IN RE: PETITION FOR VARIANCE S/S Ivy Hill Road, 600' E of the c/l Falls Road	*	BEFORE THE
	*	ZONING COMMISSIONER
8th Election District 3rd Council District	*	OF BALTIMORE COUNTY
	*	Case No. 03-521-A
David D. Smith Petitioner	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, David D. Smith, through his attorney, Robert A. Hoffman, Esquire. The Petitioner seeks relief from Section 1A03.4.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building height of 46 feet in lieu of the maximum allowed 35 feet for a proposed dwelling. It is to be noted that the Petition described the subject property as being located at 12405 Falls Road; however, that address is assigned to the adjacent property owned by Arthur and Jane McComas. The subject parcel was apparently at one time under common ownership; however, was sold to a Developer. At this time, no address has been assigned to the subject property. In any event, 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 David D. Smith, property owner, Chris Chukura, Architect, Kevin Wight, W. Duvall & Associates, Inc., the consultants who prepared the site plan for this property; A. D. McComas, adjacent property owner (12405 Falls Road); and Robert A. Hoffman, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located with narrow frontage on Ivy Mill Road, just east of its intersection with Falls

ORDER RECEIVED FOR FILING
Date 7/23/03
By

Road in Reisterstown. The property contains a gross area of 32.745 acres, more or less, split zoned R.C.4 (28 acres) and R.C.5 (4.7 acres), and is presently vacant. Prior to the Petitioner's acquisition of the site, the property was owned by another entity, which proposed an 8-lot subdivision. Ultimately, Mr. Smith acquired the site and those plans were abandoned. The Petitioner is desirous of developing the property with one single-family dwelling. The proposed structure will be a large, estate home, in an English country style. As more particularly shown on elevation drawings submitted at the hearing as Petitioner's Exhibit 3, the proposed dwelling will be two-stories in height, yet the roof line is higher than might be expected of a typical two-story dwelling due to the architectural features of its design. Due to this unique style, the maximum height of the proposed dwelling will reach 46 feet, which is in excess of the permitted 35 feet by Section 1A03.4A of the B.C.Z.R. Thus, the requested variance relief is requested.

Testimony and evidence was offered at the hearing regarding the subject property and the proposed building. As noted above, a site plan and building elevation drawings were submitted. Additionally, a series of photographs were submitted which were taken at various locations within the property. These photographs (Petitioner's Exhibits 4A through 4D) show that the building will have minimal visibility from other houses in the area, due to the mature trees which abut the perimeter of the site and the nature of the topography of the land.

Based upon the testimony and evidence offered, I am easily persuaded that the Petition for Variance should be granted. It is clear that the construction of the house will be a benefit to the neighborhood and is low intensity development. The house will have minimal impacts and the building is an attractive structure, consistent with other homes in the area. I find that the Petitioners have met the requirements set forth in Section 307 of the B.C.Z.R. and that variance relief should be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of July 2003, that the Petition for Variance seeking relief from Section 1A03.4A of

ORDER RECEIVED FOR FILING
Date 7/22/03
By

the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building height of 46 feet in lieu of the maximum allowed 35 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings submitted into evidence as Petitioner's Exhibit 3.

3) 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

ORDER RECEIVED FOR FILING
Date 7/22/03
By

Baltimore County
Zoning Commissioner

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

July 21, 2003

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
S/S Ivy Hill Road, 600' E of the c/l Falls Road
8th Election District – 3rd Council District
David D. Smith - Petitioner
Case No. 03-521-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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 D. Smith
10706 Beaver Dam Road, Cockeysville, Md. 21030
Mr. Kevin Wight, W. Duvall & Assoc., Inc., 530 E. Joppa Road, Towson, Md. 21286
Mr. A. D. McComas, 12405 Falls Road, Cockeysville, Md. 21030
People's Counsel; Case File

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on Recycled Paper

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at ~~12405 Falls Road~~

which is presently zoned RC4/RC5

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)

Variance from Section 1A03.4.A of the Baltimore County Zoning Regulations to allow a building height of 46 feet in lieu of the permitted 35 feet.

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

To be determined at hearing.

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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

David D. Smith
Name - Type or Print

Signature

Name - Type or Print

Signature

10706 Beaver Dam Road (410)568-1500
Address — Telephone No.

Cockeysville, Maryland 21030
City — State — Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue (410) 494-6200
Address — Telephone No.

Towson, Maryland 21204
City — State — Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue (410)494-6200
Address — Telephone No.

Towson, Maryland 21204
City — State — Zip Code

ORDER RECEIVED FOR FILING
Date 7/22/03
By

Case No. 03-521-A

ZRV 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By JRP Date 5/5/03

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 12405 FALLS ROAD

Beginning at a point on the South side of Ivy Hill Road which is 60' wide at the distance of 600' + or – East of the centerline of Falls Road which is variably wide . Being Property as described by deed, as recorded in Baltimore County Land Records Liber # 16514 Folio # 239 containing 32.745 acres. Also known as 12405 Falls Road and located in the 8th Election District, 3rd Councilmanic District.

STATE OF MARYLAND
WILBUR LAYTON HOLL JR.
No. 12806
REGISTERED
PROFESSIONAL ENGINEER

521

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23656

DATE 5-5-03

ACCOUNT 001-000-6150

AMOUNT $ 65.00

RECEIVED FROM: VENABLE, BAETJER AND HOWARD LLP

12405 Falls Rd.

ITEM # 521

FOR: VARIANCE

Taken by: JRF

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

DATE RECEIPT
PAID RECEIPT
[illegible] THE [illegible]
[illegible] 05/05/2003 [illegible]
[illegible]
[illegible] 05/05/2003 [illegible]
[illegible]
[illegible]
Total [illegible] 65.00
[illegible] .00 CA
Baltimore County, Maryland

CORRECTED 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: #03-521-A
12405 Falls Road
S/side of Ivy Hill Road at the distance of 600 +/- east of the centerline of Falls Road
8th Election District
3rd Councilmanic District
Legal Owner(s): David D. Smith
Variance: to allow a building height of 46 feet in lieu *of the permitted 35 feet.*
Hearing: Tuesday, June 24, 2003 at 2:00 p.m. in Room 106, 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/6/736 June 19 C610424

CERTIFICATE OF PUBLICATION

6/19/, 2003

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 6/19/, 2003.

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

S. Wilkinson

LEGAL ADVERTISING

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: #03-521-A
12405 Falls Road
S/side of Ivy Hill Road at the distance of 600 +/- east of the centerline of Falls Road
8th Election District
3rd Councilmanic District
Legal Owner(s): David D. Smith
Variance: to permit a building height of 46 feet in lieu of the permitted 35 feet.
Hearing: Wednesday, June 25, 2003 at 9:00 a.m. in Room 106, 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/6/669 June 10 C608776

CERTIFICATE OF PUBLICATION

6/13/, 2003

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 6/10/, 2003.

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

S. Wilkinson

LEGAL ADVERTISING

CORRECTED 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: #03-521-A
12405 Falls Road
S/side of Ivy Hill Road at the distance of 600 +/- east of the centerline of Falls Road
8th Election District
3rd Councilmanic District
Legal Owner(s): David D. Smith
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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.
6/075 June 5 C608002

CERTIFICATE OF PUBLICATION

6/5/, 2003

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 6/5/, 2003.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-521-A

Petitioner/Developer: DAVID D. SMITH

Date of Hearing/Closing: 6/24/03

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

ATTN: Becky Hart {(410) 887-3394}

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: 12405 FALLS RD

The sign(s) were posted on 6/7/03
(Month, Day, Year)

Sincerely,

(Signature of Sign Poster) 6/7/03 (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

ndalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

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

May 29, 2003

CORRECTED 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: 03-521-A
12405 Falls Road
S/side of Ivy Hill Road at the distance of 600 +/- east of the centerline of Falls Road
8th Election District – 3rd Councilmanic District
Legal Owner: David D. Smith

Variance to allow a building height of 46 feet in lieu of the permitted 35 feet.

Hearings: Tuesday, June 24, 2003 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon
Director

AJ:klm

C: Robert A. Hoffman, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson 21204
David Smith, 10706 Beaver Dam Road, Cockeysville 21030

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 9, 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.

Post-it® Fax Note 7671	Date 6/19/03 # of pages ▶ 1
To Betty	From Kristen
Co./Dept. ZC	Co.
Phone #	Phone # 3391
Fax # 3468	Fax #

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TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 5, 2003 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
210 Allegheny Avenue
Towson, MD 21204

410-494-6244

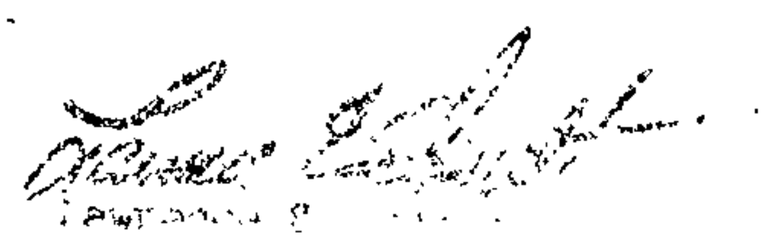
CORRECTED NOTICE OF ZONING HEARING

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: 03-521-A
12405 Falls Road
S/side of Ivy Hill Road at the distance of 600 +/- east of the centerline of Falls Road
8th Election District – 3rd Councilmanic District
Legal Owner: David D. Smith

Variance to allow a building height of 46 feet in lieu of the permitted 35 feet.

Hearings: Tuesday, June 24, 2003 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake 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.

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

May 14, 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: 03-521-A
12405 Falls Road
S/side of Ivy Hill Road at the distance of 600 +/- east of the centerline of Falls Road
8th Election District – 3rd Councilmanic District
Legal Owner: David D. Smith

Variance to allow a building height of 46 feet in lieu of the permitted 35 feet.

Hearings: Wednesday, June 25, 2003 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon
Director

AJ:klm

C: Robert A. Hoffman, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson 21204
David Smith, 10706 Beaver Dam Road, Cockeysville 21030

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 10, 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.

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on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 10, 2003 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
210 Allegheny Avenue
Towson, MD 21204

410-494-6244

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: 03-521-A
12405 Falls Road
S/side of Ivy Hill Road at the distance of 600 +/- east of the centerline of Falls Road
8th Election District – 3rd Councilmanic District
Legal Owner: David D. Smith

Variance to allow a building height of 46 feet in lieu of the permitted 35 feet.

Hearings: Wednesday, June 25, 2003 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake 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.

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: 03-521-A

Petitioner: David D. Smith

Address or Location: 12405 Falls Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Yonfell

Address: 210 Allegheny Avenue
Towson MD 21204

Telephone Number: (410) 494-6244

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 20, 2003

Robert A. Hoffman
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Case Number: 03-521-A, 12405 Falls Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 5, 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
David Smith, 10706 Beaver Dam Road, Cockeysville 21030

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on Recycled Paper

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

May 29, 2003

Mr. Robert A. Hoffman
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Case Number: 03-521-A

The above matter, previously scheduled for June 25, 2003, has been postponed. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

Arnold Jablon
Director

AJ:rlh

C: David Smith, 10706 Beaver Dam Road, Cockeysville 21030

Printed with Soybean Ink
on Recycled Paper

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

SHA
Driven to Excel
State Highway Administration

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Acting Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.9.03

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 521 JRF

Dear. Ms. Hart:

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

Baltimore County
Fire Department

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

May 12, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 12, 2003 529

Item No.: 512, 514-516, 518-526, 528-531

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.

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

cc: File

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on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info

Fio 6/25

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 14, 2003

RECEIVED
MAY 15 2003
ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03- 519, 03-521 and 03-529**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A Cunningham

Section Chief: Lynn Lanham

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 23, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For May 19, 2003
Item Nos. 512, 514, 515, 516, 517, 518,
520, 521, 522, 524, 525, 526, 527,
528, 529, 530, and 531

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

RWB:CEN:jrb

cc: File

RE:	PETITION FOR VARIANCE 12405 Falls Rd; S/side Ivy Hill Rd, 600' +/- E c/line Falls Rd 8th Election & 3rd Councilmanic Districts Legal Owner(s): David D. Smith Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 03-521-A

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

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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 21st day of May, 2003, a copy of the foregoing Entry of Appearance was mailed to, Robert A Hoffman, Esquire, Venable, Baetjer & Howard, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

w 42/814

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

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WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Writer's Direct Number:
410-494-6244

adontell@venable.com

May 29, 2003

HAND-DELIVERED

Arnold Jablon, Director
Department of Permits
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Petitioner: David D. Smith
Location: 12405 Falls Road
Case No.: 03-521-A

Dear Mr. Jablon:

On behalf of our client, David D. Smith., we are respectfully requesting that the hearing for the above-referenced matter be postponed. The hearing has been scheduled for Wednesday, June 25, 2003, at 9:00 a.m., and Robert Hoffman will be out of the office on that day. Becky Hart of the Zoning Review Office indicated to me that Tuesday, June 24, 2003, at 2:00 p.m. is an available hearing date. By way of this letter, I am, therefore, respectfully requesting that your Department reschedule the hearing to June 24, 2003, so that Mr. Hoffman can be present.

Thank you for your help with this matter.

Very truly yours,

Amy L. Dontell

Amy L. Dontell
Paralegal

ALD
cc: Mr. David D. Smith

#161807v1

RECEIVED
MAY 29 2003
03-1758

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Rob Hoffman	210 Allegheny Ave	Towson 21204	
A.D. McComas	12405 FALLS RD	COCKEYSVILLE MD	
CHRIS CHUKURA	7. ST. PAUL STREET	BALTIMORE, MD	cchukura@ddg-usa.com
Kevin Wight (W. Duvall & Assos., Inc.)	530 E. Joppa Road	Towson, MD. 21286	wduvallz@qwest.net
DAVID D SMITH			

NORTHVIEW – 16 MM WIDEANGLE LENS

Rob 4A

EAST VIEW - 16mm WIDE ANGLE LENS

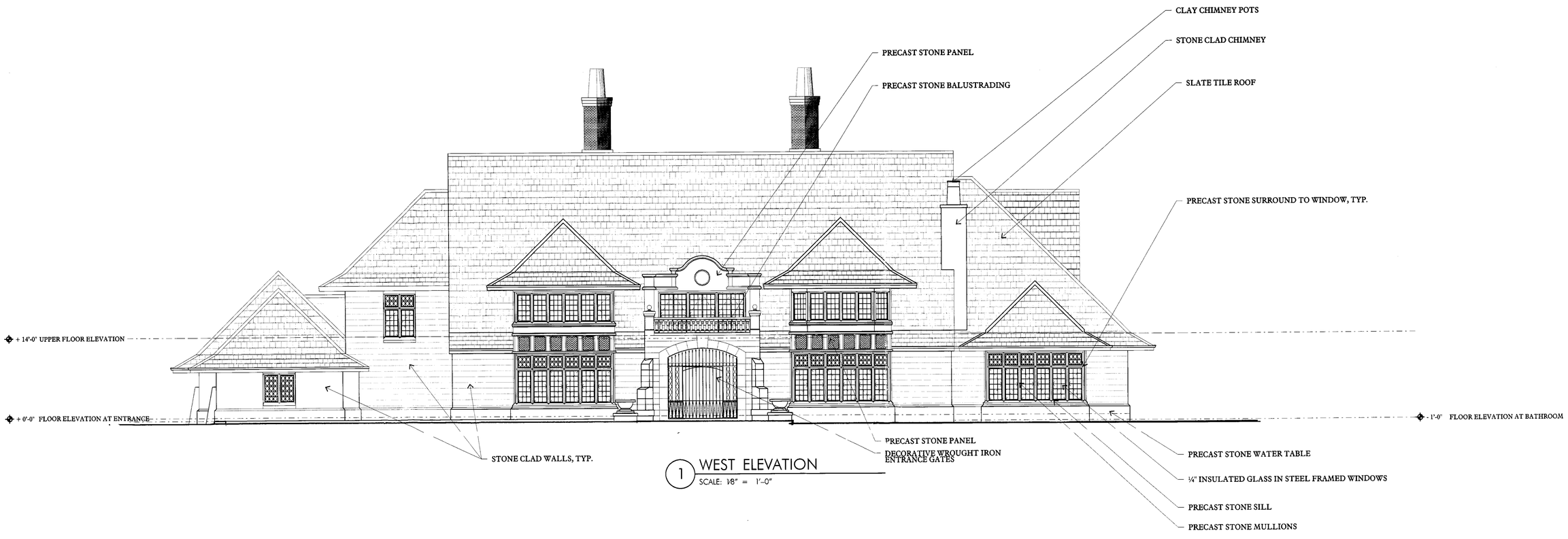
Feb 4B

South VIEW - 16 mm WIDE ANGLE LENS

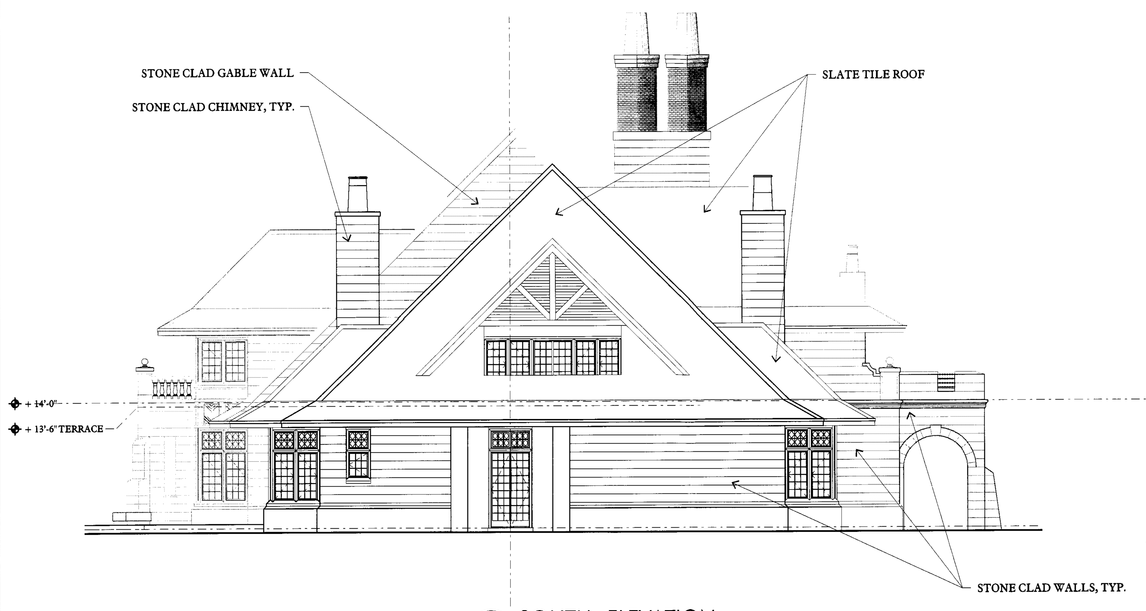
Ref 4c

WEST VIEW - 16mm WIDE ANGLE LENS

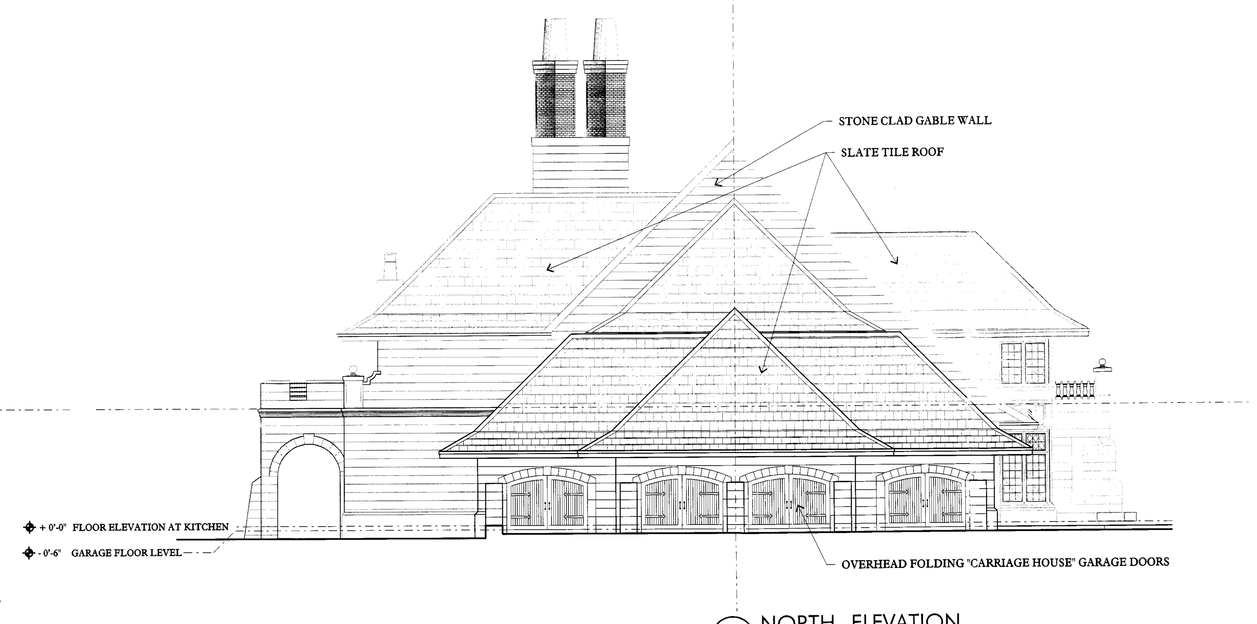
Pl 4D



1 WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



3 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

DAVID SMITH HOUSE

BALTIMORE COUNTY
MARYLAND

NO.	REVISION		DATE
01	PROGRESS UPDATE		17 JUNE, 03
FILE	DRAWN	CHECKED	ISSUED
	IW, CC	JC	MAY 02, 03

SHEET TITLE

ELEVATIONS

SCALE ¼" = 1'-0"

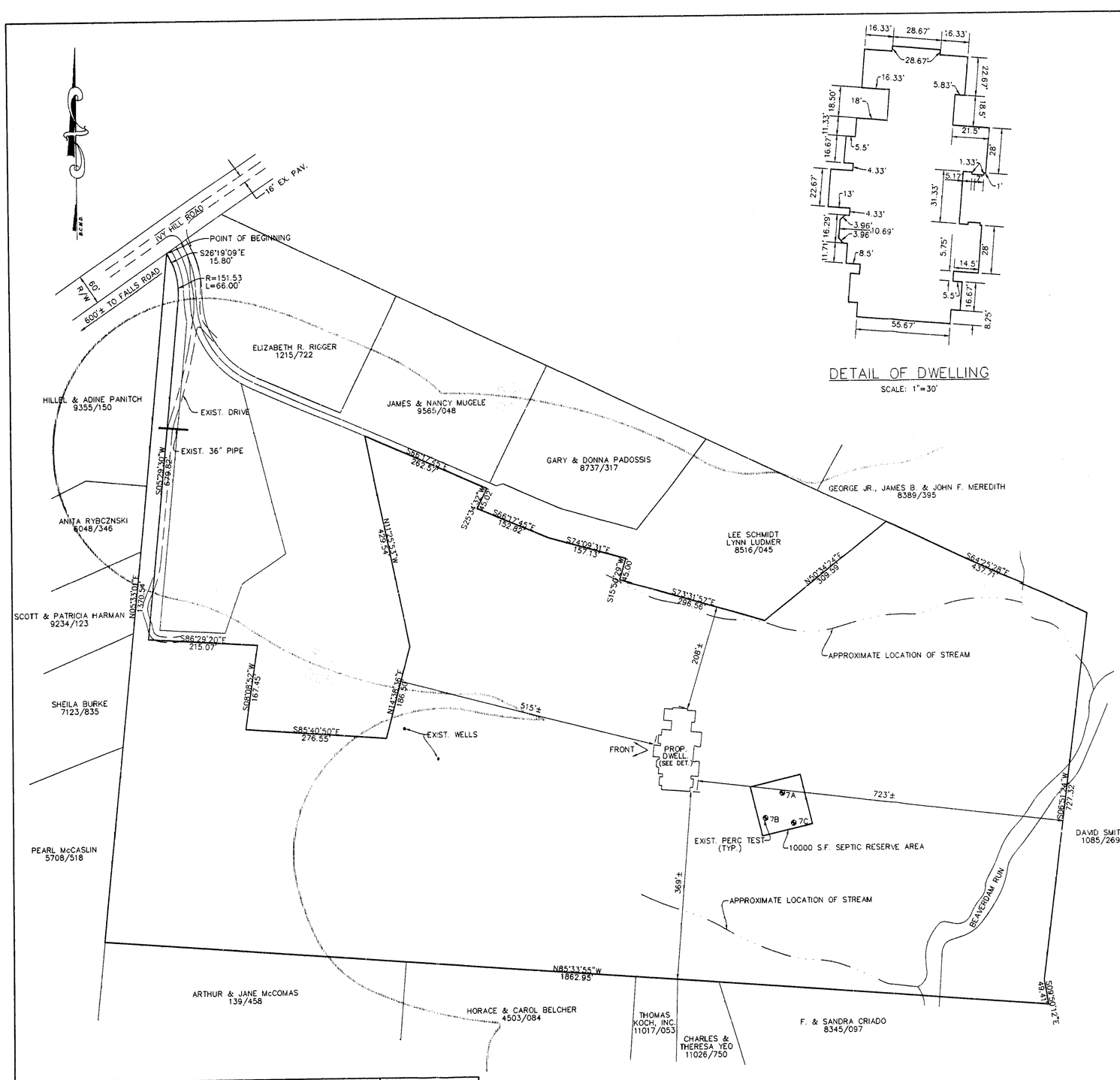
SHEET NO.

A-6

CONSTRUCTION DOCUMENTS

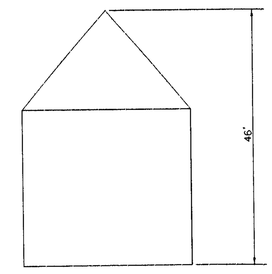
Rev No 3

e:\Clark_Smith\A-6.dgn Tue Jun 24 09:14:12 2003



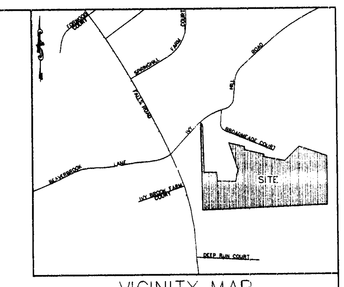
DETAIL OF DWELLING

SCALE: 1"=30'



HEIGHT OF DWELLING

N.T.S.



VICINITY MAP

1"=1000'

PETITION FOR VARIANCE

VARIANCE FROM SECTION 1A03.4.A OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A BUILDING OF 46' IN LIEU OF THE PERMITTED 35'.

LOCATION INFORMATION

DEED REF. 16514/239

ZONING-MAP #NW 16D RC-4 (28 AC.±) RC-5 (4.7 AC.±)

LOT SIZE 32.745 AC./1,426,372.2 S.F.

SEWER-PRIVATE

WATER-PRIVATE

CHESAPEAKE BAY CRITICAL AREA-NO

100 YR. FLOODPLAIN-NO

NOTE: THIS PROPERTY DOES NOT LIE WITHIN THE LIMITS OF A FLOOD HAZARD AREA AS DELINEATED ON THE MAPS OF THE NATIONAL FLOOD INSURANCE PROGRAM. MAP NUMBER: 240010 0230B

HISTORIC PROPERTY/BLDG.-NO

PRIOR ZONING HEARING-NONE KNOWN

TAX ACCOUNT NO.-1900003623

Red No 1

W. DUVALL & ASSOCIATES, INC.
ENGINEERS . SURVEYORS . LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
Phone: 410.583.9571
E-mail: wduvall2@qwest.net

STATE OF MARYLAND PROFESSIONAL ENGINEER

ZONING OFFICE USE ONLY		
REVIEWED BY	ITEM #	CASE #
JRF	521	

PLAT TO ACCOMPANY
PETITION FOR VARIANCE
FOR

DAVID SMITH PROPERTY

~~(ALSO KNOWN AS 12405 FALLS ROAD)~~

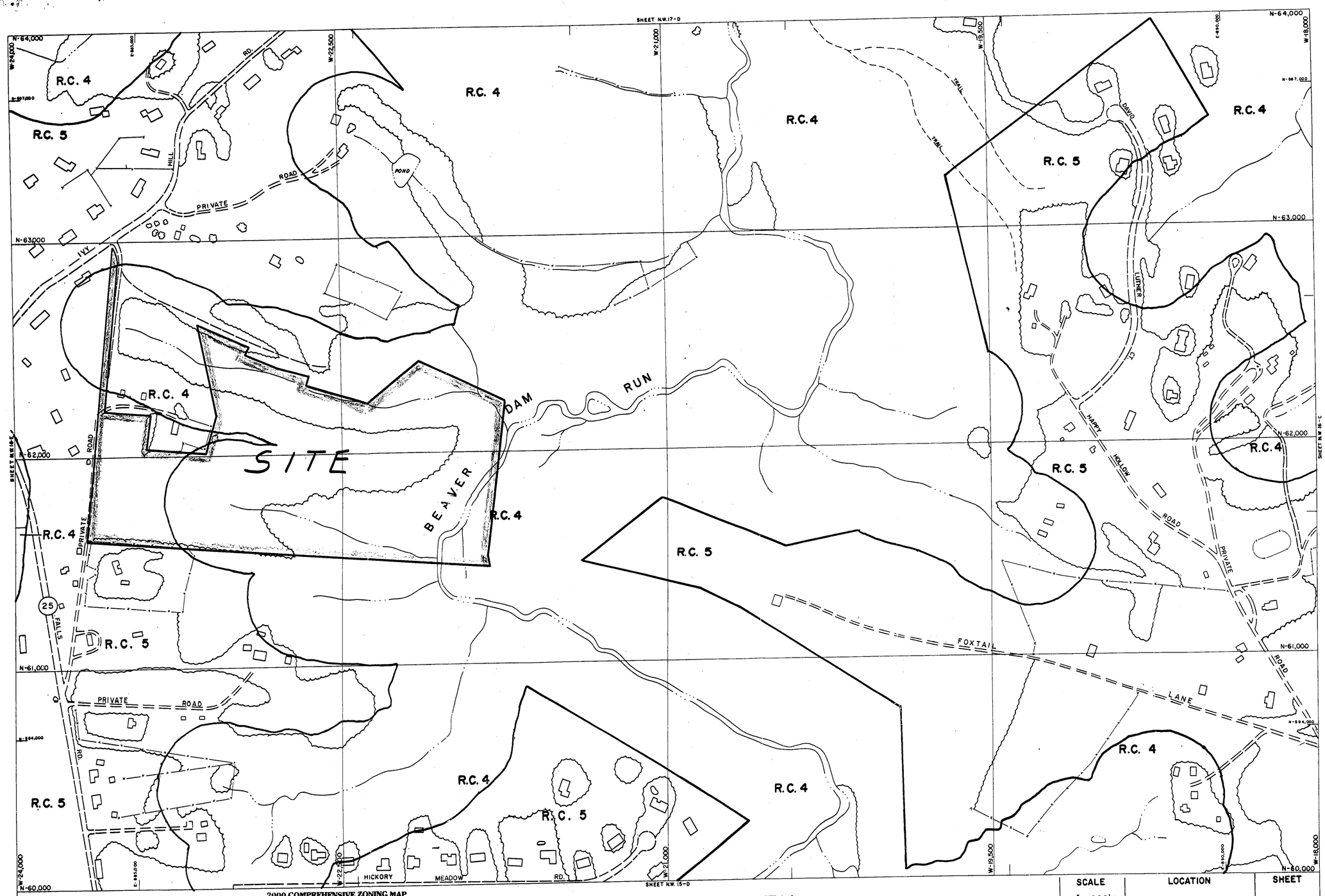
COUNCILMANIC DISTRICT 3

ELECTION DISTRICT 8
SCALE : 1"=100'

BALTIMORE COUNTY, MARYLAND
DATE : APRIL 7, 2003

SHEET 1 OF 1

P.N. 03003



V-SW
S-NW

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'±	DEEP RUN	N.W. 16-D
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 16 D

DAVID SMITH PROPERTY
(ALSO KNOWN AS 12405 FALLS ROAD)
DATE: APRIL 7, 2003