of the Von Lindenberg's property from the house proposed to be constructed on Lot No. 1. In addition, said landscaping shall also buffer and screen the stormwater management facility, which is proposed to be installed adjacent to Parcel A. This landscaping may be installed on the property owned by the Von Lindenberg's with their permission, as well as upon the Developer's property. Said landscaping plan shall be reviewed and approved by Mr. Herten.

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. KOTRODO
HEARING OFFICER/DEPUTY ZONING
COMMISSIONER
FOR BALTIMORE COUNTY

NOTE: THIS PLAT IS TO ACCOMPANY A PETITION FOR SPECIAL HEARING TO APPROVE A WAIVER OF PUBLIC DESIGN STANDARDS TO ELIMINATE CONSTRUCTION OF CURB AND GUTTER, CONCRETE SIDEWALK AND ROAD WIDENING ALONG THE FRONTAGE OF A PROPOSED TWO-LOT MINOR SUBDIVISION.



REVISIONS		
DATE	DESCRIPTION	BY

PROPERTY OWNERS:
KARL VON LINDENBERG
SUSAN VON LINDENBERG
3898 SCHROEDER AVENUE
PERRY HALL, MD 21128

HICKS ENGINEERING CO., INC.
ENGINEERS, SURVEYORS & PLANNERS
200 EAST JOPPA ROAD - SUITE 402
TOWSON, MARYLAND 21286-3160
(410) 494-0001

PROJECT TITLE:
VON LINDENBERG PROPERTY
*3898 SCHROEDER AVENUE
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DRAWING TITLE:
PLAN TO ACCOMPANY
PETITION FOR SPECIAL HEARING
FOR WAIVER OF
PUBLIC WORKS STANDARDS

JOB NO.: 20245	DRAWING NO.:
DRAWN BY: TBC	C-1
CHECKED BY: DEH/PMN	
DATE: MAY 21, 2002	
SCALE: 0 15 30 60 1"=30'	SHEETS PER SET: 1 OF 1

