IN RE: PETITION FOR SPECIAL HEARING
N/S Silver Spring Road, 136' E
centerline of Ratna Court
11th Election District
5th Councilmanic District
(4620 Silver Spring Road)

Michael Gieron

Petitioner

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 03-589-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Michael Gieron. The Petitioner is requesting special hearing relief for property he owns at 4620 Silver Spring Road. The special hearing request is to approve a waiver of Section 26-266 (4) of the Baltimore County Code, to allow a lot (Lot 1A) within the metropolitan area where public water and sewer are available with a panhandle strip width of 11 ft. of the 12 ft. required and to amend the Final Development

The property was posted with Notice of Hearing on August 8 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 19, 2003 to notify any interested persons of the scheduled hearing date.

Plan to reflect the subdivision of Lot 1 into Lots 1A, 1B and 1C.

Notice is taken that the property, which is the subject of these special hearing requests, consists of 1.373 acres, more or less, and is zoned D.R.3.5. The property had been improved with an existing dwelling and several sheds, all of which are to be or have been razed.

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## Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

## **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: (1) ZAC comment dated July 1, 2003 from the Fire Department indicating that the minimum width should be 12 ft.; (2) ZAC comments dated July 7, 2003 from the Office of Planning supporting panhandle strip of 11 ft. with three additional requirements. Copies of these comments are attached hereto and made a part hereof.

## Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief was Michael Gieron, owner of the property, Kevin Michels, and Geoffrey C. Schultz of McKee & Associates, Inc. who prepared the site plan. Also appearing was Howard L. Alderman, Jr., Esquire, attorney representing the Petitioner. Appearing as interested citizens were Doris Small and Jyotin Choksey, adjacent property owners. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

## **Testimony and Evidence**

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Testimony and evidence indicated that the property, which is the subject of this special hearing request, is to be subdivided into three lots, 1A, 1B and 1C as shown on Petitioner's Exhibit 1. This subdivision is a refinement of the Final Development Plan of the "Village of

Silver Hall", a plan approved by the County Review Group in July 1986. Mr. Alderman proffered the testimony of Geoffrey Schultz, Professional Surveyor and Land Planner, that the owner wanted to subdivide the property into three lots with access to Silver Spring Road via three panhandle driveways. However, Section 26-266 (1) of the Baltimore County Code requires each panhandle to be 12 feet in width for properties within the metropolitan area where public water and sewer are available. While lots 1B and 1C meet this requirement, lot 1A has a panhandle of only 11 feet of width. The three lots will use a common driveway 16 feet wide for access to Silver Springs Road and as such will require that a maintenance agreement be signed The Petitioner requests a waiver of the 12 foot by any prospective owner of these lots. requirement pursuant to Section 26-266 (10). The Proffered testimony indicated that there was sufficient density to support the three lot subdivision, and all parking, setback and area requirements were met by the three lot subdivision. It would not be feasible to extend a public road to serve just three lots. The proposed lots are larger than those already developed in the Village of Silver Hall. The proffered testimony was that neither the three lot subdivision nor the waiver of the panhandle width would adversely impact the surrounding properties, pursuant to the factors listed in Section 502.1 of the B.C.Z.R.

## **County Comments**

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The Fire Department requested the macadam driveway be at least 12 feet wide. As proposed on Petitioner's Exhibit 1, the macadam driveway is 16 feet and so meets the County requirements. The Planning Office requested that the Petitioner provide a landscape buffer along the lot lines separating Lot 1C from Lot 2 and Lot 3. This would presumably protect the occupants of Lots 2 and 3 from the side of the house on Lot 1C where there could be a garage or other less desirable feature. The Petitioner agreed. However, the Office of Planning also

requested a landscape buffer between Lots 1B and 1C. The Petitioner objected to this request indicating that there was no need to buffer side yards within the new subdivision. On further consideration, the Planning Office no longer insists on such buffering. Finally, the Office of Planning requires the zoning designation to change and that the revised plan be submitted to them for further review. The Petitioner agreed.

### Neighbors' Comments

Mr. Choksey and Ms. Small testified, presented written issues and submitted photographs illustrating their concerns about the request. These primarily involved problems they are encountering with rain water coming across the property onto their property. The Petitioner testified that the new roadway would be tilted and swale constructed to divert water runoff from the adjacent properties in an appropriate storm water management system already in place. A second concern was about whose responsibility it would be to maintain the new three part panhandle. The Petitioner proffered that the maintenance would be the responsibility of the new owners of Lots 1A, 1B and 1C pursuant to an agreement that each would sign and which would be recorded in the land records in perpetuity. The neighbors raised the issue of saving the mature trees on the property and were given assurance by the Petitioner that they would be saved. At the neighbors' request, the Petitioner also agreed to remove an existing fence shown on Petitioner's Exhibit 1. Finally, the neighbors expressed their concern about damage that was done to their properties from construction vehicles associated with Lots 2 and 3. While not directly affecting this case, the Petitioner felt that the new 16 foot wide macadam driveway would reduce if not eliminate errant vehicles damaging the neighbors' property.

In considering all of the evidence presented, I find that the subdivision of this property into three lots for residential single family dwellings does not justify strict compliance with the requirement to have 12 foot wide panhandle widths. I also find that a waiver of this requirement would be within the scope, purpose and intent of these provisions of the Code and that all other County ordinances and regulations have been complied with.

I further find that the Final Development Plan of the Village of Silver Hall may be amended to include the three lot subdivision proposed on Petitioner's Exhibit 1.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the special hearing request shall be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 2 day of September, 2003, that the Special Hearing request to approve a waiver of Section 26-266 (1) of the Baltimore County Code, to allow a lot (Lot 1A) within the metropolitan area where public water and sewer are available with a panhandle strip width of 11 ft. of the 12 ft. required and to amend the Final Development Plan to reflect the subdivision of Lot 1 into Lots 1A, 1B and 1C, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1. The Petitioner must correct the zoning designation indicated on the site plan from D.R.5.5 to D.R.3.5 due to the fact that the subject property was rezoned during the 2000 Comprehensive Zoning Map Process;
- 2. The Petitioner will save mature trees on the property to the degree possible;
- 3. The Petitioner shall remove the existing fence shown on the site plan (Petitioner's Exhibit No. 1);
- 4. The Petitioner shall design and construct the new macadam driveway and swale in a manner to divert as much surface water runoff as possible from leaving the subject property and flowing onto the neighbors' property, which storm water runoff shall be conducted to an appropriate storm water management system already in place;
- 5. The Petitioner shall have agreements entered into among the new owners of Lots 1A, 1B and 1C stating that it will be their responsibility to maintain the new common

driveway and panhandle. This agreement shall be recorded in the Land Records of Baltimore County in perpetuity;

- 6. The Petitioner must submit a revised plan to Karen Brown of the Office of Planning for review and approval prior to the issuance of any building permits;
- 7. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

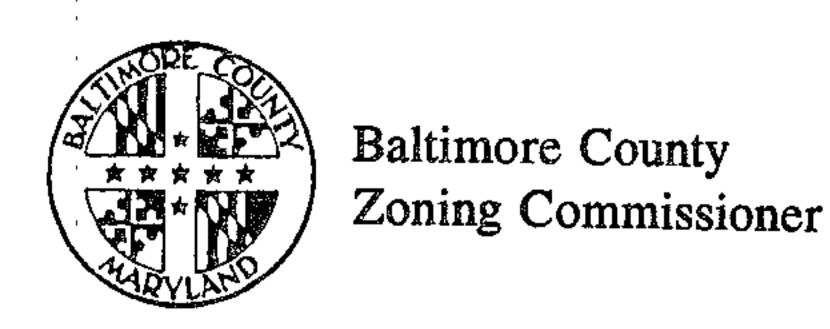
IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



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

Fax: 410-887-3468

September 5, 2003

Howard L. Alderman, Jr., Esquire Levin & Gann, PA Nottingham Centre 502 Washington Avenue, 8<sup>th</sup> Floor Towson, Maryland 21204

> Re: Petition for Special Hearing Case No. 03-589-SPH

Property: 4620 Silver Spring Road

Dear Mr. Alderman:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

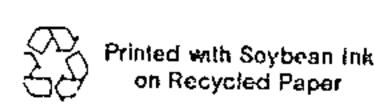
JVM:raj Enclosure

c: Michael Gieron 213 Old Padonia Road Cockeysville, MD 21030

Doris S. Small 3 Ratna Court Baltimore, MD 21236 Geoffrey C. Schultz McKee & Associates, Inc. 5 Shawan Road, Suite 1 Cockeysville, MD 21030

John V. Tomosphy

Jyotin J. Choksey
1 Ratna Court
Baltimore, MD 21236





# Petition for Special Hearing

for the property located at \_

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal

to the Zoning Commissioner of Baltimore County

which is presently zoned \_\_\_\_

4620 Silver Spring Road

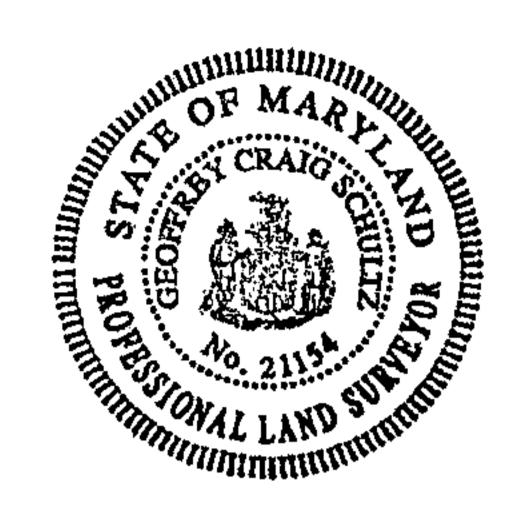
DR 3.5/DR 5.5

A Lot (Lot 1A) within the metropolitan area when with a panhandle strip width of 11 feet in-lieu-	h is described in the description and plat attached hereto ring under Section 500.7 of the Zoning Regulations of missioner should approve A Wareh of 3 contractions of the public water and sewer are available
Property is to be posted and advertised as prescribed by the zo I, or we, agree to pay expenses of above Special Hearing, advertising zoning regulations and restrictions of Baltimore County adopted pursu	, posting, etc. and further agree to and are to be bounded by the
	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:	<u>Legal Owner(s):</u> Michael Gieron
Name - Type or Print Name -	Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	7702 Chestnut Avenue (410) 882-9373 Address Telephone No.
Howard L. Alderman . In	Baltimore Maryland 21234
Howard L. Alderman Jr. Narge - Type or Print  City  Signature  Levin and Gann, P.A.	State Zip Code  Representative to be Contacted:  Geoffrey C. Schultz  McKee and Associates, Inc.
Company Nottingham Centre, 8th Floor 502 Washington Avenue (410) 321-0600	Name <u>5 Shawan Road, Suite 1 (410) 527-1555</u>
Address Telephone No.	Address Telephone No.
Towson, Maryland 21204 City State Zip Code	Cockeysville, Maryland 21030 City State Zip Code
12 500 CPH	OFFICE USE ONLY ESTIMATED LENGTH OF HEARING 2/2/m²
Dase No. 03-589-5P H	UNAVAILABLE FOR HEARING
Reviewe	d By Solf 16 Date 6-16-03

# Real Estate Development

June 16, 2003

**ZONING DESCRIPTION OF** 4620 SILVER SPRING ROAD 11<sup>TH</sup> ELECTION DISTRICT 5<sup>TH</sup> COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND



BEGINNING at a point on the north side of Silver Spring Road (60-foot wide right-ofway) at the distance of 136 feet east of the center of Ratna Court (50-foot wide right-ofway) and being Lot 1, Block B, Plat of "Village of Silver Hall" recorded in Plat Book 55, folio 75.

CONTAINING 59,829 square feet or 1.373 acres of land, more or less.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT  No. 2006	
DATE 6 16-03 ACCOUNT	
AMOUNT \$ /40.	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1
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DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

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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 <u>Towson, Maryland</u> on the property identified herein as follows:

Case: #03-589-SPH

4620 Silver Spring Road N/side of Silver Spring Road, 136 feet east of centerline

of Ratna Court 11th Election District - 5th Councilmanic District

Legal Owner(s): Michael Gieron

Special Hearing: to approve a waiver of Section 26-266

(4) of the Baltimore County Code to permit a lot (Lot 1A) within the metropolitan area where public water and sewer are available with a panhandle strip width of 11 feet to the 12 feet required and to amend the Final Development Plan to reflect the subdivision of Lot 1 into Lots 1A, 1B, and 1C. Hearing: Wednesday, September 3, 2003 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County
NOTES (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 8/700 August 19

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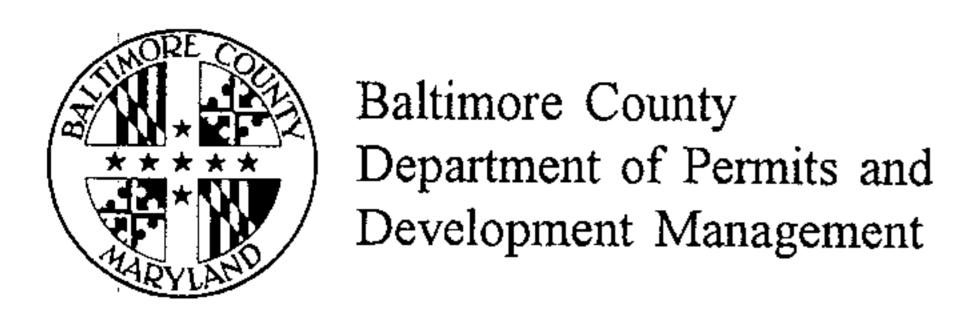
## CERTIFICATE OF PUBLICATION

821,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
$\frac{8/19}{2003}$
The Jeffersonian  Arbutus Times
Catonsville Times
☐ Towson Times
<ul><li>Owings Mills Times</li><li>NE Booster/Reporter</li></ul>
☐ North County News

# CERTIFICATE OF POSTING

	•	Date: August 11, 2003
	•	Date. regulating 2000
RE:	Case Number 03-589 SPH	
•	Petitioner/Developer: Michael Gieron	
	Date of Hearing/Closing: September	3, 2003
were	This is to certify under the penalties of perposted conspicuously on the property located	jury that the necessary sign(s) required by laved at4620 Silver Spring Road
	The sign(s) were posted onAugus	st 8, 2003
		(Month, Day, Year)
4		L'aurence Pilson
₹ *	ZONING NOTICE	(Signature of Sign Poster)
	CASE # O3 - S9-SPI	J. Lawrence Pilson
	A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD	(Printed Name of Sign Poster)
	PLACE: County County Block - COL Boston And But - The Australian DATE AND TIME: New Select - Australian - Aus	McKee and Associates, Inc.
	REQUEST STEEDS HEARING RACES TO A RESIDENCE OF THE PARTY	5 Shawan Road, Suite 1
		(Street Address of Sign Poster)
	Myseconti Wates/T	Cockeysville, MD 21030
		(City, State, Zip Code of Sign Poster)
'	∢	(410) 527-1555

(Telephone Number of Sign Poster)



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

July 7, 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: 03-589-SPH

4620 Silver Spring Road

N/side of Silver Spring Road, 136 feet east of centerline of Ratna Court

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Michael Gieron

Special Hearing to approve a waiver of Section 26-266 (4) of the Baltimore County Code to permit a lot (Lot 1A) within the metropolitan area where public water and sewer are available with a panhandle strip width of 11 feet of the 12 feet required and to amend the Final Development Plan to reflect the subdivision of Lot 1 into Lots 1A, 1B, and 1C.

Hearings:

Wednesday, September 3, 2003, at 10:00 a.m. in Room 407, County

Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Howard L. Alderman, Jr., Levin & Gann, P.A., 502 Washington Avenue, 8<sup>th</sup> Floor, Towson 21204 Michael Gieron, 7702 Chestnut Avenue, Baltimore 21234 Geoffrey Schultz, 5 Shawan Road, Ste. 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 19, 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 19, 2003 Issue - Jeffersonian

Please forward billing to:

Michael Gieron 7702 Chestnut Avenue

7702 Chestnut Avenue Baltimore, MD 21234

410-882-9373

## **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: 03-589-SPH

4620 Silver Spring Road

N/side of Silver Spring Road, 136 feet east of centerline of Ratna Court

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Michael Gieron

Special Hearing to approve a waiver of Section 26-266 (4) of the Baltimore County Code to permit a lot (Lot 1A) within the metropolitan area where public water and sewer are available with a panhandle strip width of 11 feet of the 12 feet required and to amend the Final Development Plan to reflect the subdivision of Lot 1 into Lots 1A, 1B, and 1C.

Hearings:

Wednesday, September 3, 2003, at 10:00 a.m. in Room 407, County

Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1)

(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

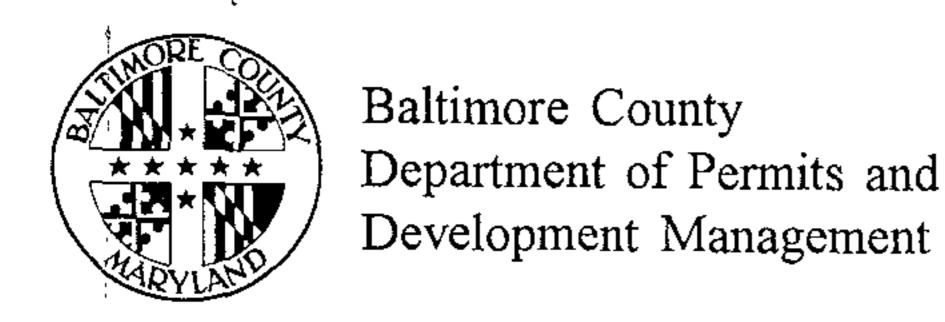
#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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.

Petitioner: MICHAEL GIERON  Address or Location: 4620 SILVER SPRING ROAD  PLEASE FORWARD ADVERTISING BILL TO:  Name: MICHAEL GIERON  Address: 7702 CHESTNUT AVENUE  BALTO. MD. Z1Z34	Item Number o	or Case N	Number:)_	03-5	87	^ DH	<u> </u>
Address or Location: 4620 SILVER SPRING ROAD  PLEASE FORWARD ADVERTISING BILL TO:  Name: MICHAEL GIERON  Address: 7702 CHESTNUT AVENUE	Petitioner:	MI	CHAEL	GIER	105	7	
PLEASE FORWARD ADVERTISING BILL TO:  Name: MICHAEL GIERON  Address: 7702 CHESTNUT AVENUE		-	·	<del>-</del> ·	R	SPRING	ROAD
	PLEASE FOR	WARD A	DVERTISII	NG BILL TO:			
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	Name:	MIC	HAEL	GIER		<del></del>	
<del> </del>	Name:	MIC	HAEL	GIER		<del></del>	



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

August 29, 2003

Howard Aldeman Levin & Gann, P.A. Nottingham Centre, 8<sup>th</sup> Floor 509 Washington Avenue Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 03-589-SPH, 4620 Silver Spring Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 16, 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 Michael Gieron, 7702 Chestnut Avenue, Baltimore 21234 Geoffrey Schultz, McKee & Associates, 5 Shawan Rd., Ste. 1, Cockeysville 21030



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.:

589

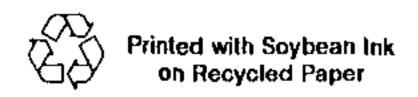
Dear Ms. Hart:

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.

Minimum width shall be 12 feet.

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

#### MARYLAND DEPARTMENT OF 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.

589

115

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,

f. J. Gredl

de-

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

July

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 7, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

4620 Silver Spring Road

INFORMATION:

Item Number:

03-589

**Petitioner:** 

Michael Gieron

Zoning:

DR 3.5/DR 5.5

Requested Action:

Special Hearing

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a panhandle strip of 11 feet in lieu of the minimum required 12 feet contingent upon the following:

- 1. Provided a landscape buffer consisting of a double row of deciduous and evergreen trees along the property line between lots 1C and lots 2 and 3; and lots 1B and 1C.
- 2. Correct the zoning designation indicated on the site plan from DR 5.5 to DR 3.5. The subject property was rezoned during the 2000 CZMP.
- 3. Submit a revised plan to Karin Brown with the Office of Planning for review and approval prior to the issuance of any building permits.

Prepared by: Mark Cumb

RECEIVED

JUL - 9 2003

Section Chief:

AFK/LL:MAC:

Schlabach

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 SPECIAL HEARING
	4620 Silver Spring Road; N/side Silver
	Spring Road, 136' E c/line Ratna Court
	11 <sup>th</sup> Election & 5 <sup>th</sup> Councilmanic Districts
	Legal Owner(s): Michael Geiron
	Petitioner(s)

- BEFORE THE
- ж ZONING COMMISSIONER
- \* FOR
- BALTIMORE COUNTY \*
- 03-589-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.

RECEIVED

JUL 0 3 2003

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 day of July, 2003, a copy of the foregoing Entry of Appearance was mailed to Geoffrey C. Schultz, McKee and Associates, Inc, 5 Shawan Road, Suite 1, Cockeysville, MD, 21030 and to Howard L Alderman, Levin & Gann, P.A., 502 Washington Avenue, 8<sup>th</sup> Floor, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

## THOMAS AND LINDA GETZ 12 RATNA COURT BALTIMORE, MD. 21236 410-931-0445

SEPTEMBER 2,2003

MEMBERS OF THE BALTIMORE COUNTY ZONING BOARD:

We are writing this letter to protest the proposed zoning variance being sought for Silver Spring Road. Lase #03-589-5PH Although we do not back up to the property in question, we do have concerns. First of all there will be an increase of traffic and increase in the use of the current sewerage system. Secondly, is the school system able to handle more students? Perry Hall High School is already overcrowded. Third, will the new residents use Ratna Court as their overflow parking lot?. How will these cars enter and leave this minidevelopment? Fourth, how will the construction impact on the homes which will back up to the new houses?

We realize that new construction is healthy for the county in regard to the taxes etc. it will generate. You must weigh the benefits against the dangers of over-development. The County must not grant every variance, homes need some space and older developments need protection.

Thank you,

Thomas L. Getz Thomas L. Jet (ang)

Linda M. Getz

#### SPECIAL HEARING – CASE # 03-589-SPH

Date: September 3, 2003

Time: 10:00 AM

Place: Baltimore County Court House

401 Bosley Avenue, Room 407

Towson, Maryland

For Property located at 4620 Silver Spring Road in Zone DR 3.4/DR 5.5

A waiver of Section 26-266(24) of the Baltimore County Code, to allow panhandle strip of 11 feet in-lieu of 12 feet required.

Concerns from owners of neighboring properties:

- 1. Water run-off due to high ground of the property to be developed.
- 2. Who will be responsible for the ground maintenance of the panhandle strip and the sides of it?
- Removal of big trees is not desirable, as ground/soil will be exposed to rain. The water absorption due to roots of the trees will be less.
- 4. Due to steep slope of the panhandle strip, traffic on the road will be a hazard to the property at the bottom of the hill (1, Ratna Court property). Damage to the lawn is already occurred due to improper backing of the concrete truck. See picture of the damage.
- 5. Section of the fence at entrance need to be relocated or removed to alleviate the grass cutting at the properties corner.

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Mr. and Ms. Edward Hayes 5 Ratna Ct. Balt., MD. 21236

August 31, 2003

Mr. Larry Schmidt Office of Zoning 401 Bosley Ave. Towson, MD 21204

RE:New Houses/Case #03589SPH

Dear Mr. Schmidt:

This letter is in reference to case # 03589SPH regarding three new houses, which are currently under construction directly behind our home at the above address. It has come to our attention that there may be insufficient efforts being made to plan for water run off. As a result, we are obviously concerned that ground water will run into our yard and/or basement, and cause damage to our property. We strongly urge the inspector to make sure the water is diverted to Silver Spring Rd., from these three houses, as well as the road being constructed.

Since health problems prevent our attendance at the hearing scheduled Sept. 3rd, 2003 to address this issue, we are sending this letter along with a neighbor to be included in your proceedings. Should you require further information or clarification about this matter, feel free to contact us at the above address, or by phone at (410) 931-3772. Thank you for your anticipated attention and assistance.

Sincerely,

Caucard and Sois Hayes

Edward Hayes & Lois Hayes

tion of the panhandle driveway and public road, as the driveway is exited. The trash collection area shall provide at least sixteen (16) square feet per dwelling unit served by the panhandle driveway.

- b. The mail delivery area shall be located at the left intersection of the panhandle driveway and public road, as the driveway is exited.
- c. Each dwelling served by a panhandle driveway shall be numerically identified in accordance with section 7-8 of this Code.
- (8) The panhandle driveway shall be built in accordance with standards established by the director of public works. The panhandle shall be paved within one (1) year of the issuance of the first occupancy permit and prior to the issuance of the occupancy permit of the last lot to be served, whichever comes first. In DR zones, utilities shall be provided to all lots to be served by the panhandle prior to the paving of the panhandle driveway.
- (9) No parking shall be permitted along a panhandle driveway.
- (10) Notwithstanding any other provision of these regulations to the contrary, the director of planning may grant a final waiver from any part of this section or these regulations, except subsections (3) and (4) of this section, if the director finds (i) that the size, scope, and nature of the subdivision of land into three (3) or fewer lots for residential single-family dwellings does not justify strict compliance with this section, and (ii) that a waiver would be within the scope, purpose, and intent of this section, and (iii) all other county ordinances and regulations have been complied with.

(Code 1978, § 22-85; Bill No. 172, 1989, § 2; Bill No. 106, 1990, § 1; Bill No. 61-95, § 1, 6-30-95; Bill No. 51-99, § 1, 8-26-99)

### Sec. 26-267. Water supply.

For tracts to be served by public water-supply facilities, water volume and pressure must be adequate to extinguish fires in any building on the tract; and hydrants must be provided in sufficient numbers and at appropriate locations to serve firefighting needs.

(Code 1978, § 22-86)

Cross references—Fire protection, tit. 16; water and sewers, tit. 35.

#### Sec. 26-268. Sewerage.

Proposed public or private sewerage facilities must be designed and located to function safely and without danger of contaminating groundwater, surface water, or public or private water supplies.

(Code 1978, § 22-87)

Cross reference—Water and sewers, tit. 35.

#### Sec. 26-269. Drainage.

Proposed drainage facilities must be adequate to accommodate the amount of runoff that would be generated by the proposed development and from the entire upstream area, if the area were fully developed in accordance with the zoning regulations in effect at the time of design or construction. Development shall not increase the extent of the floodplain on neighboring properties. (Code 1978, § 22-88; Bill No. 173-93, § 3, 11-17-93)

#### Sec. 26-270. Other utilities.

Easements for cable TV and other municipal and public utilities may be required where necessary to ensure adequate service to the prospective occupants or users of the proposed development. (Code 1978, § 22-89)

#### Sec. 26-271. Open space.

Common open space required under the zoning regulations shall be located and designed to be attractive and conveniently accessible to occupants or users of the proposed development. (Code 1978, § 22-90)

- (b) Signposts must be unobtrusive and the total number of signs minimized. In particular, informational signs must not be placed or be of such a number or design as to distract drivers' attention from traffic-control signs or devices.
- (c) Benches or other outdoor furniture may be required to be grouped and be of "break-away" designs. Street lighting must be of types and sizes both adequate for safety and appropriate to the vicinity.
- (d) Transit facilities such as bus turnouts may be required for sites to be served by public transit. (Code 1978, § 22-83)

Cross references—Advertising and signs, tit. 3; motor vehicles and traffic, tit. 21; stopping, standing and parking, § 21-101 et seq.

#### Sec. 26-265. Pedestrian and bicycle paths.

The manual adopted pursuant to section 26-283(b)(4) may provide for the design and location of pedestrian and bicycle paths.
(Code 1978, § 22-84)

#### Sec. 26-266. Panhandle driveways.

Panhandle lots may only be permitted to achieve better use of irregularly shaped parcels, avoid development in environmentally sensitive areas, and to provide access to interior lots where a public road is neither feasible nor desirable. Panhandle lots may be permitted only where such lots would not be detrimental to adjacent properties and would not conflict with efforts to provide for public safety and general welfare. Panhandle lots may be permitted in accordance with the following standards:

(1) Each lot shall include an in-fee strip of land providing access to the local street, except as provided in subsection (2) of this section. Panhandle fee strips shall be a minimum of twenty (20) feet in width to serve one (1) lot, a minimum of twelve (12) feet in width per lot where two (2) lots are involved, and a minimum of ten (10) feet in width per lot where three (3) or more lots are involved. In developments within the metropolitan area where public water and sewer services are available,

- planned, or considered, the minimum panhandle fee strip for two (2) or more lots is twelve (12) feet per lot.
- (2) The hearing officer may approve access to the local or collector street through an existing right-of-way instead of an in-fee strip, in cases where such a right-of-way has been established prior to the submittal of the development plan.
- (3) A single panhandle driveway may serve up to five (5) dwellings, three (3) of which may be on internal lots not adjacent to the local or collector street. Panhandle driveways serving lots greater than twenty thousand (20,000) square feet may serve five (5) internal lots plus two (2) dwellings on the front lots adjacent to the panhandle driveway and the local or collector street. In either case the front lots need not be part of the panhandle driveway development. Notwithstanding the provisions of section 26-172, none of the requirements in this subsection shall be waived.
- (4) In any DR zone, the panhandle length shall not exceed five hundred (500) feet. In any RC zone, the panhandle length shall not exceed one thousand (1,000) feet. The maximum permitted length of a panhandle is subject to variance under section 307 of the zoning regulations.
- (5) For panhandle driveways serving more than one (1) lot, covenants are to be noted on the record plat providing for common use and maintenance of the panhandle driveway and culvert if any.
- (6) The orientation of the dwelling shall be indicated on the plan. The dwelling shall be oriented to establish a desirable relationship between the proposed dwellings and existing adjacent homes and between the proposed dwellings themselves.
- (7) Provision must be made at the intersection of the panhandle driveway and the street for collection, mail delivery, and identification of each dwelling served by the panhandle as follows:
  - a. A paved trash collection area shall be located at the right-side intersec-

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

Re: 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

CASE NAME 46 20 SI/VER Spring CASE NUMBER 03-589-5P4 DATE 03 Sep 03

## PETITIONER'S SIGN-IN SHEET

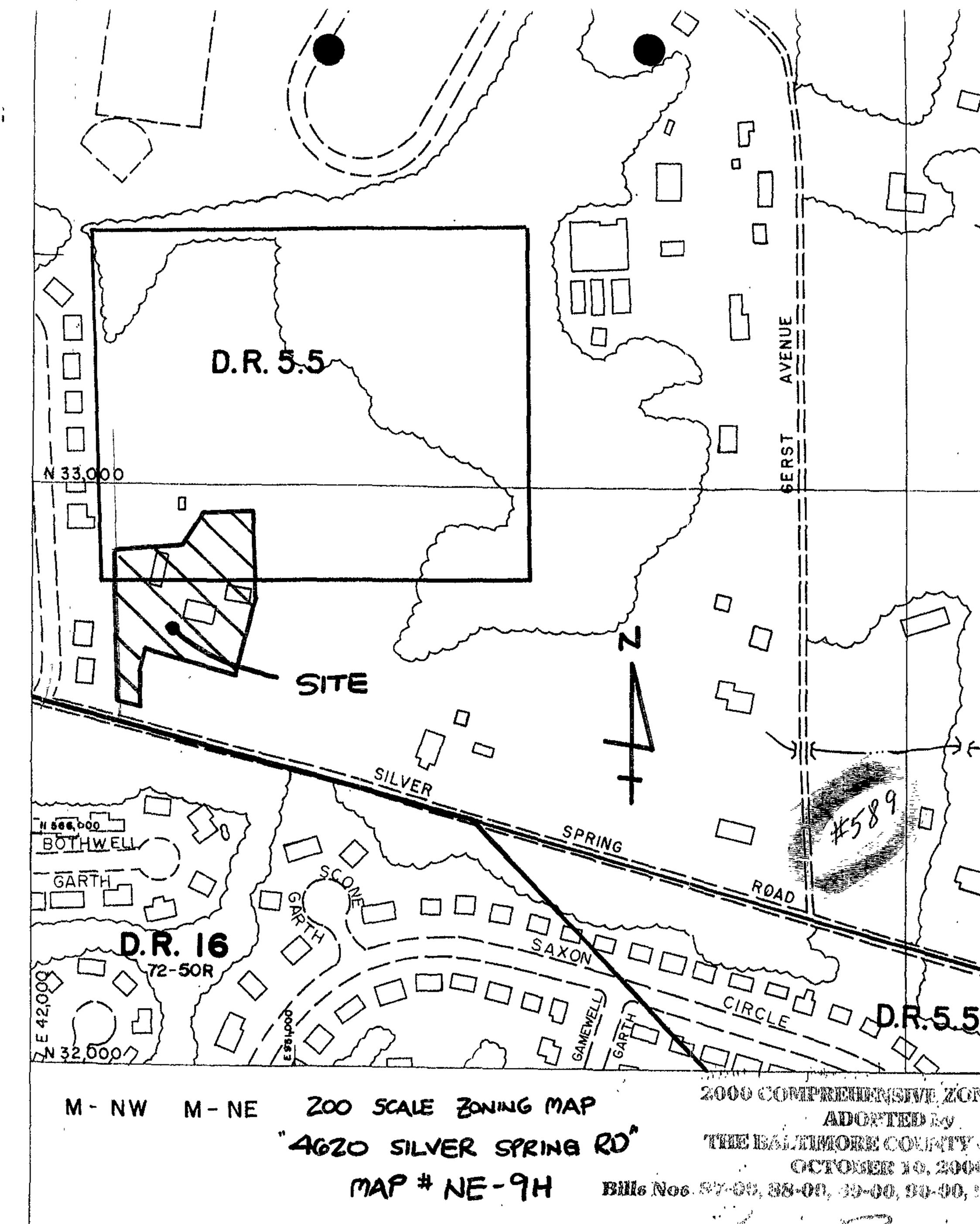
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Howard L. Alderman, Jr, Esq.	Levin & Gann, PA 502 Washington Ave., Suite 800	Towson, MD 21204	halderman@LevinGann.com
GEOFFRAY SCHULTZ	5 SHAWAN RD.	HUNT VALLEY, MID ZICBO	
Kevin Michels	213 ON Padema Rd	Cockers Ville MD 21030	
Michael Gistone	47154,025 RO	44,05 and 2082	
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PLEASE PRINT (	CLEARL	Y
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CASE NAME	
CASE NUMBER	
DATE	

## CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
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THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS

September 3, 2003

To: Zoning Commissioner of Baltimore County

From: Doris S. Small 3 Ratna Court

Baltimore, MD 21236

410-931-4697

Re: Construction Sites at 4620, 4624, 4626 Silver Spring Road

Perry Hall, MD 21128 & Case # 03-589-SPH

Below are listed concerns, which I have regarding the above construction sites. These sites are directly behind my property and the concerns listed need to be addressed by the County to protect my property from further damage.

Water Drainage: What measures are taken to control and/or contain the water run-off? The above properties are situated on a steep hill, my property being at the bottom. Currently any rainwater runs fast over my garden, washing away the mulch and causing my lawns to remain soggy and swamp-like. The water further runs out into the street and (in the winter) causes a dangerous ice flow at the mouth of Ratna Court and Silver Spring Road. This lasts throughout the cold weather months. Without any control of the water running over hardtop driveways and road surfaces at the top of the hill, excess water will be most devastating and destructive to lots below on Ratna Court.

Maintenance: What measures will be taken to maintain the road and grass cutting around the fence and the common areas? There is a triangle of grass to be cut on the west side of the fence. This area is directly against my property line. I personally cannot access this area with a lawn mower and have been weed-whacking the grass to keep it low. It is not part of my property and I will not continue to maintain this area.

What measures will be initiated to keep vehicles from driving beyond the road surface, coming down this steep grade? We have already seen construction vehicles slipping onto the adjacent lawns as they come down the hill.

I would also request that the pine trees adjacent to the rear of my property line be left standing. They do not (and have not) inhibited any construction vehicles, are a good distance from the planned road, keep the hill from washing away.

Attached are photos of the areas in question.

Thank you for your consideration

Respectfully submitted,

### September 3, 2003

To: **Zoning Commissioner of Baltimore County** 

From: Doris S. Small 3 Ratna Court

Baltimore, MD 21236

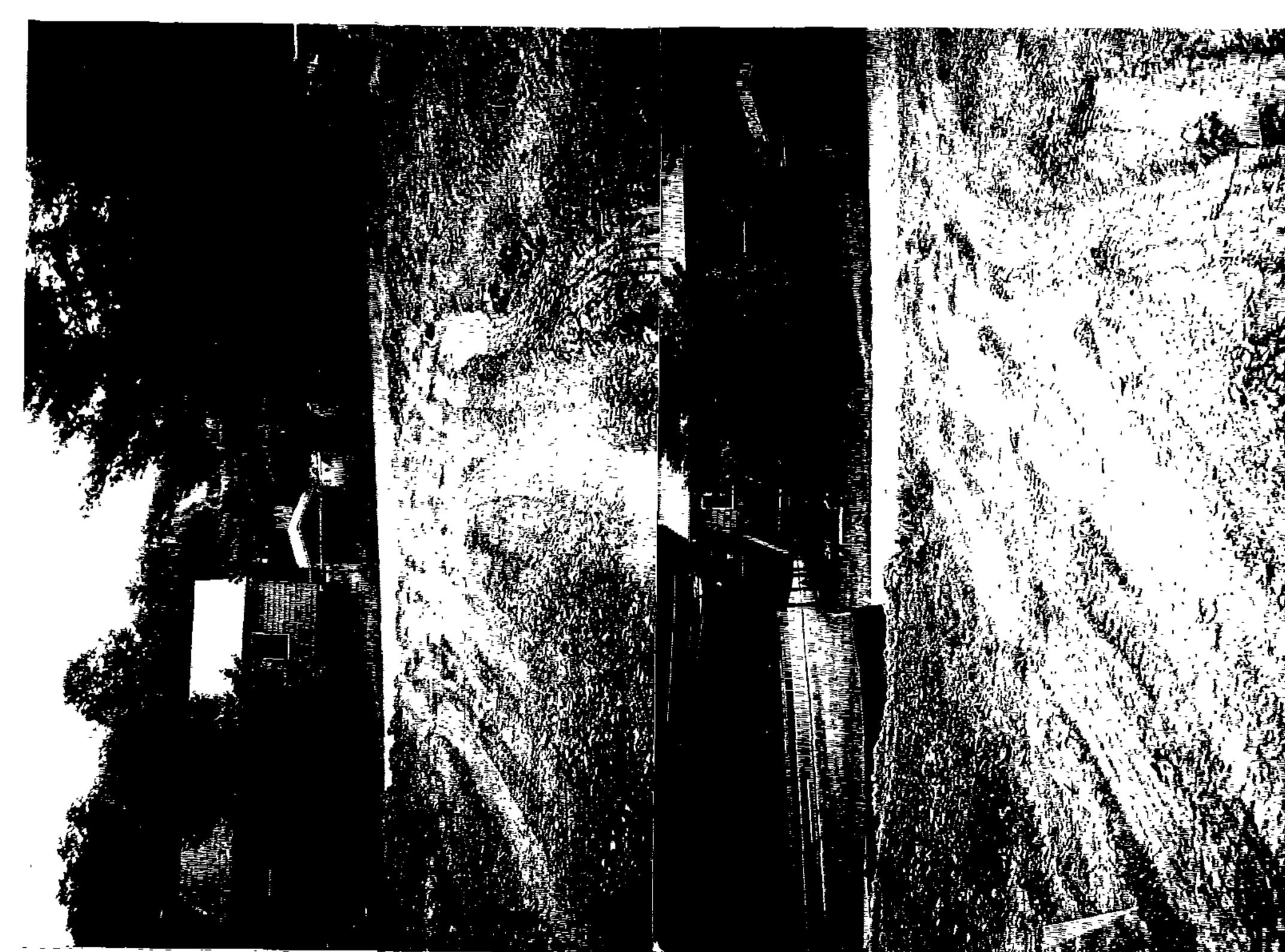
410-931-4697

Re: Construction Sites at 4620, 4624, 4626 Silver Spring Road

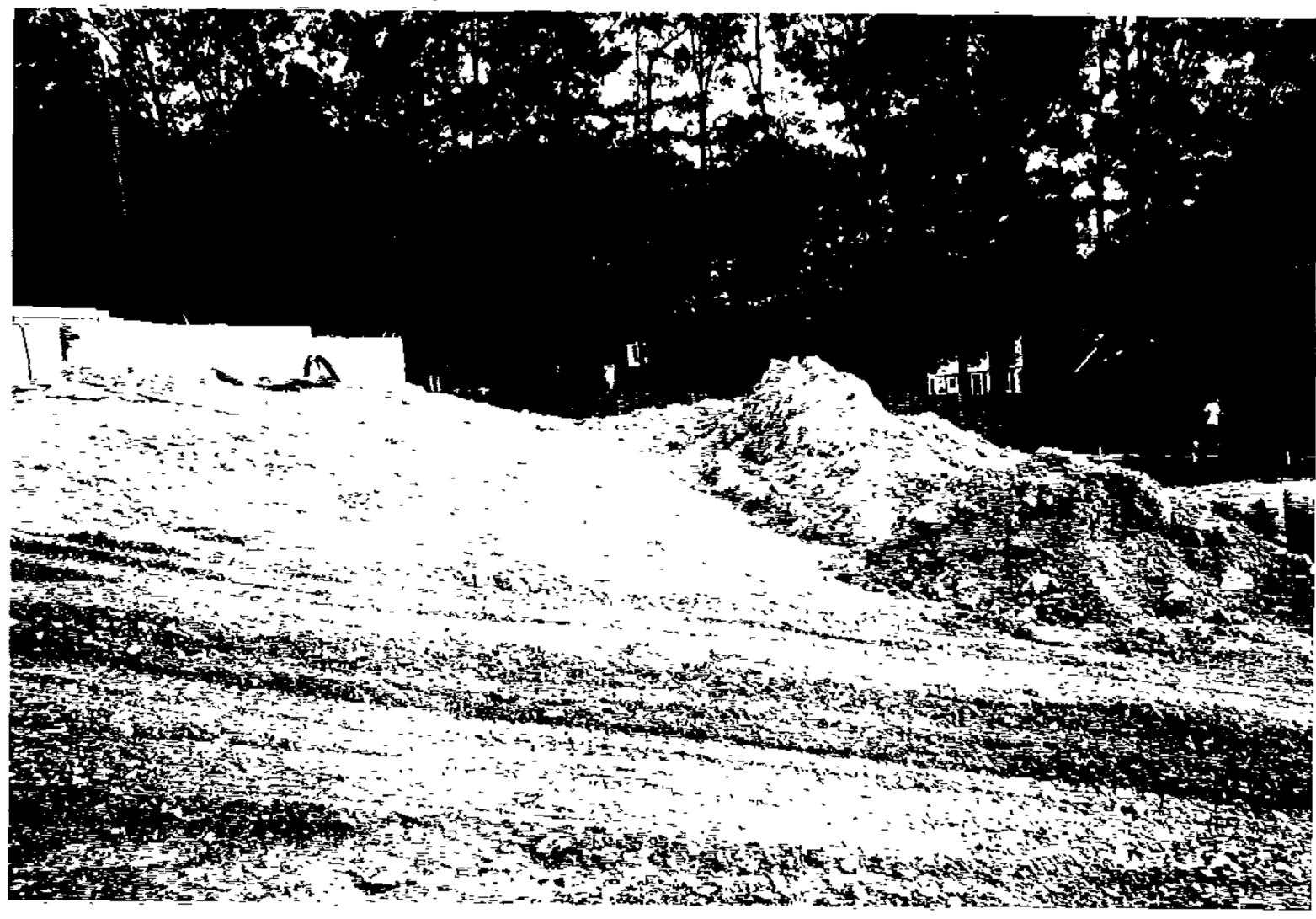
> Perry Hall, MD 21128 & Case # 03-589-SPH

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Steep grade paccess Road



access road vito 5 houses

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Lught of constructed homes-



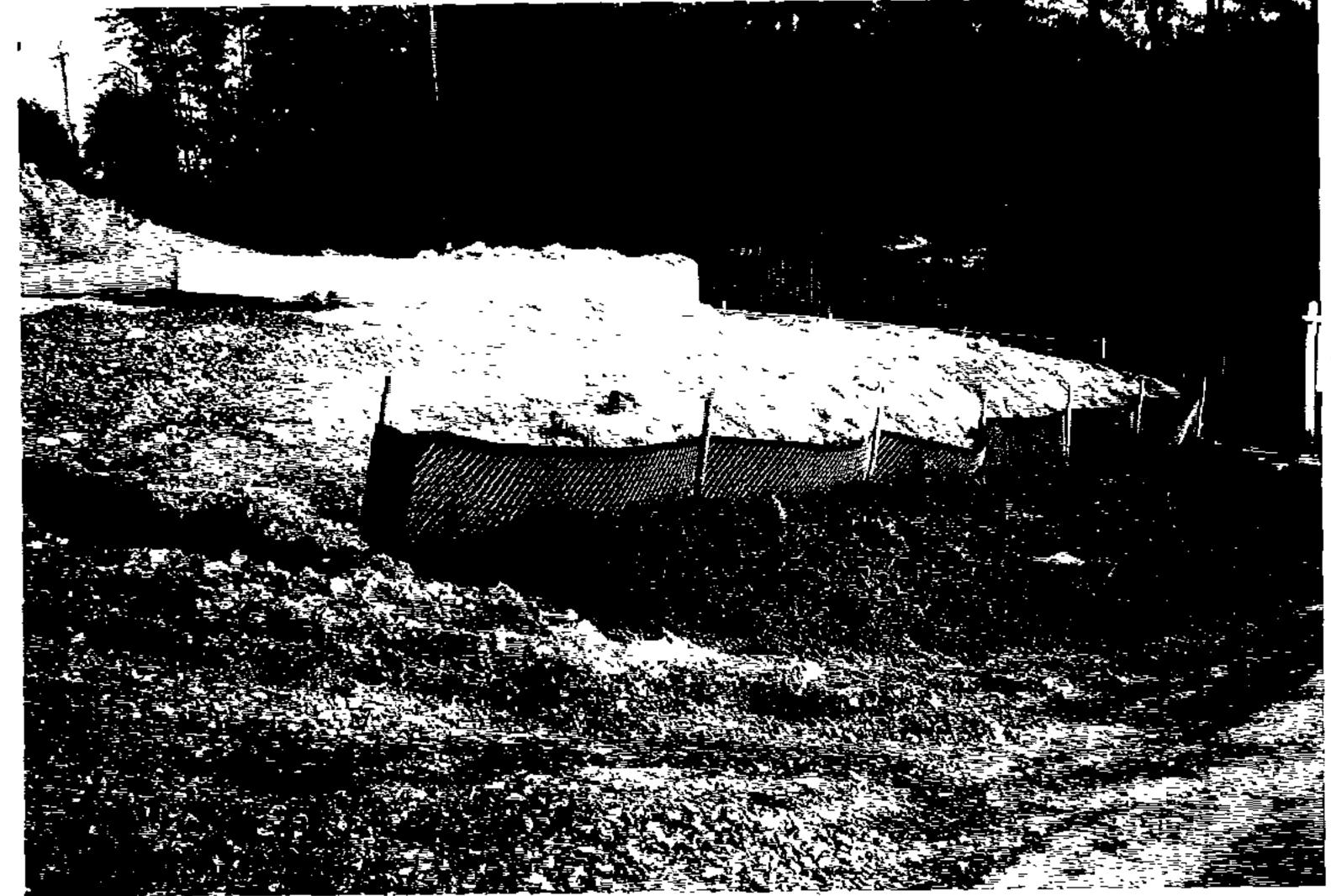
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Proposed driveway 7



-Silver Spring Rood



shows steep gade of access Road



Shows down grade to Rature Ct

The fence!



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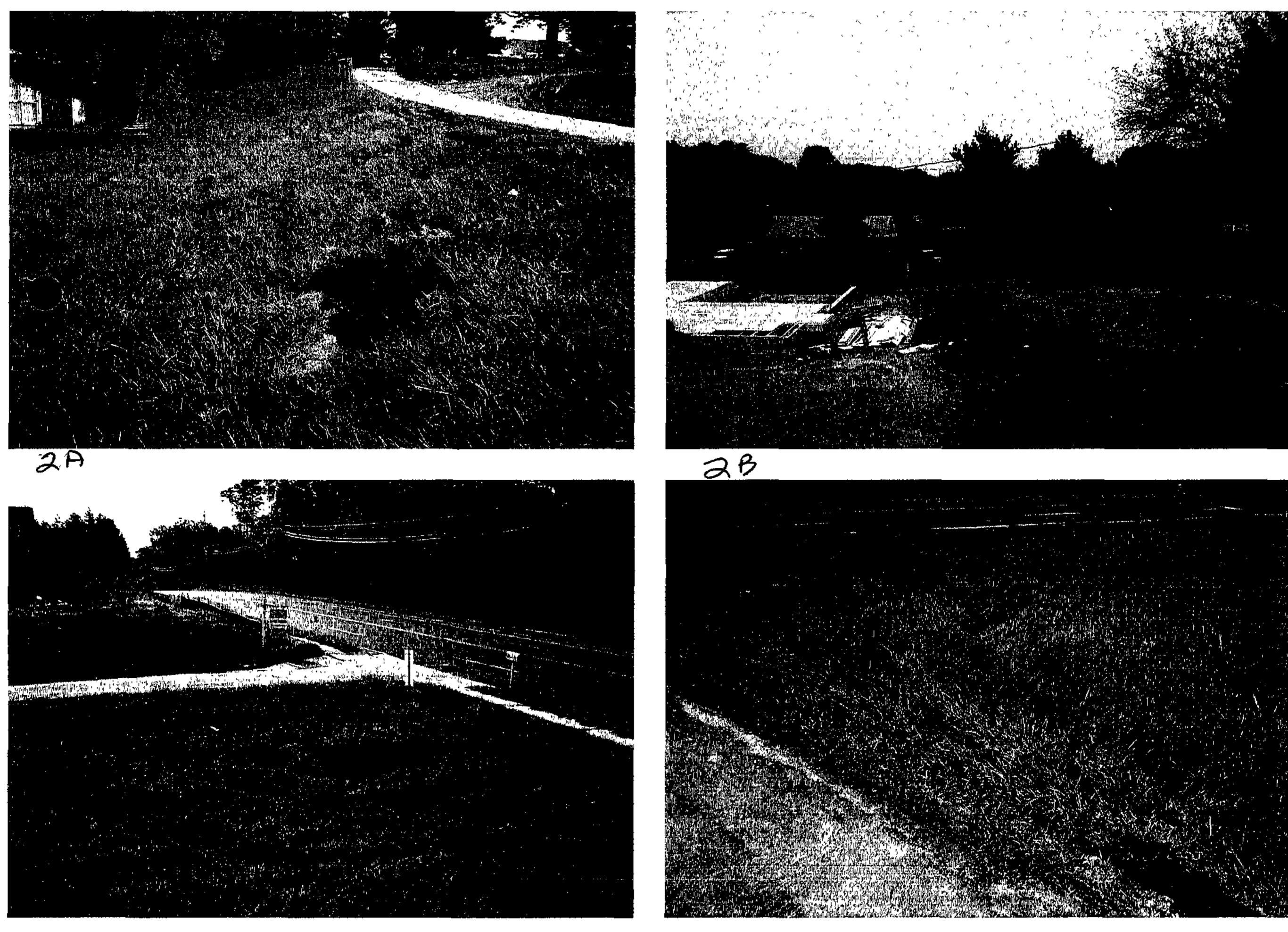
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Selver Spring Rd hiel



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