ORDER RECEIVED FÜR FILING Date IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE

PETITION FOR VARIANCE – E/S

Mace Avenue, 135' SW of Hilmer Avenue * ZONING COMMISSIONER

(Silver Spring Terrace)

15th Election District

* OF BALTIMORE COUNTY

3rd Council District

* Case Nos. XV-793 & 03-578-A

JR International, LLC, Owner;

The Weiss Company, C.P./Developer

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.). Pursuant to the development review regulations codified in Title 26 thereof, the Owner, JR International, LLC, and the Contract Purchaser/Developer, The Weiss Company, seek approval of a development plan prepared by Site Rite Surveying, Inc., for the proposed development of the subject property with 14 single family dwellings. In addition, the Owner/Developers initially requested variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2.C.1.b, 504.2 (Section II-A, Table VI of the C.M.D.P.) and 301.1 of the B.C.Z.R. to permit a side building face to side building face setback of 16 feet in lieu of the minimum required 20 feet (for dwellings greater than 20 feet in height) for Lots, 7, 8, 9, 12, 13 and 14, and to permit open projections (decks) with a rear yard setback of 20 feet in lieu of the minimum required 22.6' for Lots 7, 8, 9, 12, 13, 14, 1 and 4. However, in open hearing as noted hereinafter, the Petitioners withdrew their request for a variance to allow a reduced building face to building face setback. The subject property and requested relief are more particularly described on the two-page, red-lined development plan submitted into evidence and marked as Developer's Exhibit 1.

This proposal has been reviewed in accordance with the development review regulations codified in Title 26 of the Baltimore County Code. The process described therein is initiated by the filing of a concept plan, which is a schematic representation of the proposed development. The concept plan is submitted for review at a conference held by and between

representatives of the Developer and the County at a Concept Plan Conference (CPC), which in this case was conducted on March 10, 2003. Thereafter, as required, a Community Input Meeting (CIM) is conducted during evening hours at a public facility in the vicinity of the proposed development. The CIM provides an opportunity for residents of the locale to review and offer comment on the proposal. The CIM for this project was held on April 7, 2003 at the Essex Library. Subsequently, a development plan is submitted for review and comment at a conference held again between the Developer and County agency representatives. Often the development plan has been revised to incorporate changes suggested at the CPC and/or CIM. The Development Plan Conference (DPC) in this case was held on July 16, 2003. Following the DPC, a public hearing on the proposal is conducted before the Zoning Commissioner/Deputy Zoning Commissioner. In this case, the Hearing Officer's Hearing was held before me on August 8, 2003; however, was continued in open hearing at the request of the Department of Environmental Protection and Resource Management (DEPRM) to allow that agency additional time to complete their review of the proposal. The hearing reconvened and was completed in its entirety on August 25, 2003.

Appearing at the public hearing in support of the project were Jay Weiss, Principal of The Weiss Company, Contract Purchaser/Developer; Vincent Moskunas, a representative of Site Rite Surveying, Inc., the consultants who prepared the development plan; Jeff Tizard, a storm water management expert retained by the Developer; and, John B. Gontrum, Esquire, attorney for the Owners/Developers. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Chris Rorke, Project Manager; Bob Bowling, Development Plans Review; Eric Rockel, Don Stires and Joe Happel, III, Land Acquisition; and, John Alexander, Zoning Review. Also appearing on behalf of the County were Mark Cunningham, Office of Planning (OP); R. Bruce Seeley, Al Wirth and Mike Kulis, Department of Environmental Protection and Resource Management (DEPRM); and Jan Cook, Department of Recreation and Parks (R&P). C. Robert Loskot, Esquire, appeared on behalf of the County's Office of Law to represent the County agencies present, particularly, DEPRM.

Appearing as interested citizens/Protestants were Mr. & Mrs. Philip Wagner, Mr. & Mrs. Eugene Goles, Gene Shellenberger, Leila Harden, Judy & Jon Goff, Kevin & Ann Fontaine, Mr. & Mrs. Phillip Harmon, Denise Lucas, and Georgia Wellington Welch.

The subject property is an irregularly shaped parcel located on the east side of Mace Avenue, between Hilmer Avenue and Christian Avenue in Essex. The property contains a gross area of 4.036 acres, zoned D.R.5.5, and is largely unimproved. As shown on the site plan, the property has narrow frontage (80 feet) on Mace Avenue; however, widens to the rear, which is the developable portion of the site. A large area of wetlands is located near the center of the property. As noted above, the Developer proposes a residential subdivision of 14 single-family homes, most of which will be located to the rear of the parcel.

The subject property has been considered for development for many years. Originally, plans for development were proposed in the 1920s; however, that subdivision was never built out. More recently, in the late 1980s, a CRG plan for 18 single-family dwellings was approved. That approval generated lengthy litigation and ultimately that plan was abandoned. The primary reason the property has never been developed relates to the environmental constraints associated therewith and vehicular access thereto.

As shown on Developer's Exhibit 1, access to the interior of the site and developable portion of the property was originally proposed to be by way of Hilmer Avenue, an existing 30' wide private road. However, the litigation between the then owners of the property and the neighbors resulted in a decision from the appellate courts of this state which prevented access by way of Hilmer Avenue. The property essentially became land-locked as a result of that decision. Thus, in order to obtain access, the Developer acquired an adjacent property with frontage on Mace Avenue. That property is shown on the plan as Lots 4 and 5 of a small, 5-lot subdivision located on the southwest corner of the intersection of Hilmer Avenue and Mace Avenue. The plan also shows that all of Lot 1 and part of Lot 2 of that subdivision is owned as a single parcel, which is improved with a single family dwelling owned by Andrew Oravetz. In addition, all of part of Lot 2 and all of Lot 3 is owned as a single parcel, which is improved with a single family

ORDER RECEIVED FOR FILING Sate 888 83 dwelling owned by Thornton Harden. Lots 4 and 5 are presently improved with a single-family dwelling. The Developer proposes to raze that structure and use the land to provide vehicular access to the site from Mace Avenue. As shown on the plan, a new road will be constructed, which will be known as Spencer Terrace. It is to be noted that the road crosses over and through an area containing wetlands and that the development is clustered towards the rear of the site where there are no environmental constraints.

Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, the County representatives or neighbors of the community raised several issues, some of which were resolved in open hearing. Mark Cunningham from the Office of Planning raised an issue regarding the design and style of the proposed dwellings. The Developer advised that a builder had not yet been identified; however, Page 2 of the development plan shows floor plans and architectural drawings of proposed model homes. It was indicated that the Developer would select a builder who would construct homes substantially similar to the style and size shown on the plan. Mr. Cunningham indicated that the Office of Planning has no objection to plan approval, assuming that the houses built are substantially similar in size and style to the architectural drawings, building elevations and floor plans shown on the plan.

Eric Rockel and Don Stires from the Bureau of Land Acquisition indicated that the plan was acceptable; however, noted that a small area located south of the entrance road needed to be included as part of the storm water management facility that would be deeded to Baltimore County. During the hearing, Mr. Moskunas made a redline change on the plan to reflect that added condition.

Robert Bowling on behalf of the Development Plans Review Division noted that sidewalks would only be on the north side of Spencer Terrace in that area where the road crosses through the wetlands. He indicated that the road slightly narrows to a width of 24 feet at that location, however, widens to 30 feet towards the rear of the parcel where the houses will be located. He indicated that there are sidewalks on both sides of the road in that area. This decision to provide

EFFECTIVE TOP FEING

sidewalks only on the north side of that road and to narrow the road to 24 feet along that section is due to the environmental constraints in that area and the desire of DEPRM to lessen the impact on wetlands. Thus, there will be less grading and disturbance required with a narrower road and with sidewalks on only one side.

Jan Cook indicated that there were no open issues with the Department of Recreation and Parks and indicated that the Developer has paid a fee in lieu of providing local open space, as more fully set forth on County Exhibit 1.

The main issue regarding this development proposal was raised by DEPRM. As noted above, the hearing was continued to a second hearing date to allow DEPRM additional time to complete their review. At the second hearing, Mr. Wirth, who is the supervisor of the Storm Water Management Division of DEPRM, appeared and testified. Mr. Wirth generally explained the storm water management proposed for this project and indicated that the plan now meets all DEPRM requirements. The plan identifies two areas for storm water management, namely SWM Area 1 and SWM Area 2. Essentially, water will be collected, directed and piped to one of these storm water management facilities and thereafter discharged at a controlled rate through a pipe to a storm drain in the bed of Mace Avenue. He also indicated that this actually may improve existing drainage conditions in the general area in that presently there is no storm water management for the site and water runoff currently flows uncontrolled onto adjacent properties. Although more impervious surface will be added to the property by virtue of the proposed construction, the storm water management proposed for this project will manage all water runoff.

Mr. Kulis also offered testimony regarding the wetlands and forest conservation issues. He indicated that the plan complies with the County's forest conservation requirements and that DEPRM has granted a limited waiver from certain forest conservation requirements, conditioned upon the Developer complying with certain terms and conditions attached thereto. That waiver was approved and the letter issued on the morning of the second hearing (August 25, 2003). Obviously, the Developer must comply with the terms and conditions of that waiver.

Turning next to the community issues, Mr. & Mrs. Goff expressed a number of concerns about environmental impacts associated with this development and storm water management for this site. They indicated that they believed the Developer would need approval from the U.S. Army Corps of Engineers to develop this site in view of the existence of wetlands. In this regard, Mr. Kulis submitted a copy of a letter from the Corps of Engineers to Mr. Jay Weiss, marked as County Exhibit 2. That letter confirmed, as Mr. Kulis' testimony indicated, that a representative of the Corps of Engineers inspected the property on July 10, 2002 and that certain of the wetlands are within their jurisdiction and others are not. Obviously, the Developer need comply with the relevant and applicable regulations of the Corps of Engineers with regard to development in those areas; however, this fact does not prevent approval of the subject plan. Indeed, the Developer need comply with all local, state and federal regulations and in addition to obtaining development plan approval, will also need approval from the Corps of Engineers as is applicable and necessary in order to proceed with development.

It is also to be noted that Mr. & Mrs. Harmon, who reside to the west of the subject site, raised an issue at the first hearing. They had requested the construction of a fence along the western property line to prohibit access by residents from the subject site onto their property. On behalf of the Developer, Mr. Gontrum questioned the need for the fence, indicating that the area contains mature trees. He further opined that residents could easily walk around the fence and use the right-of-way of Christian Avenue to access the Harmon property. Therefore, it does not appear that the fence would actually provide a barrier to the Harmon property. I agree and will not require same.

Mr. & Mrs. Harden also requested buffering along the northern side of former Lots 4 and 5 where the entrance road enters the property from Mace Avenue. Specifically, Mr. Harden requested that a fence be constructed along his common property line. If he so desires, I will require that the Developer construct a board-on-board fence along Mr. Harden's property line. However, it is to be noted that Spencer Terrace is off-center so that the 50-foot right-of-way for same is on the north side of Lots 4 and 5. This off-center orientation is due to the wetlands to the

south. The County right-of-way for Spencer Terrace immediately abuts Mr. Harden's common property line and the County will not allow a fence in its right-of-way. Thus, if the fence is to be constructed, it must be on Mr. Harden's property. Therefore, if he so desires, I will require the Developer to construct a board-on-board fence on Mr. Harden's property line for so long as it does not interfere with sight distance for motorists traveling along Mace Avenue and is recessed. The fence should not be located any closer to Mace Avenue than the front wall of the Harden home. Mr. Loskot indicated that the County would maintain the grass areas adjacent to the road.

The residents also expressed concerns over traffic; however, it appears that there is adequate sight distance for vehicles entering Mace Avenue. There are no failing intersections in the immediate vicinity and although traffic has grown over the years, it does not appear that the proposed development will overwhelm the adjacent roads. There was no reasonable condition proposed regarding the traffic issue.

Turning to the variance relief, the Petitioner withdrew in open hearing the variance request relative to the distance between houses. Thus, all of the houses will be located a minimum of 20 feet from each other for dwellings with a height greater than 20 feet. As to the second variance, testimony indicated that strict adherence to the regulations would restrict some of the decks to a depth of 7.5 feet and the Petitioners have requested a variance to allow a maximum depth of up to 10 feet. I am persuaded to grant this request. The uniqueness of this property is its unusual configuration and layout of the houses, which is dictated by the environmental constraints associated with this parcel.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this ______ day of August, 2003 that the red-lined development plan for Silver Spring Terrace, identified herein as Developer's Exhibit 1, be and is hereby APPROVED, and,

ORDER RECEIVED FOR FILING By

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.b and 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section II-A, Table VI of the C.M.D.P.) and Section 301.1 of the B.C.Z.R. to permit open projections (decks) with a rear yard setback of 20 feet in lieu of the minimum required 22.6' for Lots 7, 8, 9, 12, 13, 14, 1 and 4, be and is hereby GRANTED, subject to the following restriction:

1) If Mr. Harden so desires, the Developer shall construct a board-on-board fence on the Harden's side of the common property line for so long as it does not interfere with sight distance for motorists traveling along Mace Avenue and is located no closer to Mace Avenue than the front building wall of the Harden dwelling.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.b and 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section II-A, Table VI of the C.M.D.P.) and Section 301.1 of the B.C.Z.R. to permit a side building face to side building face setback of 16 feet in lieu of the minimum required 20 feet (for dwellings greater than 20 feet in height) for Lots, 7, 8, 9, 12, 13 and 14, be and is hereby DISMISSED.

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

LAWRENCE E. SCHMIDT

Zoning Commissioner/Hearing Officer

for Baltimore County

LES:bjs



Baltimore County Zoning Commissioner

August 28, 2003

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

Fax: 410-887-3468

John B. Gontrum, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE

E/S Mace Avenue, 135' SW of Hilmer Avenue

(Silver Spring Terrace)

15th Election District – 3rd Council District

JR International, LLC, Owners; The Weiss Company, Contract Purchaser/Developer

Case Nos, XV-793 & 03-578-A

Dear Mr. Haves:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved and the Petition for Variance dismissed, 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. Roy Agrawal, JR International LLC, 107 Valewood Road, Towson, Md. 21286

Mr. Jay Weiss, President, The Weiss Company, 25 Old Boxwood Lane, Lutherville, Md. 21093

Ms. Gertrude Scharmer & Ms. Mary C. Scharmer, 210 Magnolia Road, Joppa, Md. 21085

Mr. Vincent Moskunas, Site Rite Surveying, Inc.

200 E. Joppa Road, Room 101, Towson, Md. 21286

Mr. Jeff Tizard, 5 Leadburn Court, Towson, Md. 21204

Mr. & Mrs. Philip Wagner, 1039 Mace Avenue, Baltimore, Md. 21221

Mr. & Mrs. Eugene Goles, 1043 Mace Avenue, Baltimore, Md. 21221

Mr. Gene Shellenberger, 503 John Avenue, Baltimore, Md. 21221

Ms. Leila Harden, 1103 Mace Avenue, Baltimore, Md. 21221

Mr. & Mrs. Jon Goff, 1041 Mace Avenue, Baltimore, Md. 21221

Mr. & Mrs. Kevin Fontaine, 1107 Mace Avenue, Baltimore, Md. 21221

Mr. & Mrs. Philip Harmon, 619 Christian Avenue, Baltimore, Md. 21221

Mrs. Denise Lucas, 1037 Mace Avenue, Baltimore, Md. 21221

Christine Rorke/Walt Smith, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case



ORDER RE

Petition for Variance

to the Zoning Commissioner of Baltimore CountyMace and Hilmer for the property located at "Silver Spring Terrace" Ave.

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which is	presently z	oned	D.R.	5.5	

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

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) | BOI. 2.C.I. b, 504.2 (CMPP Section II-A).

Toble VI); 301.1 to permit a side building face to side building face setback of 16 feet in lieu of the minimum required 2D feet (for dwellings y reater than 20 feet in height) for Lots 7,8,9,12,13 and 14 and to permit open projections (decks) with a rear yard setback of 20 feet in lieu of the minimum required 22 feet for Lots 7,8,9,12,13,14,1 and 4 of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:

(indicate hardship or practical difficulty)

This request is due to the environmental issues that exist on site with the wetlands and forest buffer requirements.

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.

is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): PAPCEL 1370 The Weiss Company, Jay Weiss President JR International, LLC Roy Agrawal, member Name - Type or Print Name - Type or Print Signature Signature See attachment additional 25 Old (Boxwood Lane) 410-627-6291 Address Telephone No. Name - Type or Print OWNERS Lutherville, MD 21093 City State Zip Code Signature **Attorney For Petitioner:** 107 Valewood Road 410-821-8416 Address Telephone No. Towson, MD 21286 Name - Type or Print City State Zip Code Representative to be Contacted: Signature Site Rite Surveying, Inc. Company Name 200 E. Joppa Road, Room 101 410-828-9060 Oddress City Telephone No. Address Telephone No. Towson MD 21286 State Zip Code City State Zíp Code OR O OFFICE USE ONLY ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING Reviewed By

ATTACHMENT FOR LEGAL OWNERSHIP TO ACCOMPANY PETITION FOR VARIANCE

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LEGAL OWNER FOR PARCEL 457 LOTS 4 AND 5:

ZONING DESCRIPTION FOR "SILVER SPRING TERRACE"

BEGINNING AT A POINT ON THE EAST SIDE OF MACE AVENUE WHICH IS 60 FEET WIDE AT THE DISTANCE OF 135 FEET SOUTHWEST OF THE CENTERLINE OF HILMER AVENUE WHICH IS 30 FEET WIDE. BEING LOT NOS. 1,4,7,8,9,12,13 AND 14 IN THE SUBDIVISION OF "SILVER SPRING TERRACE" PDM NO. XV-793 TO BE RECORDED IN BALTIMORE COUNTY PLAT BOOK, CONTAINING 4.27 ACRES+/-. ALSO KNOWN AS "SILVER SPRING TERRACE" AND LOCATED IN THE 15TH. ELECTION DISTRICT, 5TH. COUNCILMANIC DISTRICT.



J. TILGHMAN DOWNEY, JR.

SITE RITE SURVEYING, INC. 200 E. JOPPA ROAD ROOM 101 TOWSON, MD 21286 (410)828-9060

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE No. 25035 MISCELLANEOUS RECEIPT
DATE 10/03 ACCOUNT R 001-006-6150 "
* 390.00
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FOR: Variance in 6 Lots (03.578-A)
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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: #03-578-A

Mace and Hilmer "Silver Spring Terrace" Avenue East/side Mace Avenue, 135 feet southwest of Hilmer Avenue 15th Election District - 3rd Councilmanic District Legal Owner(s): Jr International, LLC Roy Agrawal, Jay

Weiss Company, Gertrude Scharmer, et al.

Variance: to permit a side building face to side building

face setback of 16 feet in lieu of the minimum required 20 feet (for dwellings greater than 20 feet in height) for Lots 7,8,9,12,13, and 14, required 22.5 feet for Lots 7,8,9,12,13,14, 1 and 4 Hearing(s): Thursday, August 28, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Com-

missioner'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 8/645 Aug 12

CERTIFICATE OF PUBLICATION

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 $8/12$, 2003 .
The Jeffersonian Arbutus Times
Catonsville Times
Towson Times
Owings Mills Times

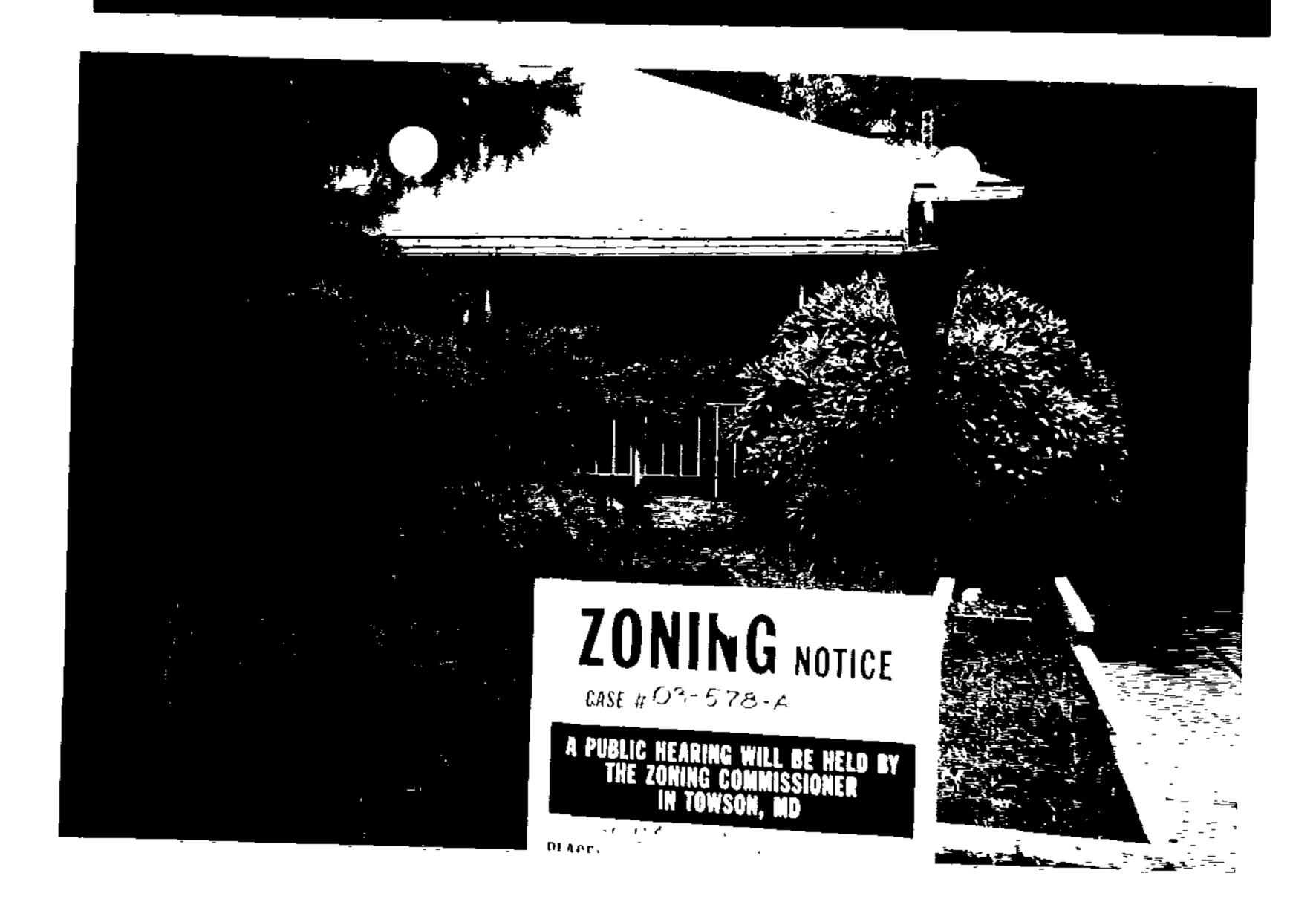
☐ NE Booster/Reporter

☐ North County News

REQUEST: VARIANCE TO PERMIT A SIDE BUILDING FACE SETBACK OF 16 FEET DWELLINGS GREATER THAN 20FEET IN HEIGHT) FOR LOTS 7.8, 9, 12, 13, 14, 1 AND 4. ZONING BOTICE PLACE: 401 BOSLEY AVENUE PLACE: 401 BOSLEY AVENUE DATE AND TIME: AT 100 P.M. POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. To confirm Hearing Call 887 3391 IILL BE HELD AMISSIONER CASE # 03-578-A A PUBLIC HEARING WILL THE ZONING COMMI

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

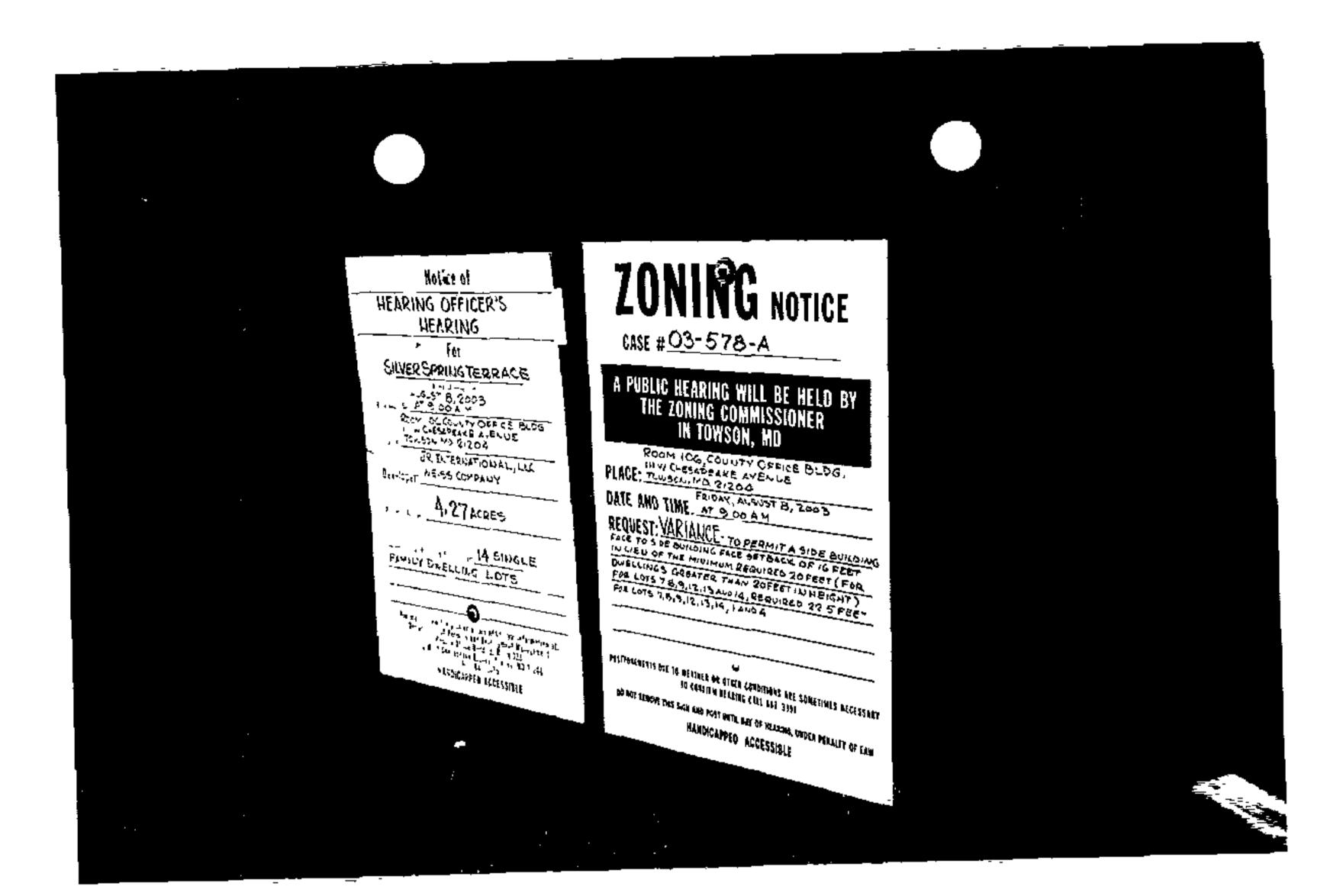


CERTIFICATE OF POSTING

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	Petitioner/Developer: THOUEISS CO.
•	Date of Hearing/Closing: 106-25, 2002
altimore County Department of ermits and Development Management ounty Office Building, Room 111 11 West Chesapeake Avenue owson, MD 21204	
ttention: BECKY HART	
adies and Gentlemen: This letter is to certify under	the penalties of perjury that the necessary sign(s) required by
w were posted conspicuously on the property locat	ed at 1101 MACE ANE.
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ne sign(s) were posted onAUG-11,	乙のう Month, Day, Year)
•	Sincerely, Sincerely, Carland L. Moore (Signature of Sign Poster and Date) CARLAND E. Moore (Printed Name)
	3225 RYERSON CIRCLES (Address) PAUTIMORE, MD. 21227
	(City, State, Zip Code) (C4(0) 242-4263 (Telephone Number)

RE: Case No.: 03-578 -A



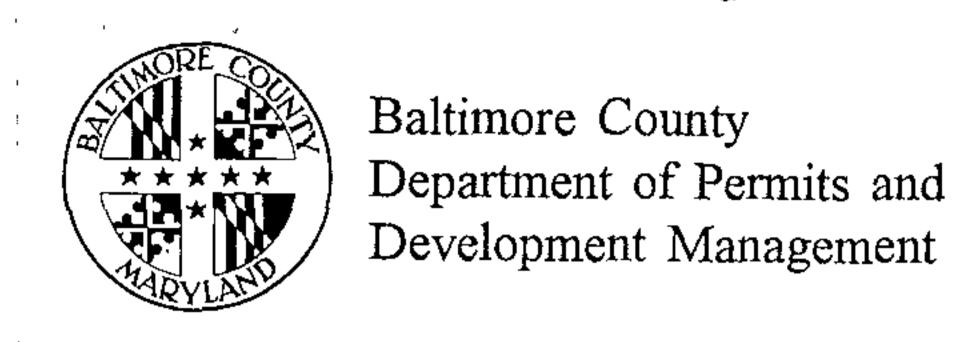
ZONING NOTICE CASE # 03-578-A	A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD ROOM 10G, COUNTY OFFICE BLDG, INW.CHESAPEAKE AYEN US PLACE: TOWSON, MD. 2120Q DATE AND TIME: AT 9:00 A.M., REQUEST: VARIANCE- TO PERMIT A SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF IG FEET IN LIEU OF THE MINIMUM REQUIRED 20 FEET (FOR FOR LOTS 7,8,9,12,13 AND 14, 1 AND 4	POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. DO MOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE
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CERTIFICATE OF POSTING

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	Petitioner/Developer: WEISS COMPAINS
:	Date of Hearing/Closing: $\Delta U_G \cdot \delta_{\gamma} $ 7003
	Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204
?	Attention: BECKY HART
!	Ladics 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 SILVERSPRING TONA CE # 1101 MACE AVE,
:	
	The sign(s) were posted on JUH 28, 2003 (Month, Day, Year)
!	Sincerely, Sincerely, (Signature of Sign Poster and Date)
-	CARLANDE, MOORE (Printed Name)
· }	3225 RYERSON CIRCLES (Address)
· · ·	DAUTINIORE, MD. 21227 (City, State, Zip Code)
	(Telephone Number)

RE: Case No.: <u>03-578-4</u>



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

Fax: 410-887-5708

July 28, 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: 03-578-A

Mace and Hilmer "Silver Spring Terrace" Avenue E/side of Mace Avenue, 135 feet southwest of Hilmer Avenue 15th Election District – 3rd Councilmanic District

Legal Owners: JR International, LLC, Roy Agrawal, member, Jay Weiss, Gertrude and

Mary Scharmer

Contract Purchaser: The Weiss Company, Jay Weiss, President

Variance to permit a side building face to side building face setback of 16 feet in lieu of the minimum required 20 feet (for dwellings greater than 20 feet in height) for Lots 7, 8, 9, 12, 13, and 14, required 22.5 feet for Lots 7, 8, 9, 12, 13, 14, 1, and 4.

Hearings:

Friday, August 8, 2003, at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco

Director

TK:klm

C: Roy Agrawal, JR International LLC, 107 Valewood Rd., Towson 21286 Gertrude and Mary Scharmer, 210 Magnolia Rd., Joppa 21085 Jay Weiss, The Weiss Company, 25 Old Boxwood Ln., Lutherville 21093 Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 24, 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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, July 24, 2003 Issue - Jeffersonian

Please forward billing to:

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: 03-578-A

Mace and Hilmer "Silver Spring Terrace" Avenue E/side of Mace Avenue, 135 feet southwest of Hilmer Avenue 15th Election District – 3rd Councilmanic District

Legal Owners: JR International, LLC, Roy Agrawal, member, Jay Weiss, Gertrude and

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Hearings:

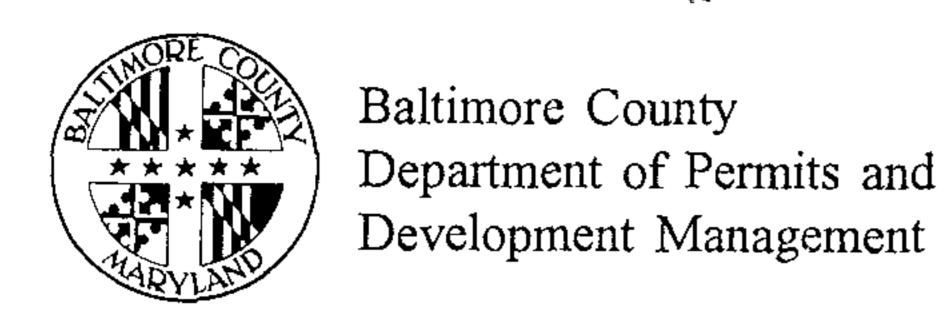
Friday, August 8, 2003, at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

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.



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

July 3, 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: 03-578-A

Mace and Hilmer "Silver Spring Terrace" Avenue East/side Mace Avenue, 135 feet southwest of Hilmer Avenue 15th Election District – 3rd Councilmanic District Legal Owners: Jr. International, LLC Roy Agrawal, Jay Weiss Company, Gertrude Scharmer, et al.

VARIANCE to permit a side building face to side building face setback of 16 feet in lieu of the minimum required 20 feet (for dwellings greater than 20 feet in height) for Lots 7, 8, 9, 12, 13, and 14, required 22.5 feet for Lots 7, 8, 9, 12, 13, 14, 1 and 4.

Hearings:

Thursday, August 28, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

hutty Kotroco

Director

TK:rjc

C: Jr. International, LLC Roy Agrawal, member 107 Valewood Road Towson MD 21286 Gertrude and Mary Scharmer 210 Magnolia Road Joppa MD 21085 The Weiss Company, Jay Weiss, President 25 Old Boxwood Lane Lutherville MD 2109

Site Rite Surveying, Inc. 2002 E Joppa Road Room 101 Towson MD 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 12, 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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 12, 2003 Issue - Jeffersonian

Please forward billing to:

Jay Weiss 25 Old Boxwood Lane Lutherville MD 21093

410-627-6291

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: 03-578-A

Mace and Hilmer "Silver Spring Terrace" Avenue East/side Mace Avenue, 135 feet southwest of Hilmer Avenue

15th Election District – 3rd Councilmanic District

Legal Owners: Jr. International, LLC Roy Agrawal, Jay Weiss Company, Gertrude Scharmer, et al.

VARIANCE to permit a side building face to side building face setback of 16 feet in lieu of the minimum required 20 feet (for dwellings greater than 20 feet in height) for Lots 7, 8, 9,12,13, and 14, required 22.5 feet for Lots 7, 8,9,12,13,14, 1 and 4.

Hearings:

Thursday, August 28, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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

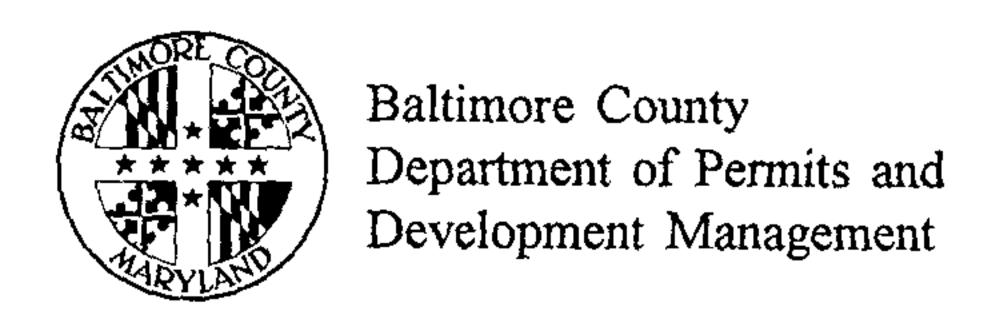
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <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.

For Newspaper Advertising:
Item Number or Case Number: 03-578-A Petitioner The Weiss Company, Scharmer Address or Location: Mace Avenue and Hilmer Avenue (Silver Spring Territe)
PLEASE FORWARD ADVERTISING BILL TO Name: JM WU'SS
Address: 25 Old Boxwood Lane Lutherville, MD 21093
Telephone Number: 410 627 - 6291



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

August 1, 2003

Roy Agrawal JR International, LLC 107 Valewood Road Towson, MD 21286

Dear Mr. Agrawal:

RE: Case Number: 03-578-A, "Silver Spring Terrace", Mace & Hilmer Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 10, 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,

u. Calliball

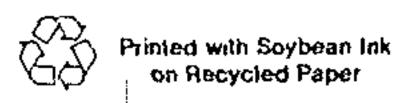
W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Gertrude and Mary Scharmer, 210 Magnolia Rd., Joppa 21085
The Weiss Company, Jay Weiss, 25 Old Boxwood Lane, Lutherville 21093
Site Rite Surveying, Inc., 200 E. Joppa Road, Towson 21286

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





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

July 1, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: June 30, 2003

Item No.:

577-580, 583-588, 590-601

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



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

THE TO DEPART IT IT IT TRANSPORTATION

Date: 7.1.03

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

RE:

Baltimore County

Item No. 578

JHP

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,

1~ K

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

JA 8/25

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case 03-578

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:

Section Chief:

AFK/LL:MAC

RECEIVED

DATE: August 27, 2003

AUG 2 9 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 5, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits &

Development Management

Robert W. Bowling, Supervisor
Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 7, 2003 Item Nos. 577, 578, 580, 581, 587, 589, 590, 593, 594, 595, 596, 597,

598, 599, and 600

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 BEFORE THE Mace & Hilmer Ave, "Silver Spring Terrace" E/side Mace Ave, 135' SW Hilmer Ave ZONING COMMISSIONER 15th Election & 7th Councilmanic Districts Legal Owner(s): Jr. International, LLC, Roy * FOR Agrawal; Jay Weiss, The Weiss Co, Gertrude BALTIMORE COUNTY Scharmer, et al. Contract Purchaser(s): The Weiss Co, Jay 03-578-A Weiss, President Petitioner(s)

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.

RECEIVED

JUL 0 3 2003

Per.....

PETER MAX ZIMMERMAN
People's Counsel for Baltimore C

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

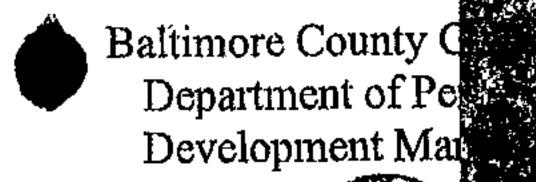
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3 day of July, 2003, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Room 101, Towson, MD 21286, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

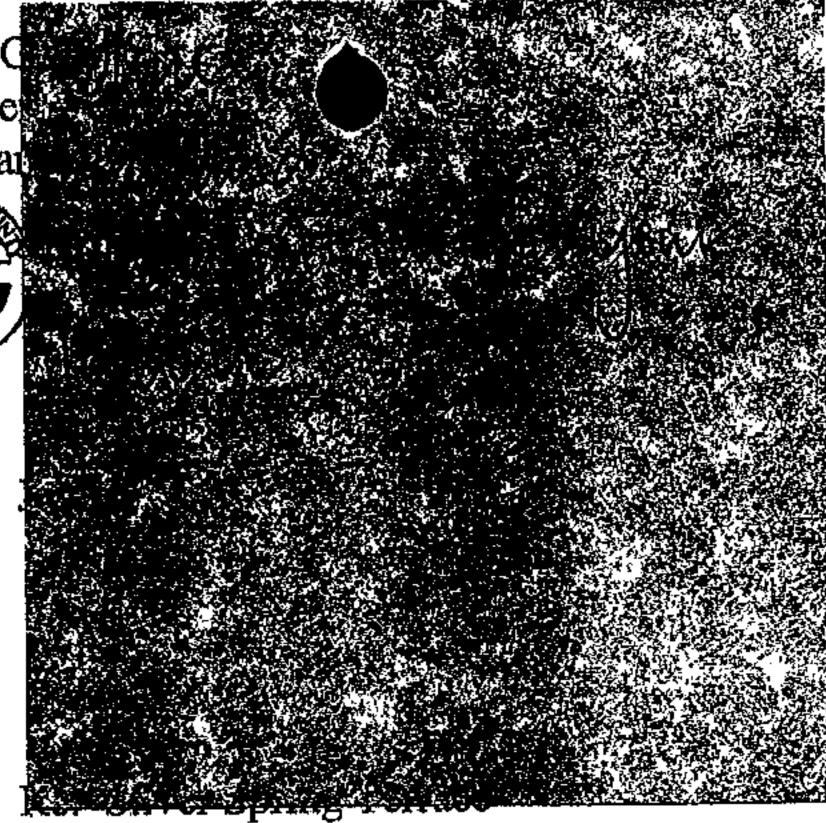
odemmerman



ment Mar

111 West Chesapeake Avenue Towson, MD 21204

J R International LLC 1017 Valewood Road Towson, MD 21286



PDM Number XV-793

Dear Sir or Madam:

The Development Plan Conference, and the Hearing Officer's Hearing, have been scheduled on the above referenced project. Please arrange to attend these meetings with appropriate representation.

DEVELOPMENT PLAN CONFERENCE:

Date: Wednesday, July 16, 2003

Time: 9:00 AM

Location: Development Management Conference Room 123

County Office Building; 111 W. Chesapeake Avenue; Towson, MD 21204

HEARING OFFICER'S HEARING:

Date: Friday, August 8, 2003

Time: 9:00 AM

Location: Rm. 106, County Office Bldg.; 111 W. Chesapeake Ave.; Towson, MD 21204

A copy of a public notification letter of the Development Plan Conference and Hearing Officer's Hearing, is attached for your convenience. Please note that it is the developer's responsibility to send a copy of the development plan, and notify all interested parties of the conference and hearing. Also, it is the developer's responsibility to post the property. Please note the property must be posted by July 11, 2003. A county authorized sign posting company must post the sign(s). A list of authorized sign posters is available in Room 123 of the County Office Building. A certificate of posting and photograph of the sign must be forwarded to this office prior to the Hearing Officer's Hearing.

Sincerely,

Christine K. Roube/dale

Christine K. Rorke Project Manager

CKR:dak

c: Site Rite Surveying, Inc

Robert L. Ehrlich, Jr. Governor



Audrey E. Scott Secretary

Florence E. Burian
Deputy Secretary

Michael S. Steele Lt. Governor

July 1, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

Zoning Advisory Committee Agenda, 07/07/03 re: case numbers 03-577-A, 03-578-A, 03-579-SPH, 03-580-SPHA, 03-583-A, 03-584-A, 03-585-SPHXA, 03-586-SPH, 03-587-A, 03-588-A, 03-589-SPH, 03-590-A, 03-591-A, 03-592-A, 03-593-A, 03-594-A, 03-595-SPH, 03-596-SPH, 03-597-A, 03-598-SPHA, 03-599-A, 03-600-HAS & 03-601-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 07/01/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning Planning Services

cc: Mike Nortrup

