ORDER RECEIVED FOR FILING
Date
By

IN RE: PETITION FOR SPECIAL HEARING

N/S of Church Lane, 386' W of the c/l

Springdell Avenue (8810-B Church Road) 2nd Election District 2nd Council District

John E. Burnham, Jr. Petitioner

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 03-351-SPH

*

* * * * * * * *

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 owner of the subject property, John E. Burnham, Jr. The Petitioner seeks approval of an amendment to the Final Development Plan for the Burnham Property to reflect a proposed re-subdivision of Lot 3 thereof to create two new parcels (three lots total). 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 John E. Burnham, Jr., property owner, and David Billingsley, a consultant. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the Burnham property was originally a large tract of land located with frontage on Church Road, north of Liberty Road in Randallstown. The overall site originally contained a gross area of 2.160 acres, split zoned D.R.5.5 and D.R.3.5, and was improved with a single family dwelling known as 8812 Church Road. However, in 1984, a minor subdivision was approved to separate the existing dwelling and lot for same (Lot 1) from the balance of the overall tract. Thereafter, the property was further subdivided in accordance with the Development Review Regulations then in effect, which required County Review Group (CRG) approval. Ultimately, the property was subdivided to create five lots, shown as Lots 1 through 5 on the site plan. Under that subdivision, Lot 3 occupies the entire rear portion of the overall tract

and remains undeveloped. As noted above, Lot 1 contains the original house; Lots 2, 4 and 5 have since been developed with single-family dwellings, which are now occupied.

The Petitioner now comes before me seeking approval of what will be a final subdivision of the subject property. Specifically, the Petitioner proposes to subdivide Lot 3 to create three single-family dwelling lots. Presently, Lot 3 contains approximately 1.0 acre in area, entirely zoned D.R.5.5. If approved, proposed new Lot 3 will contain .424 acres, Lot 6, .416 acres, and Lot 7, .315 acres. As shown on the plan, the proposed single-family dwelling on Lot 3 will be oriented towards Church Road and will be accessed via an existing panhandle drive, which presently provides access to the houses on Lots 2 and 4. Lots 5 and 6, which are located to the rear of the overall tract, will be accessed from Brenbrook Road, via a single common driveway to be constructed from that road. Testimony indicated that a refined plan of the proposed development had been approved by the CRG on January 22, 2003. It is also to be noted that, pursuant to the density table shown on the site plan, the project is under density in that the size of the overall tract would permit 10 houses and only 7 are proposed.

Based upon the testimony and evidence presented, I am persuaded to grant the request. In my judgment, the proposed subdivision will not detrimentally impact adjacent properties and should be approved. Although no one appeared in opposition to the request, the Office of Planning submitted a Zoning Advisory Committee (ZAC) comment requiring that building elevation drawings for the proposed dwellings on Lots 3, 6 and 7 be submitted for their review and approval prior to the issuance of any building permits. Testimony indicated that Mr. Burnham intends on selling the three lots for future construction by others. Thus, a note shall be added to the plan requiring the ultimate builder to submit building elevation drawings of any proposed dwelling for approval by the Office of Planning prior to the issuance of any building permits.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County day of April, 2003 that the Petition for Special Hearing seeking approval of an

Date NECEWED FOR FILING
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amendment to the Final Development Plan for the Burnham Property to reflect a proposed resubdivision of Lot 3 thereof to create two new parcels, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his 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) A note shall be added to the plan requiring that the future builder of any of the proposed dwellings on Lots 3, 6 and 7 submit building elevation drawings to the Office of Planning for review and approval prior to the issuance of any permits.
- 3) The proposed dwellings on Lots 3, 6 and 7 shall be constructed substantially in accordance with the building elevation drawings that are ultimately approved by the Office of Planning.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



Baltimore County Zoning Commissioner

April 4, 2003

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

Fax: 410-887-3468

Mr. John E. Burnham, Jr. 116 Glenmore Avenue Baltimore, Maryland 21228

RE: PETITION FOR SPECIAL HEARING
N/S Church Lane, 386' W of the c/l Springdell Avenue
(8810-B Church Road)
2nd Election District – 2nd Council District
John E. Burnham, Jr. - Petitioner
Case No. 03-351-SPH

Dear Mr. Burnham:

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,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. David Billingsley

601 Charwood Court, Edgewood, Md. 21040

People's Counsel; Case/File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8810 B CHURCH ROAD which is presently zoned D.R.3.5 AND D.R.5.5

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

AN AMENOMENT TO A FINAL DEVELOPMENT PLAN

" BURNHAM PROPERTY"

Property is to be posted and advertised as prescribed by the zoning regulations. l, 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:

ORDER RECEIVED

Logal Owner(c)

<u>ooninaon ajonasen</u>	LC33CC.		<u>Legal Owner(s);</u>		
Name - Type or Print			ne - Type of Print	IRNHAM JE	ζ
rearrie - Type of Trifft		Nar	ne - Type of Print		
Signature			ne - Type or Print Signature	men fr	
Address	<u> </u>	Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature	.	7. ····.
Attorney For Petition	<u>ner:</u>		116 GLENM	ORE AVE. (410)744-7246
			Address <u>BALTIMORE</u>	MO.	Telephone No.
Name - Type or Print	·	City	DATE HALVING	State	2/278 Zip Code
Cianatura			Representative t	o be Contacted.	• •
Signature			DAVID BILL	UNGSLEY	
Company	<u></u>	· · · · · · · · · · · · · · · · · · ·	Name	· · · · · · · · · · · · · · · · · · ·	
Address				1000 COUP	<u>57 (410) 679-8719</u>
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	EDGEYYOOD City	MQ. State	2/04-0 Zip Code
			<u>OFF:</u>	ICE USE ONLY	
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REV 9/15/98		Revi	ewed By D.THOMPSON	1 Date	700
				•	

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING

BURNHAM PROPERTY

Beginning for the same at a point on the north side of Church Lane (60 feet wide), distant 386 feet westerly from it's intersection with the center of Springdell Avenue (50 feet wide), thence being all of the plat entitled Resubdivision of Reserved Parcel, Burnham Property recorded among the plat records of Baltimore County in Plat Book 57 Folio 7.

Containing 1.830 acres of land, more or less and being located in the 2ND Election District, and the 2ND Councilmanic District of Baltimore County, Maryland.



OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. List 4 C
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FOR: 1TEM #251 03-00	51 - SPH
8810 B CHURCH 1	20 - D.THOMPSON

YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND

PINK - AGENCY

DISTRIBUTION

WHITE - CASHIER

PAIL RELEIPT

BLGINESS ACTUAL TIME

1/03/2003 1/31/2003 13:36:47

REG 4502 WALXIN JEVA JEE DRAWER

>XELEIPT W 250837 1/31/2003 FLD

Dep: 5 528 ZONING VERIFICATION

CR 10. 020468

Recot Tot \$325.00

325.00 CK .00 CA

Baltimore County, Waryland

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: #03-351-SPH 8810 B Church Road N/side Church Lane, 386 feet west of centerline Springdell Avenue 2nd Election District 2nd Councilmanic District Legal Owner(s): John E. Burnham, Jr

Special Hearing: to permit an Amendment to final Development Plan, "Burnham Property".

Hearing: Monday, March 24, 2003 at 11:00 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. C590739 3/004 Mar. 6

CERTIFICATE OF PUBLICATION

36,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 36 , 2003.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilking

LEGAL ADVERTISING

CERTIFICATIOF POSTING

	RE: Case No.: 03-351- SP A
•	Petitioner/Developer: John E
	BURNHAM
	Date of Hearing/Closing: 3/24/
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:	
The sign(s) were posted on	3/8/03
The sign(s) were posted on	3/8/03 (Month, Day, Year)
The sign(s) were posted on	3/8/03 (Month, Day, Year) Sincerely,
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preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/

documentation filed in the case.

PETER MAXZIMMERMAN

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 15 day of February, 2003, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

HETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Thursday, March 6, 2003 Issue - Jeffersonian

Please forward billing to:

John E. Burnham, Jr. 116 Glenmore Avenue Baltimore, MD 21228

410-744-7246

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: 03-351-SPH

8810 B Church Road N/side Church Lane, 386 feet west of centerline Springdell Avenue 2nd Election District – 2nd Councilmanic District Legal Owner: John E. Burnham, Jr.

Special Hearing to permit an Amendment to Final Development Plan, "Burnham Property".

Hearings:

Monday, March 24, 2003 at 11:00 a.m. in Room 407, County Court

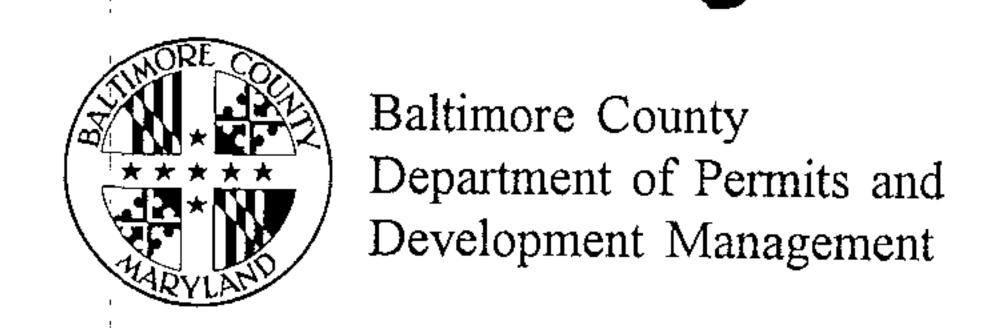
Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

Fax: 410-887-5708

February 11, 2003

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: 03-351-SPH

8810 B Church Road

N/side Church Lane, 386 feet west of centerline Springdell Avenue 2nd Election District – 2nd Councilmanic District

Legal Owner: John E. Burnham, Jr.

Special Hearing to permit an Amendment to Final Development Plan, "Burnham Property".

Hearings:

Monday, March 24, 2003 at 11:00 a.m. in Room 407, County Court

Building, 401 Bosley Avenue

Arnold Jablon

AJ:rlh

Director

C: John E. Burnham, Jr., 116 Glenmore Avenue, Baltimore 21228 David Billingsley, 601 Charwood Court, Edgewood 21040

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 8, 2003.

(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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

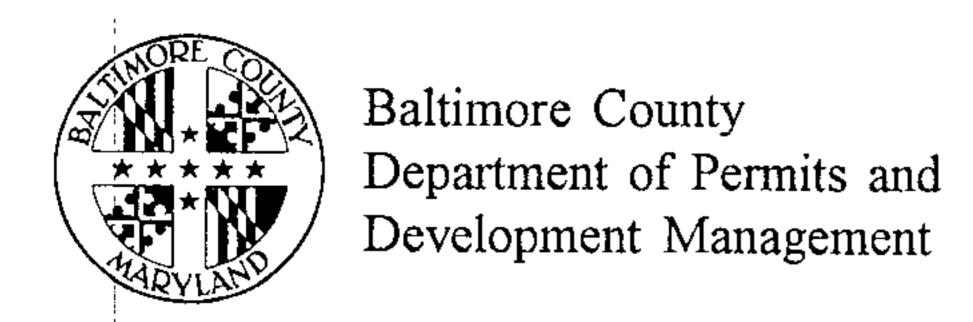
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Num	ber or Case Number: 03 35/5PH	
	JOHN E. BURNHAM, JR.	
Address o	or Location: CHURCH LANE	
Name: _	FORWARD ADVERTISING BILL TO: JOHN E. BURNHAM, JR.	
Address:	116 GLENMORE AVENUE	
	BALTIMORE, MO. ZIZZE	



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

March 21, 2003

John E. Burnham, Jr. 116 Glenmore Avenue Baltimore, MD 21228

Dear Mr. Burnham:

RE: Case Number: 03-351-SPH, 8810 B Church Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 29, 2003.

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. Supervisor, Zoning Review

U. Callibal)

WCR:klm

Enclosures

c: People's Counsel
David Billingsley, 601 Charwood Court, Edgewood MD 21040



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

February 11, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: February 11, 2003

Item No.:

351/360

Dear Ms. Hart:

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.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 27, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 18, 2003 Item Nos (351, 352, 353, 354, 355, 356, 357, 358, and 360

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

INTER-OFFICE CORRESPONDENCE

DATE: February 25, 2003

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

8801B Church Lane

INFORMATION:

Item Number:

03-351

Petitioner:

John Burhnam

Zoning:

DR 5.5

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided elevation drawings for the proposed dwelling to be constructed on each lot are submitted to this office for review and approval prior to the issuance of any building permits.

Prepared by:

Section Chief:

AFK/LL:MAC:



MARLAND DEPORTMENT OF TRANSPORTATION

Robert L. Ehrlich, Jr., Governor · Michael S. Steele, Lt. Governor · Trent M. Kittleman, Acting Secretary

Date: 2.7.03

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

RE: Baltimore County

Item No. 351

DT

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,

1

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

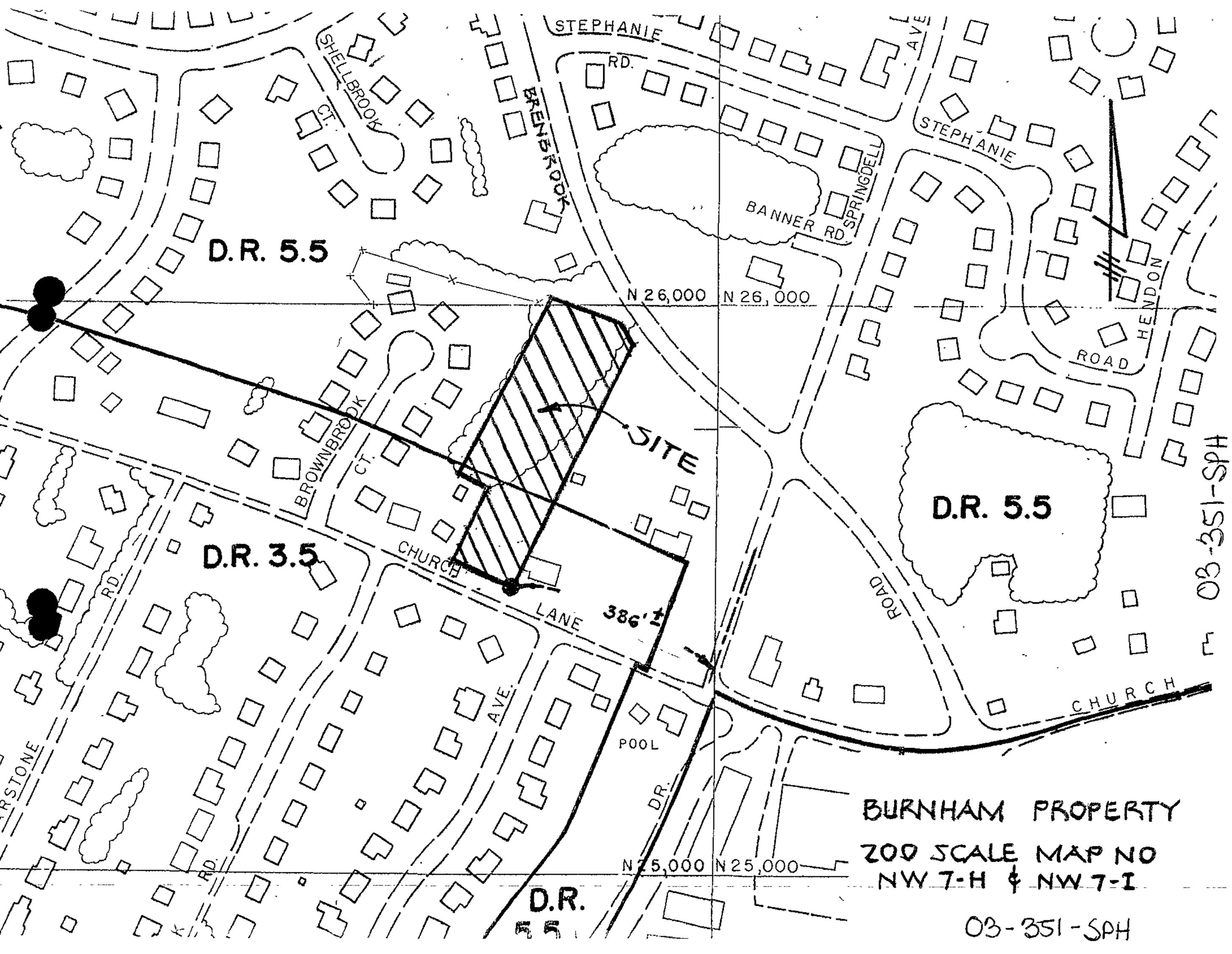
CASE NAME \$8108 CHURCH RD.

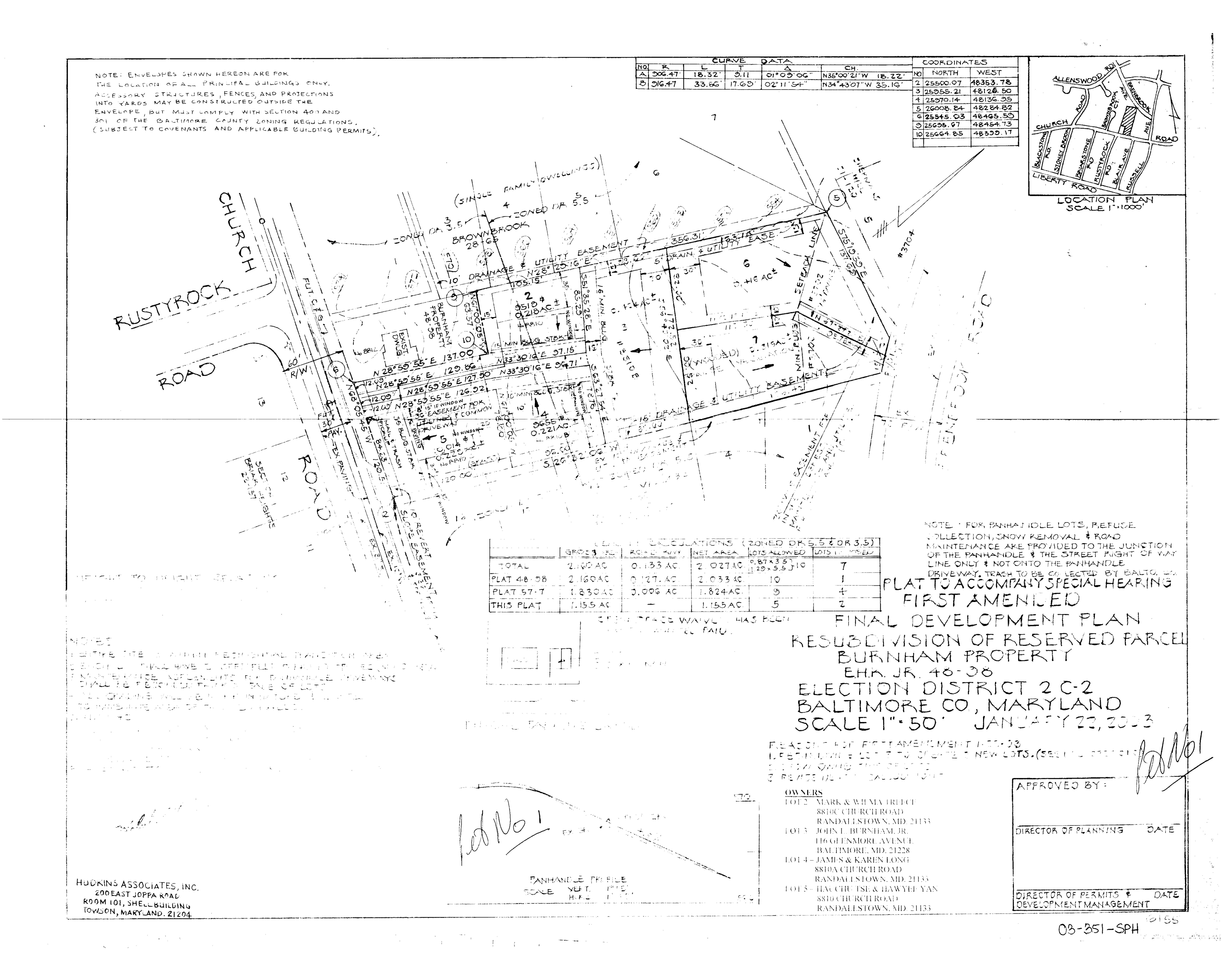
CASE NUMBER 03-351-5PH

DATE 3/24/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DAVID BILLINGSLEY	GOI GHARWOOD CT	EDGENOOD, MD. 21040	dwb ozog & yahoo.com
JOHN E. WALBURNHAM	116 GLENMORE AVE.	EDGEWOOD, MD. ZID40 BALTIMORE, MD. ZIZZZ	
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RE: PETITION FOR SPECIAL HEARING
8810 B Church Road; Nside Church Ln;
386ft W ctrline Springdell Avenue
2nd Election and 2nd Councilmanic District
Legal Owner(s): John E Burnham, Jr.
Petitioner(s)

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 03-351-SPH

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 15 day of February, 2003, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County