IN RE: DEVELOPMENT PLAN HEARING NE/S Bird River Road at SE end of Reames Road 15th Election District 5th Councilmanic District (Joseph Smith Property) Mary Margaret Smith *Petitioner/Developer*	* * * * * *	BEFORE THE HEARING OFFICER OF BALTIMORE COUNTY Case No. XV-580 & 03-159-SPH

* * * * * * * * * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Deputy Zoning Commissioner for Baltimore County as a requested approval of a Development Plan for a project known as the "Joseph Smith Property" and a special hearing request to approve a panhandle length of 680 ft. in lieu of the maximum permitted 500 ft. The property, which is the subject of this Development Plan approval request, is located on the south side of Bird River Road opposite its intersection with Reames Road. The owners of the property are proposing to create a fourth residential lot, which causes the property to be subject to the full development process and a Hearing Officer's Hearing.

Appearing at the hearing on behalf of the Development Plan approval request were Mary Smith, owner of the property, Jamie Scott and Don Kilmon, as well as Scott Lindgren, representing Gerhold, Cross & Etzel, the surveyors who prepared the Development Plan. There were no protestants or others in attendance. As is usual and customary, numerous representatives of the various Baltimore County reviewing agencies who reviewed the plan attended the hearing; namely, Lloyd Moxley (Zoning Review), Robert Bowling (Development Plans Review), Ron Goodwin (Bureau of Land Acquisition) and Don Rascoe (Development Management), all from the Office of Permits & Development Management; Todd Taylor from the Department of Environmental Protection and Resource Management (DEPRM); and Mark Cunningham from the Office of Planning.

12/20/02

As to the history of this project, a Concept Plan Conference was held on June 17, 2002. As required, a Community Input Meeting was held on July 29, 2002 at the White Marsh Library. Subsequently, a Development Plan Conference was held on November 27, 2002 and a Hearing Officers Hearing was held before me on December 19, 2002.

At the Hearing Officer's hearing held before me, I attempt to determine what, if any, issues or comments remain unresolved as of the date of the hearing. No one at the hearing indicated that there were any unresolved issues regarding the project. Accordingly, the Development Plan submitted into evidence as Developer's Exhibit No. 1 shall be approved.

As stated previously, the Petitioner is also requesting a special hearing to approve the use of a panhandle with a length of 680 ft. in lieu of the maximum permitted 500 ft. Mr. Lindgren testified that the lot to be created will utilize an existing driveway that services property owned by Dennis and Linda Feltz. It should be noted that all of the property owners affected by this Development Plan are related to one another. It is the intention of this property owner, Mary Smith, to deed this new lot to be created to her granddaughter, Jamie Scott. After discussing the issue at the hearing and the lack of any opposition to this request, I find that the special hearing should be granted to allow the property owner to utilize the existing driveway and allow the panhandle to extend 680 ft. from Bird River Road.

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

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 20th day of December, 2002, that the Development Plan submitted into evidence as Developer's Exhibit No. 1, entitled "Joseph Smith Property", be and is hereby APPROVED.

12/20/02
R. James

As to the history of this project, a Concept Plan Conference was held on June 17, 2002. As required, a Community Input Meeting was held on July 29, 2002 at the White Marsh Library. Subsequently, a Development Plan Conference was held on November 27, 2002 and a Hearing Officers Hearing was held before me on December 19, 2002.

At the Hearing Officer's hearing held before me, I attempt to determine what, if any, issues or comments remain unresolved as of the date of the hearing. No one at the hearing indicated that there were any unresolved issues regarding the project. Accordingly, the Development Plan submitted into evidence as Developer's Exhibit No. 1 shall be approved.

As stated previously, the Petitioner is also requesting a special hearing to approve the use of a panhandle with a length of 680 ft. in lieu of the maximum permitted 500 ft. Mr. Lindgren testified that the lot to be created will utilize an existing driveway that services property owned by Dennis and Linda Feltz. It should be noted that all of the property owners affected by this Development Plan are related to one another. It is the intention of this property owner, Mary Smith, to deed this new lot to be created to her granddaughter, Jamie Scott. After discussing the issue at the hearing and the lack of any opposition to this request, I find that the special hearing should be granted to allow the property owner to utilize the existing driveway and allow the panhandle to extend 680 ft. from Bird River Road.

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

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 20th day of December, 2002, that the Development Plan submitted into evidence as Developer's Exhibit No. 1, entitled "Joseph Smith Property", be and is hereby APPROVED.

12/20/02
R. Jones

IT IS FURTHER ORDERED, that the Petition for Special Hearing, to allow a panhandle length of 680 ft. in lieu of the permitted 500 ft., be and is hereby GRANTED.

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

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER/
HEARING OFFICER
FOR BALTIMORE COUNTY

TMK:raj

12/20/02
D. Jameson

Baltimore County
Zoning Commissioner

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

December 20, 2002

Ms. Mary Smith
10101 Bird River Road
Baltimore, Maryland 21220

Re: Hearing Officer's Hearing No. XV-580 & Case No. 03-159-SPH
Property: NE/S Bird River Road @ SE end of Reames Road
15th Election District, 5th Councilmanic District
Joseph Smith Property

Dear Ms. Smith:

Enclosed please find the decision rendered in the above-captioned case. The Development Plan and Special Hearing request have been approved 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 & 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,

Timothy Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj

c: Jamie Scott
Don Kilmon
1113 Ingale Road
Baltimore, MD 21227

Scott A. Lindgren
Gerhold, Cross & Etzel, Ltd.
320 E. Towsontown Blvd., Ste. 100
Towson, MD 21286

CRITICAL AREA

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10101 Bird River Road

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

To permit a panhandle with a length of 680 feet, more or less, in lieu of the required 500 foot maximum permitted length or in the alternative a waiver of the requirements of Section 26-266(4) of the Baltimore County Code to permit a panhandle with a length of 680 feet, more or less, in lieu of the required 500 foot maximum permitted length

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:

Jamie Scott
Name - Type or Print

Signature

P.O. Box 18204
Address — Telephone No.

Baltimore — MD — 21227
City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Mary Margaret Smith
Name - Type or Print

Mary Margaret Smith
Signature

10101 Bird River Road — 410 686-9275
Address — Telephone No.

Baltimore — MD — 21220
City — State — Zip Code

Representative to be Contacted:

Scott A. Lindren
Gerhold, Cross & Etzel, Ltd.
Name

320 E. Towsontown Blvd. #100 — 410 823-4470
Address — Telephone No.

Towson — MD — 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JCM Date 9.27.02

Case No. 03-159SPHA

REV 9/15/98

Petition for Variance

CRITICAL AREA

to the Zoning Commissioner of Baltimore County

for the property located at 10101 Bird River Road

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 Variance from Section(s)

To permit a panhandle with a length of 680 feet, more or less, in lieu of the required 500 foot maximum permitted length or in th alternative a waiver of the requirements of Section 26-266(4) of the Baltimore County Code to permit a panhandle with a length of 680 feet, more or less, in lieu of the required 500 foot maximum permitted length

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The proposed driveway needs to be this long to access the rear portion of the property where the dwelling is proposed.

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

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

Contract Purchaser/Lessee:

Jamie Scott
Name - Type or Print

Signature

P.O. Box 18204
Address — Telephone No.

Baltimore — MD — 21227
City — State — Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Mary Margaret Smith
Name - Type or Print

Mary Margaret Smith
Signature

10101 Bird River Road — 410 686-9275
Address — Telephone No.

Baltimore — MD — 21220
City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Representative to be Contacted:

Scott A. Lindgren
Gerhold, Cross & Etzel, Ltd.
Name

320 E. Towsontown Blvd. #100 — 410 823-4470
Address — Telephone No.

Towson — MD — 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By _____ Date 9/27/02

Case No. 03-159 SPHA

REV 9/15/98

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone. (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

September 26, 2002

ZONING DESCRIPTION
SMITH PROPERTY
10101 BIRD RIVER ROAD

Beginning for the same on the southeast side of Bird River Road, 95' +/- northeasterly from the center of Meadow Glen Road, thence leaving Bird River Road and running, (1) South 45 degrees 10 minutes 03 seconds East 21.25 feet, (2) North 48 degrees 10 minutes 57 seconds East 95.08 feet, (3) South 45 degrees 10 minutes 42 seconds East 424.02 feet, (4) South 4 degrees 49 minutes 57 seconds West 95.00 feet, (5) South 45 degrees 10 minutes 03 seconds East 429.86 feet, (6) North 44 degrees 37 minutes 37 seconds East 424.25 feet, (7) North 73 degrees 10 minutes 13 seconds West 364.84 feet, (8) North 23 degrees 41 minutes 48 seconds West 57.56 feet and (9) North 55 degrees 06 minutes 33 seconds West 500.00 feet to the southeast side of Bird River Road, thence binding on the southeast side of Bird River Road (10) South 48 degrees 10 minutes 57 seconds West 188.02 feet to the place of beginning.

Containing 4.539 Acres of land, more or less.

This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.

STATE OF MARYLAND
SCOTT ALAN LINDGREN
No. 21081
PROFESSIONAL LAND SURVEYOR

9/26/02

159

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

159

No. 17827

DATE 9.27.02 ACCOUNT 001-006-6150

AMOUNT $ 100.00

RECEIVED FROM: Scott 10161 Bird River Rd.

FOR: SPHA.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

JCM

PAID RECEIPT
BUSINESS ACTUAL TIME
9/30/2002 9/30/2002 09:12:21
PLU 0502 WALTON JEWA JLC DRAWER 2
RECEIPT # 236256 9/30/2002 OFLN
Date 5 ECR ZONING VERIFICATION
CR NO. 017827
Rec'd Tot $100.00
100.00 CK .00 CA
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 #03-159-SPHA
10101 Bird River Road
SE/s of Bird River Road, 95 ft. northeast of Meadow Glen Road
15th Election District - 5th Councilmanic District
Legal Owner(s): Mary Margaret Smith
Contract Purchaser: Jamie Scott

Special Hearing: to permit a panhandle with a length of 680 ft. in lieu of the required 500 ft. maximum permitted length (a waiver of division and developmetn regulations).
Variance: to permit a panhandle with a length of 680 ft. in lieu of the required 500 ft. maximum permitted length.
Hearing: Thursday, December 19, 2002 at 9:00 a.m. in Room 106 in the Baltimore County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/12/604 Dec. 3 C577136

CERTIFICATE OF PUBLICATION

12/5/, 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 12/3/, 2002.

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

S. Wilkinson

LEGAL ADVERTISING

Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

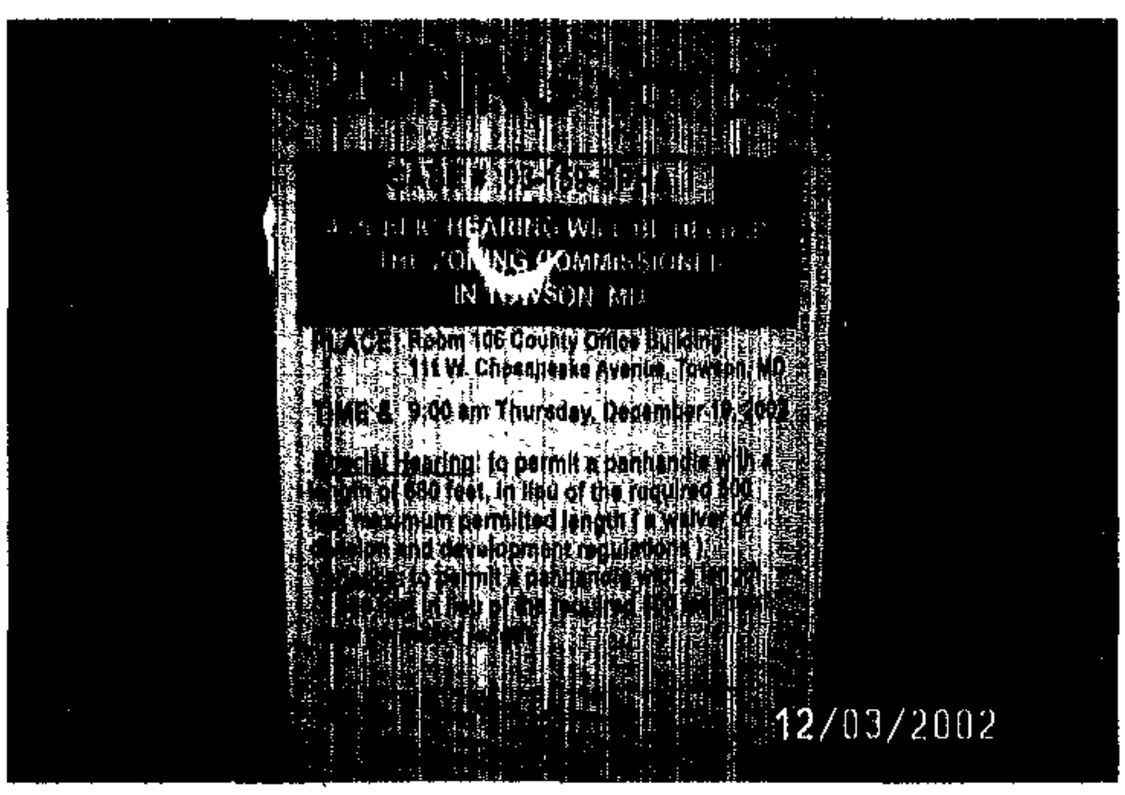
RE: CASE # 03-159-SPHA
PETITIONER/DEVELOPER:
Jamie Scott
DATE OF HEARING:
December 19, 2002

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

ATTENTION: REBECCA HART

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



POSTED ON : December 3, 2002

LOCATION:
10101 Bird River Road

DATE:
December 4, 2002

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

RE:	PETITION FOR SPECIAL HEARING & VARIANCE	*	BEFORE THE
	10101 Bird River Road	*	ZONING COMMISSIONER
	95' NE of Meadow Glen Road		
	15th Election District 5th Councilmanic District	*	FOR
	Legal Owner: Mary Margaret Smith	*	BALTIMORE COUNTY
	Contract Pur.: Jamie Scott		
	Petitioner(s)	*	03-159-SPHA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 17th day of October, 2002, a copy of the foregoing Entry of Appearance was mailed to Scott A. Lindren, GERHOLD, CROSS & ETZEL, LTD., 320 E. Towsontown Blvd., #100, Towson, MD 21286 Representative for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 29, 2002 Issue – Jeffersonian

Please forward billing to:
Don Kilmon and Jamie Scott 410-247-6946
1113 Ingate Road
Baltimore, MD 21227

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: 03-159-SPH
10101 Bird River Road
SE/s of Bird River Road, 95 ft. northeast of Meadow Glen Road
15th Election District – 5th Councilmanic District
Legal Owner: Mary Margaret Smith
Contract Purchaser: Jamie Scott

Special Hearing to permit a panhandle with a length of 680 ft., in lieu of the required 500 feet maximum permitted length (a waiver of division and development regulations). Variance to permit a panhandle with a length of 680 ft. in lieu of the required 500 ft. maximum permitted length.

HEARING: Wednesday, November 13, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES:rlh

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

TO: PATUXENT PUBLISHING COMPANY
December 3, 2002 Issue – Jeffersonian

Please forward billing to:
Don Kilmon and Jamie Scott
1113 Ingate Road
Baltimore, MD 21227

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: 03-159-SPHA
10101 Bird River Road
SE/s of Bird River Road, 95 ft. northeast of Meadow Glen Road
15th Election District – 5th Councilmanic District
Legal Owner: Mary Margaret Smith
Contract Purchaser: Jamie Scott

Special Hearing to permit a panhandle with a length of 680 ft. in lieu of the required 500 ft. maximum permitted length (a waiver of division and development regulations). Variance to permit a panhandle with a length of 680 ft. in lieu of the required 500 ft. maximum permitted length.

HEARING: Thursday, December 19, 2002 at 9:00 a.m. in Room 106 in the Baltimore County Office Building, 111 W. Chesapeake Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

October 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: 03-159-SPH
10101 Bird River Road
SE/s of Bird River Road, 95 ft. northeast of Meadow Glen Road
15th Election District – 5th Councilmanic District
Legal Owner: Mary Margaret Smith
Contract Purchaser: Jamie Scott

Special Hearing to permit a panhandle with a length of 680 ft., in lieu of the required 500 feet maximum permitted length (a waiver of division and development regulations). Variance to permit a panhandle with a length of 680 ft. in lieu of the required 500 ft. maximum permitted length.

HEARING: Wednesday, November 13, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: Mary Margaret Smith, 10101 Bird River Road, Baltimore 21220
Jamie Scott, P.O. Box 18204, Baltimore 21227
Scott A. Lindren, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., #100, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY OCTOBER 29, 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.

Printed with Soybean Ink
on Recycled Paper

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

October 22, 2002

NOTICE OF ZONING HEARING
Rescheduled

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: 03-159-SPHA
10101 Bird River Road
SE/s of Bird River Road, 95 ft. northeast of Meadow Glen Road
15th Election District – 5th Councilmanic District
Legal Owner: Mary Margaret Smith
Contract Purchaser: Jamie Scott

Special Hearing to permit a panhandle with a length of 680 ft. in lieu of the required 500 ft. maximum permitted length (a waiver of division and development regulations). Variance to permit a panhandle with a length of 680 ft. in lieu of the required 500 ft. maximum permitted length.

HEARING: Thursday, December 19, 2002 at 9:00 a.m. in Room 106 in the Baltimore County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon
Director

AJ:rlh

C: Mary Margaret Smith, 10101 Bird River Road, Baltimore 21220
Jamie Scott, P.O. Box 18204, Baltimore 21227
Scott A. Lindren, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., # 100, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY DECEMBER 4, 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.

Printed with Soybean Ink
on Recycled Paper

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: 159

Petitioner: DON KILMON & JAMIE SCOTT

Address or Location: 10101 BIRD RIVER ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DON KILMON & JAMIE SCOTT

Address: 1113 INGATE ROAD
BALTIMORE, MARYLAND 21227

Telephone Number: 410-247-6946

Revised 2/20/98 - SCJ

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

November 8, 2002

Mary Margaret Smith
10101 Bird River Road
Baltimore, MD 21220

Dear Ms. Smith:

RE: Case Number: 03-159-SPHA, 10101 Bird River Road

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

WCR:rlh

Enclosures

c: People's Counsel
Scott A. Lindren, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., Towson 21286
Jamie Scott, P.O. Box 18204, Baltimore 21227

Printed with Soybean Ink
on Recycled Paper

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

October 15, 2002

ATTENTION: George Zahner

Distribution meeting: 10/15/02

Location:

Item No.:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: 159 & 160, 162-172

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 30, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For October 21, 2002
Item No. 159, 160, 161, 162, 163, 164,
165, 166, 167, 168, 169, 170, and 172

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS/HGT

DATE: 11/06/02

SUBJECT: Zoning Item 159
Address 10101 Bird River Road (Smith Property)

Zoning Advisory Committee Meeting of 10/15/02

____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

__X__ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

__X__ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

____ Additional Comments:

Reviewer: Glen Shaffer Date: 10/25/02

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 18, 2002

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

SUBJECT: 10101 Bird River Raod

INFORMATION:

Item Number: 03-159

Petitioner: Mary M. Smith

Zoning: DR 2

Requested Action: Varince/Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow a panhandle lot with an in-fee driveway length of 680 feet in lieu of the maximum permitted length of 500 in a DR zone, provided the following conditions are being met:

1. A double row of mixed (evergreen and deciduous) trees should be provided in the rear of the property as indicated on the plan.
2. A landscape plan should be submitted to the Office of Planning for review.

Prepared by: Mark A Cumpton

Section Chief: Lynn Lanham

AFK/LL:MAC:

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 10.11.02

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

RE: Baltimore County
Item No. 159 JCM

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).

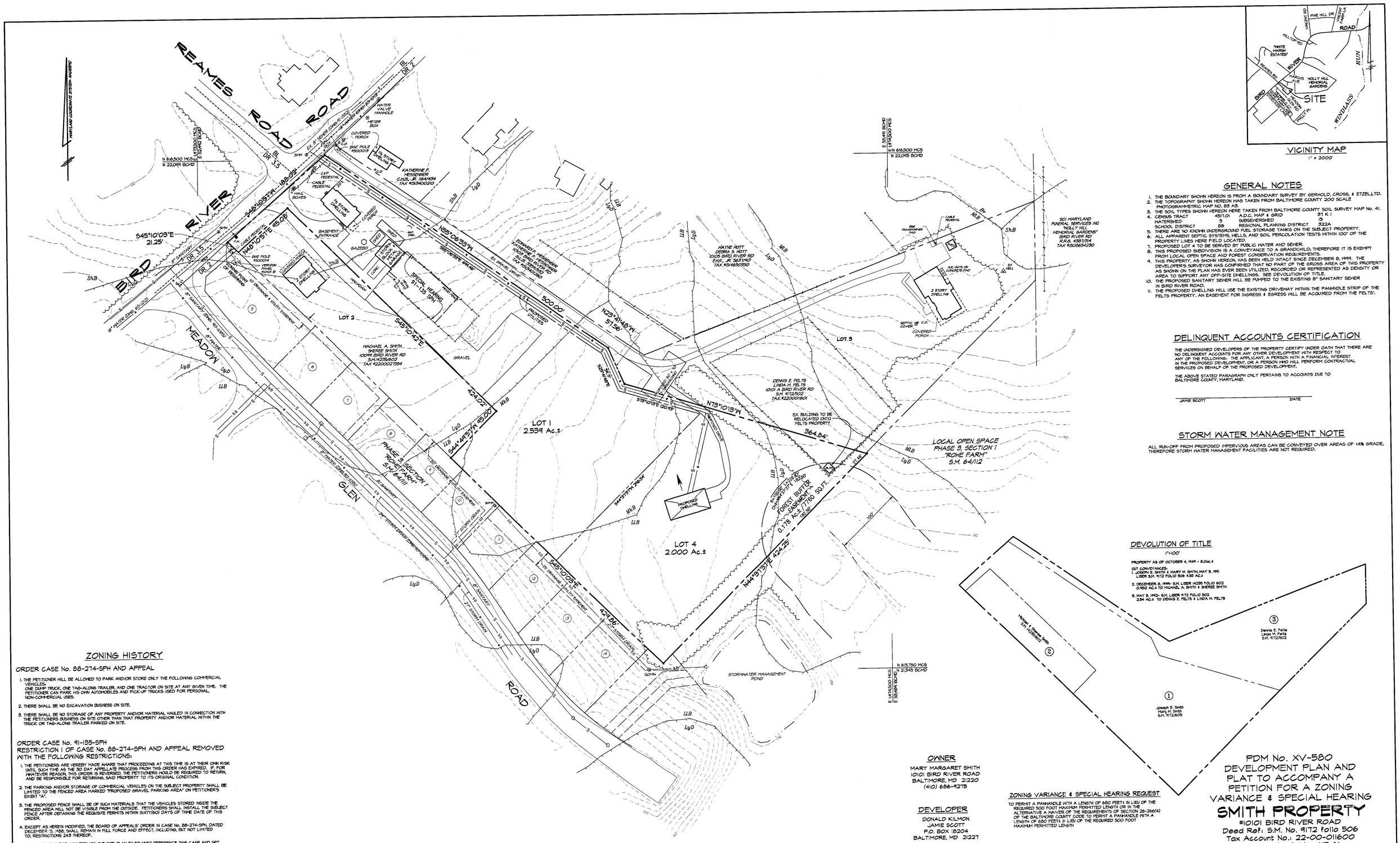
Very truly yours,

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



VICINITY MAP

1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS, & ETZEL LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAP NO. 83 A3.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 41.
4. CENSUS TRACT 4511.01 A.D.C. MAP & GRID 31 K 1
   WATERSHED 3 SUBSENSERED 15
   SCHOOL DISTRICT 88 REGIONAL PLANNING DISTRICT 322A
5. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
6. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
7. PROPOSED LOT 4 TO BE SERVED BY PUBLIC WATER AND SEWER.
8. THIS PROPOSED SUBDIVISION IS A CONVEYANCE TO A GRANDCHILD; THEREFORE IT IS EXEMPT FROM LOCAL OPEN SPACE AND FOREST CONSERVATION REQUIREMENTS.
9. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE DECEMBER 8, 1999. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS. SEE DEVOLUTION OF TITLE.
10. THE PROPOSED SANITARY SEWER WILL BE PUMPED TO THE EXISTING 8" SANITARY SEWER IN BIRD RIVER ROAD.
11. THE PROPOSED DWELLING WILL USE THE EXISTING DRIVEWAY WITHIN THE PANHANDLE STRIP OF THE FELTS PROPERTY. AN EASEMENT FOR INGRESS & EGRESS WILL BE ACQUIRED FROM THE FELTS'.

DELINQUENT ACCOUNTS CERTIFICATION

THE UNDERSIGNED DEVELOPERS OF THE PROPERTY CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

THE ABOVE STATED PARAGRAPH ONLY PERTAINS TO ACCOUNTS DUE TO BALTIMORE COUNTY, MARYLAND.

JANIE SCOTT _____ DATE _____

STORM WATER MANAGEMENT NOTE

ALL RUN-OFF FROM PROPOSED IMPERVIOUS AREAS CAN BE CONVEYED OVER AREAS OF <4% GRADE, THEREFORE STORM WATER MANAGEMENT FACILITIES ARE NOT REQUIRED.

DEVOLUTION OF TITLE

1"=100'

PROPERTY AS OF OCTOBER 4, 1944 - 8.0ac.±

OUT CONVEYANCES:
1. JOSEPH E. SMITH & MARY M. SMITH, MAY 5, 1981 LIBER S.M. 9172 FOLIO 506 4.50 AC.±
2. DECEMBER 8, 1999- S.M. LIBER 14255 FOLIO 502 0.950 AC.± TO MICHAEL A. SMITH & SHEREE SMITH
3. MAY 5, 1992- S.M. LIBER 9172 FOLIO 502 2.54 AC.± TO DENNIS E. FELTS & LINDA M. FELTS

ZONING HISTORY

ORDER CASE No. 88-274-SPH AND APPEAL

1. THE PETITIONER WILL BE ALLOWED TO PARK AND/OR STORE ONLY THE FOLLOWING COMMERCIAL VEHICLES:
   ONE DUMP TRUCK, ONE TAG-ALONG TRAILER, AND ONE TRACTOR ON SITE AT ANY GIVEN TIME. THE PETITIONER CAN PARK HIS OWN AUTOMOBILES AND PICK-UP TRUCKS USED FOR PERSONAL, NON-COMMERCIAL USES.
2. THERE SHALL BE NO EXCAVATION BUSINESS ON SITE.
3. THERE SHALL BE NO STORAGE OF ANY PROPERTY AND/OR MATERIAL HAULED IN CONNECTION WITH THE PETITIONERS BUSINESS ON SITE OTHER THAN THAT PROPERTY AND/OR MATERIAL WITHIN THE TRUCK OR TAG-ALONG TRAILER PARKED ON SITE.

ORDER CASE No. 91-135-SPH
RESTRICTION 1 OF CASE No. 88-274-SPH AND APPEAL REMOVED WITH THE FOLLOWING RESTRICTIONS:

1. THE PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30 DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONERS WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
2. THE PARKING AND/OR STORAGE OF COMMERCIAL VEHICLES ON THE SUBJECT PROPERTY SHALL BE LIMITED TO THE FENCED AREA MARKED "PROPOSED GRAVEL PARKING AREA" ON PETITIONER'S EXIBIT "A".
3. THE PROPOSED FENCE SHALL BE OF SUCH MATERIALS THAT THE VEHICLES STORED INSIDE THE FENCED AREA WILL NOT BE VISIBLE FROM THE OUTSIDE. PETITIONERS SHALL INSTALL THE SUBJECT FENCE AFTER OBTAINING THE REQUISITE PERMITS WITHIN SIXTY(180) DAYS OF THINE DATE OF THIS ORDER.
4. EXCEPT AS HEREIN MODIFIED, THE BOARD OF APPEALS' ORDER IN CASE No. 88-274-SPH, DATED DECEMBER 13, 1988, SHALL REMAIN IN FULL FORCE AND EFFECT, INCLUDING, BUT NOT LIMITED TO, RESTRICTIONS 2&3 THEREOF.
5. WHEN APPLYING FOR ANY PERMITS, THE SITE PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.

PLAN

SCALE: 1"=50'

50 0 50 100 150

OWNER

MARY MARGARET SMITH
10101 BIRD RIVER ROAD
BALTIMORE, MD 21220
(410) 686-9275

DEVELOPER

DONALD KILMON
JAMIE SCOTT
P.O. BOX 18204
BALTIMORE, MD 21227

ZONING VARIANCE & SPECIAL HEARING REQUEST

TO PERMIT A PANHANDLE WITH A LENGTH OF 680 FEET± IN LIEU OF THE REQUIRED 500 FOOT MAXIMUM PERMITTED LENGTH OR IN THE ALTERNATIVE A WAIVER OF THE REQUIREMENTS OF SECTION 26-266(4) OF THE BALTIMORE COUNTY CODE TO PERMIT A PANHANDLE WITH A LENGTH OF 680 FEET± IN LIEU OF THE REQUIRED 500 FOOT MAXIMUM PERMITTED LENGTH

STATE OF MARYLAND — JAMIE LYNN SCOTT — No. 21785 — PROFESSIONAL LAND SURVEYOR — 9/26/02

THIS PLAN IS SEALED AND CERTIFIED TO BE IN ACCORDANCE WITH THE CONCEPT PLAN AND ALL AGENCY COMMENTS

PDM No. XV-580
DEVELOPMENT PLAN AND PLAT TO ACCOMPANY A PETITION FOR A ZONING VARIANCE & SPECIAL HEARING
SMITH PROPERTY

#10101 BIRD RIVER ROAD
Deed Ref: S.M. No. 9172 folio 506
Tax Account No.: 22-00-011600
Zoned D.R.- 2; Map NE 61
Tax Map 82; Grid 18; Parcel 148
15th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=50' August 22, 2002

LEGEND

PROPERTY LINE	PROPOSED DWELLING
EX. SANITARY SEWER	EXISTING DWELLING
EX. WATER	PROPOSED PAVING
EX. STORM DRAIN	EXISTING PAVING
SOIL LINE	CONTOURS
WOODS LINE	
LIMIT OF WETLANDS	
ZONING LINE	

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES w/BASEMENT	STREETS & PARKING
LyD	Severe: slow permeability	Severe	Severe: slope
LlB	Severe: high water table, slow permeability	Severe: high water table	Severe: high water table
MkD	Slight to moderate	Slight	Moderate: slope
ShB	Slight	Slight	Moderate: slope

D.R. 2 BUILDING SETBACKS

FROM FRONT BUILDING FACE TO: PUBLIC STREET RIGHT OF WAY OR PROPERTY LINE	25'
FROM SIDE BUILDING FACE TO: SIDE BUILDING FACE	30'
PUBLIC STREET RIGHT OF WAY	25'
PAVING OF A PRIVATE ROAD	30'
TRACT BOUNDARY	25'
FROM REAR BUILDING FACE TO: REAR PROPERTY LINE	30'
PUBLIC STREET RIGHT OF WAY	30'

OVERALL DENSITY CALCULATIONS

GROSS AREA	8.0 Ac.±
HIGHWAY WIDENING	0.0 Ac.±
NET AREA	8.0 Ac.±
DENSITY UNITS PERMITTED	8.0 Ac.± x 2=16 Lots
DENSITY UNITS PROPOSED	1
DENSITY UNITS UTILIZED	3

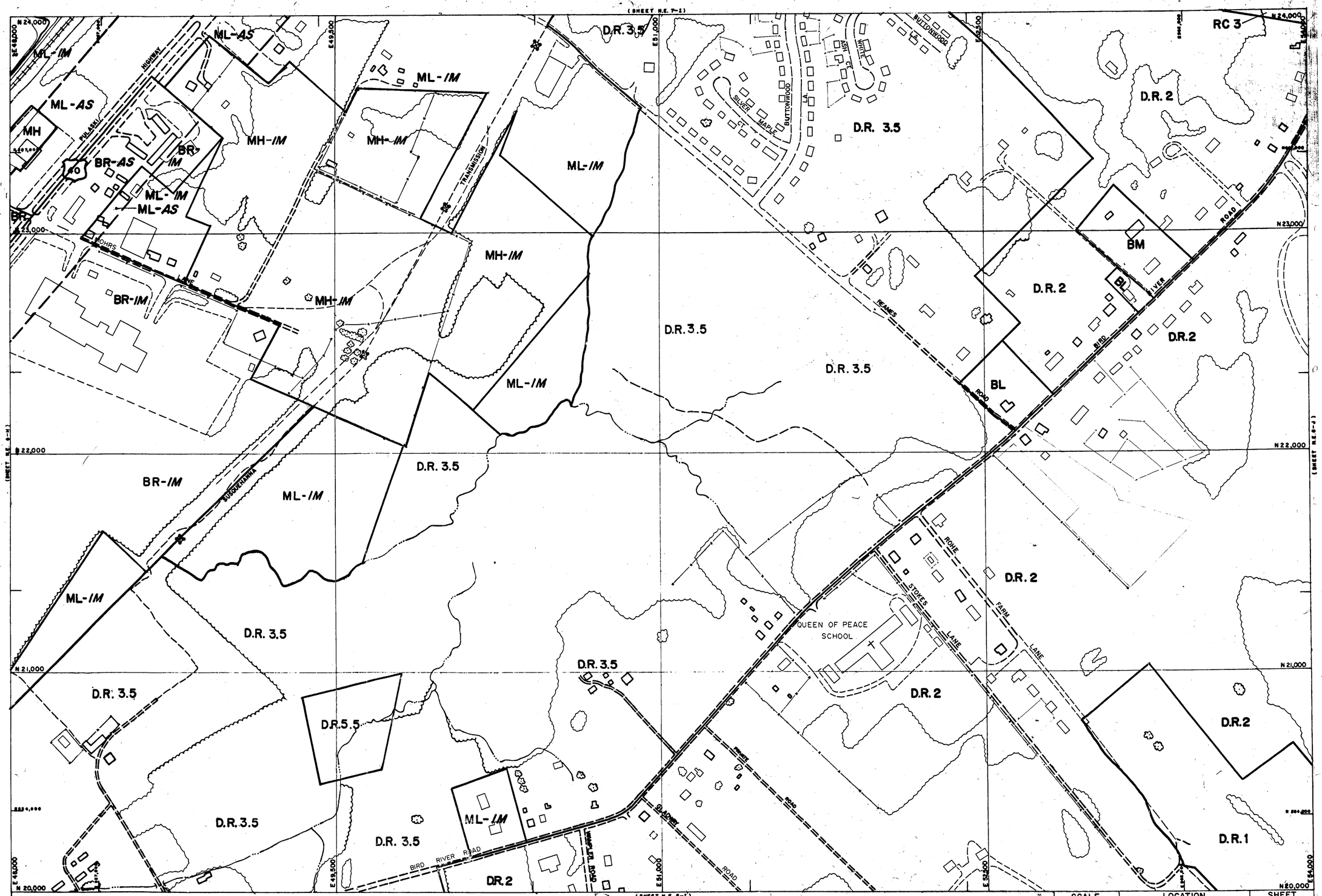
REVISION	DATE
WORDING OF ZONING RELIEF REVISED	09/10/02

PLOT DATE: 9/27/2002 | DRAWN: K.N.D. | CHECKED: S.A.L. | FILE NAME: X:\SCOTBIRD\devplan.pro

GERHOLD, CROSS & ETZEL, LTD
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

159

Pet. Ex. #1



M - SE
I - NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00

Joseph Bartenfelder
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	MIDDLE RIVER VICINITY	N.E. 6-I
DATE OF PHOTOGRAPHY JANUARY 1986		

651

NE 61