IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - N/S Panorama Drive, 650' E of the c/l Cowenton Avenue (Moores Meadows III, Martin Addition)

11th Election District 5th Council District

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 04-122-SPHA

Frank E. Martin, Jr., et ux, Owners; Joppa Road East, LLC, Contract Purchasers *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Frank E. Martin, Jr., and his wife, Katherine J. R. Martin, and the Contract Purchasers, Joppa Road East, LLC, through their attorneys, G. Scott Barhight, Esquire and Jennifer R. Busse, Esquire. The Petitioners request a special hearing to approve the sewer infrastructure serving all lots within the Honeygo Run subarea to pass through the Bird River sub-area, and an amendment to the previously approved site plans in prior Case Nos. 02-376-A in Moores Meadows and 03-428-SPHA-HAS in Moores Meadows II. In addition, the Petitioners request a series of variances. Pursuant to Sections 259.8 and 4A02.4.G of the Baltimore County Zoning Regulations (B.C.Z.R.) (incorrectly referred to as "4A02.4.F" in Section 259.8), the Petitioners seek relief from Section 259.7.S of the B.C.Z.R. to permit all dwellings within the Bird River Sub-area to connect to the Honeygo Run sewer interceptor. Pursuant to Sections 259.9.G.3 and 504.2 of the B.C.Z.R., and Page 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies (C.M.D.P.), the Petitioners request a variance to allow mountable curbs in lieu of the required vertical curbs. Lastly, pursuant to Sections 1B01.2.C.1.b and 504.2 of the B.C.Z.R., and Page 5 of Part III, Division VI, Section E of the C.M.D.P., the Petitioners request a variance to allow a side building setback to the tract boundary of 10 feet in lieu of the required 15 feet for Lots 17 and 18 of Moores Meadows III (Martin Addition). The subject property and requested relief are more particularly

described on the plat submitted with the Petitions and marked into evidence as Petitioner's Exhibit 2, and the Context Plan for the Martin Property, marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Doug Eshelman, a representative of Joppa Road East, LLC, Contract Purchasers; Alan Scoll and Stacey McArthur with D. S. Thaler and Associates, Inc., the consultants who prepared the site plan for this property; and Jennifer Busse, Esquire, attorney for the Petitioners. Appearing as interested parties were Judd M. Maslack, and Doug Cana, who appeared on behalf of Nottingham Properties, Inc. There were no Protestants or other interested persons present.

The subject property is an irregular shaped parcel located west of East Joppa Road, east of Cowenton Avenue, and north of the John F. Kennedy Memorial Highway (I-95) in the Honeygo area of Perry Hall. The property is located on the north side of Panorama Drive, a relatively new public street, just east of Cowenton Avenue, and contains approximately 1.81 acres in area. This lot has been described as the "hole in the donut" within the Moores Meadow community in that it abuts this residential subdivision on three sides. Section 1 of the Moores Meadow community is located to the east and south of the subject property and Section II of Moores Meadow abuts the north side. The Moores Meadows subdivisions were approved following review through the development review process codified in Title 26 of the Baltimore County Code. Section I of Moores Meadow was approved for development with 60 single-family residential lots by Order of then Deputy Zoning Commissioner Timothy Kotroco on April 29, 2002 (Case Nos. XI-728 and 02-376-A). The Moores Meadow II subdivision was approved by Order of the undersigned Zoning Commissioner/Hearing Officer on May 13, 2003 (Case No. XI-910 and 03-428-SPHAHSA) for 25 single-family dwellings. Joppa Road East, LLC has contracted to buy the subject property from the Martins and proposes developing same with six single-family dwellings as more particularly shown on Petitioner's Exhibit 2. The proposed development is entirely consistent with the Moores Meadow subdivision and these lots will indeed be incorporated as part of that residential community.

Special hearing relief is requested to allow sewer infrastructure servicing all lots within the Honeygo Run Sub-area to pass through the Bird River Sub-area. Similar relief was granted in the Moores Meadow II case. In the instant case, relief is necessary due to the ridgeline that establishes the boundary between the Honeygo Run Sub-area and the Bird River Sub-area, pursuant to the Honeygo regulations codified in Section 259 of the B.C.Z.R. Additionally, special hearing relief is requested to amend the prior cases cited above to allow the incorporation of these six lots into the Moores Meadows subdivision plan.

Variance relief is also requested as set forth above. It is to be noted that the second variance is to allow for mountable curbs along the road frontage for these lots. This variance would be consistent with what was previously approved for the Moores Meadow I and II subdivisions. Additionally, variance relief is requested to allow a 10-foot side building setback to a tract boundary in lieu of the required 15 feet for Lots 17 and 18. This variance will become moot if the special hearing request is granted in that the tract boundary line will vanish when the Martin property is incorporated into the Moores Meadow subdivision. Finally, variance relief is requested to allow dwellings within the Bird River Sub-area to connect to the Honeygo Run sewer interceptor. Again, similar relief was requested in the prior case (Moores Meadow I).

Based upon the testimony and evidence presented, I am easily persuaded to grant the requested relief. I find that the Petitioners have met the requirements for special hearing and variance relief to be granted, as set out in Sections 502.1, 259 and 307 of the B.C.Z.R. Although the relief requested appears complex, the intent is merely to incorporate this small parcel into the approved residential communities that nearly surround the subject property. The grant of relief necessary to allow the incorporation of these six additional lots is appropriate. The proposed addition is minor when compared with the number of lots that already exist in the community. Moreover, the proposed development is consistent with existing development in the area. It is also to be noted that a comment in support of the request was received from the Office of Planning.

OR FILING

ORDER RECE

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

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

December 11, 2003

G. Scott Barhight, Esquire Jennifer R. Busse, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue, 4th Floor Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
N/S Panorama Drive, 650' E of the c/l Cowenton Avenue
(Moores Meadows III, Martin Addition)
11th Election District – 5th Council District
Frank E. Martin, Jr., et ux, Owners; Joppa Road East, LLC, Contract Purchasers - Petitioners
Case No. 04-122-SPHA

Dear Mr. Barhight & Ms. Busse:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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. & Mrs. Frank E. Martin, Jr., 9127 Cowenton Avenue, Baltimore, Md. 21228

Mr. Doug Eshelman, Joppa Road East, LLC

7013 Meandering Stream Way, Fulton, Md. 20759

Mr. Alan Scoll & Stacey McArthur, D.S. Thaler & Assoc., Inc.

7115 Ambassador Road, Baltimore, Md. 21244-7428

Mr. Judd Maslack, 603 St, Francis Road, Towson, Md. 21286

Mr. Doug Cana, Nottingkam Prop., 100 West Pennsylvania Avenue, Towson, Md. 21204

People's Counsel; Case File



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



Q

ORDER PA

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	9127	Coventon	Ave	
which	is prese	ntly zoned 🛄	D.R. 3.5	

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

Please see attached

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

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

Legal Owner(s): Contract Purchaser/Lassee; Frank E. Martin. Ir. Joppa Road East, LLC Name - Type or Print Name - Type or Phot Signature Signature Katherine J.R. Martin 7013 Meandering Stream Way Name - Type or Print Telephone No. Address IR dlas Fulton, MD Chy 20759 Zip Code Signature State 41(1-832-2077. 9127 Cowenton Ave Attorney For Petitioner: Telephone No. Address 21228 Baltimore, MD G. Scott Barhight/Jennifer R. Busse Z 2 Code State CITY Name - Typs or Print Representative to be Contacted: Signatura Jennifer R. Busse FOR FILING Whiteford, Taylor & Preston Name Сотпрап 4:.0-832-2077 210 W. Pennsylvania Ave. Pennsylvania Ave, 4th Flr Telephone No. **Address** Telephone No. Address 212(14 Towson, MD (<u>410) 832-2077</u> Towson, MD 21204 Zip Cod€ State Zip Code State W OFFICE USE ONLY ESTIMATED LENGTH OF HEAPING Case No. 04 -122-5PHA UNAVAILABLE FOR HEARING Reviewed By Sale 2-8-03 REV 9/15/98

ATTACHMENT TO PETITION FOR SPECIAL HEARING

For Property located at: 9127 Cowenton Avenue
Zoning Item #:

Requested Zoning Relief:

- 1. Special Hearing to allow the sewer infrastructure servicing all lots within the Honeygo Run subarea to pass through the Bird River subarea.
- 2. Special Hearing to amend the plans in Zoning Case # 02-376-A (Moores Meadows) and Zoning Case # 03-428-SPH-A-HSA (Moores Meadows II).

284578

127



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9127 Cowenton Ave which is presently zoned D.R. 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Please see attached

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 presented 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.

Legal Owner(s):

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:

FOR FILING

ORDER RECEIVE

REV 9/15/98

Joppa Road East, LLC	Frank E. Martin, Jr.
Name - Type or Brint - Name - Ty	pe or Print Marker Martin
Signature	Signature /
7013 Meandering Stream Way	Katherine J.R. Martin
Address Telephone No.	Name - Type or Print (all Ment
Fulton, MD 2075() City State Zip Code	Signature
Attorney For Petiticner:	9127 Cowenton Ave 410 832-2077
Attorney ror redition.	Address Telephone No.
G. Scott Barhight / Jennifer R. Busse	Baltimore, MD 21128
Name - Type or Print //	State Zip Code
MINN RINCE	Representative to be Contacted:
Signature	
Whiteford, Taylor & Preston Company	<u>Jennifer R. Busse</u> Name
210 W. Pennsylvania Ave. 4th Flr Address Telephone No.	210 W. Pennsylvania Ave 410-832-2077 Address Telephone No.
Towson, MD 212()4 410-832-2077 City State Zip Code	Towson, MD 21204 City State Zip Code
\mathfrak{A}	OFFICE USE ONLY
Case No. 04-122-5PH 4	ESTIMATED LENGTH OF HEARING SEE 3PH
Reviewed By	What All BLE FOR HEARING Date 9-8-03

ATTACHMENT TO PETITION FOR VARIANCE

For Property located at: 9127 Cowenton Avenue Zoning Item #:

Requested Zoning Relief:

- 1. Pursuant to BCZR § 259.8 and BCZR § 4A02.4.G (incorrectly referred to as "4A02.4.F" in Section 259.8), Petitioner hereby petitions for a Variance from BCZR Section 259.7.S to allow all dwellings within the Bird River Subarea to connect to the Honeygo Run sewer interceptor.
- 2. Pursuant to BCZR Section 259.9.G.3, BCZR Section 504.2, and p. 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies, Petitioner hereby petitions for a Variance to allow for mountable curbs in lieu of the requirement for standard vertical curbs.
- 3. Pursuant to BCZR § 1B01.2.C.1.b, BCZR § 504.2, and p. 5 of Part III, Division VI, Section E of the CMDP, Petitioner hereby petitions for a Variance to allow a 10' side building setback to the tract boundary in lieu of the required 15' for lots # 17 and 18.

284578

ORDER RECEIVED FOR FILING
By

12/

MM

September 2, 2003

DESCRIPTION (for Zoning purposes only)

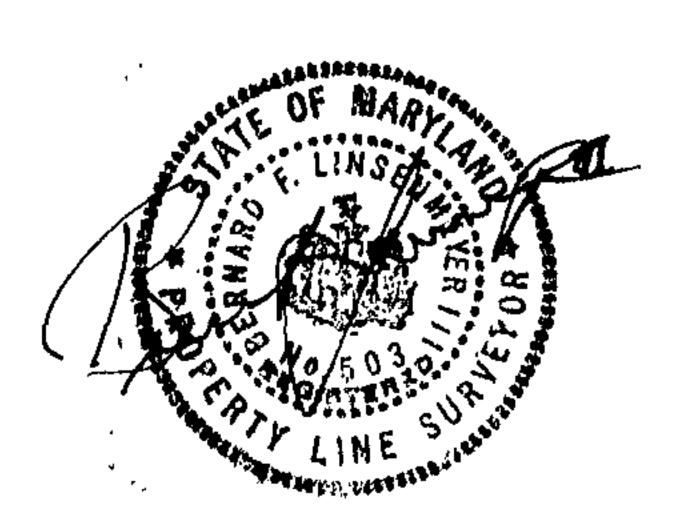
A portion of the Martin property known as 9127 Cowenton Avenue located in the Eleventh District and Fifth Councilmanic District of Baltimore County, Maryland.

Beginning for the same at a point approximately 350 feet North of the centerline intersection of Hornago Avenue and Cowenton Avenue and approximately 650 feet in a northeasterly direction from Cowenton Avenue, thence running the following four courses and distances:

- 1. North 71°57'19" East 323.00 feet ± to a point; thence
- 2. North 09°45'05" East 232.40 feet ± to a point; thence,
- 3. South $77^{\circ}26'15''$ West 374.46 feet \pm to a point, thence,
- South 04°23'32" East 248.38 feet ± to the point of beginning.
 Containing 1.81 acres of land, more or less.

Being a part of that parcel of land as described in a Deed dated April 20, 1988, as recorded in the Land Records of Baltimore County, Maryland in Liber S.M. No. 7859 page 639, which was conveyed by Kenneth Theodore Letke, et al. to Frank E. Martin, Jr. and Katherine J.R. Martin, husband and wife.

\\DELLSERVER\ADMIN\CORRESPONDENCE\PROJECTS\MARTIN PROPERTY\ZONING DESCRIPTION SAM CN 09 02 03 .DOC



BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

DATE 9-1-03 ACCOUNT P-01-006-6-59

AMOUNT \$ SOD BUDGET & FINANCE

RECEIVED WAS ACCOUNT BUDGET BU

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: # 04-122-SPHA

9127 Cowenton Avenue

N/side Panorama Road, 650 feet of centerline Cowenton Avenue

11th Election District-5th Councilmanic District Legal Owner(s): Frank E. Martin, Katherine J. R. Mar-

Contract Purchaser(s): Joppa Road East, LLC.

Special Hearing: to permit the sewer infrastructure servicing all lots within the Honeygo Run Subarea to pass through the Bird River subarea. To amend the plans in Zoning case #02-376-A (Moores Meadows) and Zoning Case #03-428-SPH-A-HAS (Moores Meadows II). Variance: to allow all dwellings within the Bird River Subarea to connect to the Honeygo sewer interceptor. To allow for mountable curbs in lieu of the requirement for standard vertical curbs. To allow a 10" side building setback to the tract boundary in lieu of the required 15 feet for lots #17 and 18.

Hearing: Wednesday, November 12, 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 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/10/773 Oct. 28

CERTIFICATE OF PUBLICATION

1028,2003
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
on 10 28 ,2003.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilking
LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 94-122-5PH Petitioner/Developer: FRANC. *

KATHERINE MARTIN Date of Hearing/Closing: 1001/12/03 Baltimore County Department of Permits and Development Management County Ciffice Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Hecky 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: 9127 COWENTON AYE The sign(#) were posted on Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) Case * 104 122 SPHA A PUBLIC HEARING WILL BE HELD BY THE ZORING COMMISSIONER 1508 Leslie Road IN FOW: ±3 , MD THE ACE INCOME YOU DESIGNATED YING MOCEN, HOS BASELEY MIC (Address) TIME & DATE INCHEMENTALIZATION TOWN SUMMED INTER OF DUTTIONS TO THE TOTAL STATE OF WORLD WITH THE TOTAL STATE OF THE TOTAL ST Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 CONTRACTOR OF THE PARTY OF THE PROPERTY CANADASS TO SEASONS THE PARTY OF CONTRACTOR OF THE PARTY OF CONTRACTOR OF THE PARTY OF CONTRACTOR OF THE PARTY OF THE PAR THE PROPERTY OF THE HANDICAPPED ACCESSION OF THE PROPERTY OF T (Telephone Number)

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T Smith, Jr., County Executive Timothy M. Kotroco, Director

September 26, 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: 04-122-SPHA

huth Kotroco

9127 Cowenton Avenue

N/side Panorama Road, 650 feet of centerline Cowenton Avenue

Special Hearing to permit the sewer infrastructure servicing all lots within the Honeygo Run Subarea to pass through the Bird River subarea. To amend the plans in Zoning case #02-376-A (Moores Meadows) and Zoning Case #03-428-SPH-A-HAS (Moores Meadows II. Variance to allow all dwellings within the Bird River Subarea to connect to the Honeygo sewer interceptor. To allow for mountable curbs in lieu of the requirement for standard vertical curbs. To allow a 10" side building setback to the tract boundary in lieu of the required 15 feet for lots #17 and 18.

Hearings:

Wednesday, November 12, 2003 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

TK:rlh

Director

C: Frank and Katherine Martin, 9127 Cowenton Avenue, Baltimore 21228 Scott Barhight/Jennifer Busse, Whiteford, Taylor & Preston, 210 West Pennsylvania Ave., 4th Floor, Towson 21204 Joppa Road East, LLC, 7013 Meandering Stream Way, Fulton 20759

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 28, 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, October 28, 2003 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse

410-832-2077

Whiteford, Taylor & Preston 210 W. Pennsylvania Ave., Suite 400

Towson, MD 21204

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: 04-122-SPHA

9127 Cowenton Avenue

N/side Panorama Road, 650 feet of centerline Cowenton Avenue

Special Hearing to permit the sewer infrastructure servicing all lots within the Honeygo Run Subarea to pass through the Bird River subarea. To amend the plans in Zoning case #02-376-A (Moores Meadows) and Zoning Case #03-428-SPH-A-HAS (Moores Meadows II. Variance to allow all dwellings within the Bird River Subarea to connect to the Honeygo sewer interceptor. To allow for mountable curbs in lieu of the requirement for standard vertical curbs. To allow a 10" side building setback to the tract boundary in lieu of the required 15 feet for lots #17 and 18.

Hearings:

Wednesday, November 12, 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 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:	mAMA.	04-12-5PH-1	4
Item Number or Case Number:			
Petitioner: Joppa R	oad East, C	_ <u></u>	
Address or Location:91	27 Cowen	ton Avenue	
PLEASE FORWARD ADVERTIS Name: <u>Jennife</u> Address: <u>clo Whitefor</u>	~	Leston UP	
$\frac{210}{1000}$	Penneylva MD 212		400
Telephone Number: 410 4	832,207		

Department of Permits and Development Management

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

November 7, 2003

G. Scott Barhight Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue, 4th Fl. Towson, MD 21204

Dear Mr. Barhight:

RE: Case Number: 04-122-SPHA, 9127 Cowenton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 8, 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 D

WCR:klm

Enclosures

c: People's Counsel Frank & Katherine Martin, 9127 Cowenton Avenue, Baltimore 21228 Joppa Road East, LLC, 7013 Meandering Stream Way, Fulton 20759 Jennifer Elusse, 210 W. Pennsylvania Avenue, Towson 21204



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



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

County Office Building, Room 111 Mail Stop #1105

September 24, 2003

111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: September 22, 2003

Item No.:

112, 114 (122) 124, 126, 128-130, 136

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 MEZIĆK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File

Robert L. Ehrlich, Jr., Governor Michael S. Stecle, Lt. Governor



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

772

Harry OF PRANSPORTING I

ら・23・03 Date:

Baltimore County

Item No. /22

RE:

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

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. Arell

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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley 23 MT

DATE:

October 22, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of September 22, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

04-113,114,118,119,120,121(122,123,127,128,129,130,136



DATE: October 9, 2003

RECEIVED

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: 9127 Cowenton Avenue

INFORMATION:

Item Number: 04-122

Petitioner: Frank E. Martin, Jr.

Zoning: DR 3.5

Requested Action: Variance/Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow a 10-foot side building setback to the tract boundary in lieu of the required 15 feet for lots # 17 and 18.

This office also supports the request for special hearing to allow the sewer infrastructure servicing all lots within the Honeygo Run subarea to pass through the Bird River subarea. Planning Staff will defer to the Department of Public Works regarding the request to connect to the Honeygo Run sewer interceptor, as this issue is within the purview of that department.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 30, 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 September 29, 2003 Item Mos. 1)13, 114, 115, 116, 117, 118, 122, 125, 126, 128, 130, and

136

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 *

AND VARIANCE

9127 Cowenton Avenue; N/side Panorama

Road, 650' C/line Cowenton Avenue

11th Election & 5th Councilmanic Districts

Legal Owner(s): Frank E, Jr. * Katherine

J.R. Martin

* Dynahagan(a), James Bood Foot, LLC.

Contract Purchaser(s): Joppa Road East, LLC;

Douglas F Eshelman

Douglas F Eshelman

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-122-SPHA

* * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

Peter Max Aimmer and

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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 September, 2003, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire & Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, 4th Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

SEP 2 6 2003

Per.....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

PLEASE PRINT CLEA	4KL	Υ.
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CASE NAME	
CASE NUMBER	
DATE	

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Jennifer Busse	WTP ZIO W. Pennsylvania	Are. Towson 21204	jousse a wtplaw, con Juppmisury amsis won
JUDO MASLACK	603 ST. FRANCIS RO	10W50N 21284	JUDDMISHUR WISN WM
Sony MATHW	TSTOP 715 Anhows swoter For	Buto MO	Snew three psthaler.com
ALAN ESCOLL	ν, ν.	لر اد	ascal @ ds thaler com
Doby Eshelman	7013 Meandering Stream Way	Fulton MD 20759	d-feshelman e aol. col
Doug Cana	100 West Penn. Ave	Towson mD 21704	deanine mother hampropersies-con
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. IN RE: DEVELOPMENT PLAN HEARING

& PETITION FOR VARIANCE

11th Election District
5th Councilmanic District

(Moore's Meadow)

E. Joppa Road, LLC, Developer

BEFORE THE

HEARING OFFICER

OF BALTIMORE COUNTY

Case Nos. XI-728 & 02-376-A

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County as a combined public hearing, filed pursuant to Section 26-206.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), for consideration of a Development Plan and a Petition for Variance filed by the E. Joppa Road, LLC, owners of the property and Developers herein. The owners are proposing the development of the subject property into 60 single-family residential lots. The subject property is located on the southwest side of E. Joppa Road, east of Cowenton Avenue. The particulars of the manner in which the property is proposed to be developed are more specifically shown on Developer's Exhibit No. 5, the Red Line Development Plan entered into evidence at the hearing. The subject Development Plan was prepared by D.S. Thaler & Associates, Inc., civil engineers. In addition to the Development Plan approval, zoning relief is sought from the Baltimore County Zoning Regulations as follows:

- 1. Petitioner hereby petitions for a variance from threshold limits contained in the B.C.Z.R. Section 259.7, pursuant to B.C.Z.R. Section 259.8 and B.C.Z.R. Section 4A02.4.G (incorrectly referred to as "4A02.4.F" in Section 259.8), to permit the issuance of building permits for construction pursuant to the Moore's Meadows Development Plan;
- 2. Petitioner hereby petitions for a variance from Section 259.7.S of the B.C.Z.R., to allow all dwellings within the Bird River Subarea to connect to the Honeygo Run sewer interceptor;
- 3. Petitioner hereby petitions for a variance from Section 259.9.B.4.b of the B.C.Z.R., to allow a 25 ft. setback from E. Joppa Road in lieu of the required 40 ft. setback for Lot #57;

- 4. Petitioner hereby petitions for a variance from Section 259.9.B.4.e of the B.C.Z.R., to allow a 15 ft. setback from the rear property line in lieu of the required 50 ft. setback for Lot #57;
- 5. Petitioner hereby petitions for a variance from Sections 259.9.G.3 and 504.2 of the B.C.Z.R. and page 26 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies (CMDP) to allow for one cul-de-sac/court in lieu of providing through connection to adjacent properties;
- 6. Petitioner hereby petitions for a variance from Sections 259.9.G.3 and 504.2 of the B.C.Z.R. and pages 29 and 31 of Part III. Division VI, Section E of the CMDP to allow for mountable curbs in lieu of the requirement for standard vertical curbs;
- 7. Petitioner hereby petitions for a variance from Sections 259.G.3 and 504.2 and page 31 of Part III, Division VI, Section E of the CMDP to allow for one cul-de-sac/court in lieu of the requirement that courts only occur for special design situations and between environmentally sensitive land areas;
- 8. Deleted as no longer applicable; and
- 9. Petitioner hereby petitions for a variance from Sections 259.9.F.4, 259.9.G.3 and 504.2 of the B.C.Z.R. and page 31 of Part III. Division VI, Section E of the CMDP to allow one court/cul-de-sac in excess of 40-0 ft. in length from the center line of the adjoining street.

Appearing at the hearing on behalf of the Development Plan approval and Variance requests were David Thaler, Ernest Sheppe and Alan Scoll, all representatives of D.S. Thaler & Associates, Inc., Mickey Cornelius, appearing on behalf of The Traffic Group, and G. Scott Barhight, attorney at law, representing the property owner. Appearing in opposition to the request were many residents from the surrounding community, all of whom signed in on the Citizens Sign-In Sheet. These individuals are too numerous to mention in the body of this Order. However, reference is made to the sign-in sheet which is contained within the Hearing Officer's file. In addition, representatives from the various Baltimore County reviewing agencies also attended the hearing; namely, Bob Bowling (Development Plans Review) and William A. Miner (Bureau of Land Acquisition), all from the Office of Permits & Development Management; R.

IN RE: DEVELOPMENT PLAN HEARING and PETITIONS FOR SPECIAL HEARING AND VARIANCE and PETITION FOR HONEYGO SPECIAL VARIANCE - E/S Cowenton Ave., S of E. Joppa Road

(Moores Meadows II)

11th Election District

5th Council District

Paul Snyder, et ux, Owners; Joppa Road East, LLC, C.P./Developer * BEFORE THE


* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case Nos. XI-9/10 & 03-428-SPHAHSA

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a single public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (Code) for consideration of a development plan, prepared by D. S Thaler & Associates, Inc., and Petitions for Special Hearing and Variance and Honeygo Special Variance. Pursuant to the development review regulations codified in Title 26 thereof, the Owners, Paul and Dorothy Snyder, and the Contract Purchasers/Developers, Joppa Road East, LLC, seek approval of a red-lined development plan, for the proposed residential development of the subject property with 25 single family dwellings. In addition to development plan approval, Petitions for Special Hearing and Variance relief as well as a Petition for Honeygo Special Variance relief is requested. Specifically, the applicants request special hearing and special variance relief from the threshold limits contained in Section 259.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Sections 259.8 and 4A02.4.G thereof, to permit the issuance of building permits for construction. In addition, a special hearing is requested to allow the sewer infrastructure servicing all lots to pass through the Bird River sub-area. Lastly, a variance/waiver is requested from Sections 259.9.G.3 and 504.2 of the B.C.Z.R., and Pg. 29, Part III, Division 6, Section 8 of the Comprehensive Manual of Development Policies (C.M.D.P.), pursuant to Section 26-172 of the Baltimore County Code, to permit concrete mountable curbs in lieu of the required standard vertical concrete curb. In addition, variance relief is requested from Section 1B01.2.C.1.b and 504.2 and Pg. 5, Part III, Division 6, Section 8 of the



D.R.-3.5 H

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for

Baltimore County this 15 day of May, 2003 that the red-lined development plan for Moores Meadows II, identified herein as Developer's Exhibit 6A, be and is hereby APPROVED; and, IT IS FURTHER ORDERED that the Petition for Special Hearing to allow the sewer infrastructure servicing all lots to pass through the Bird River sub-area, be and is hereby IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections

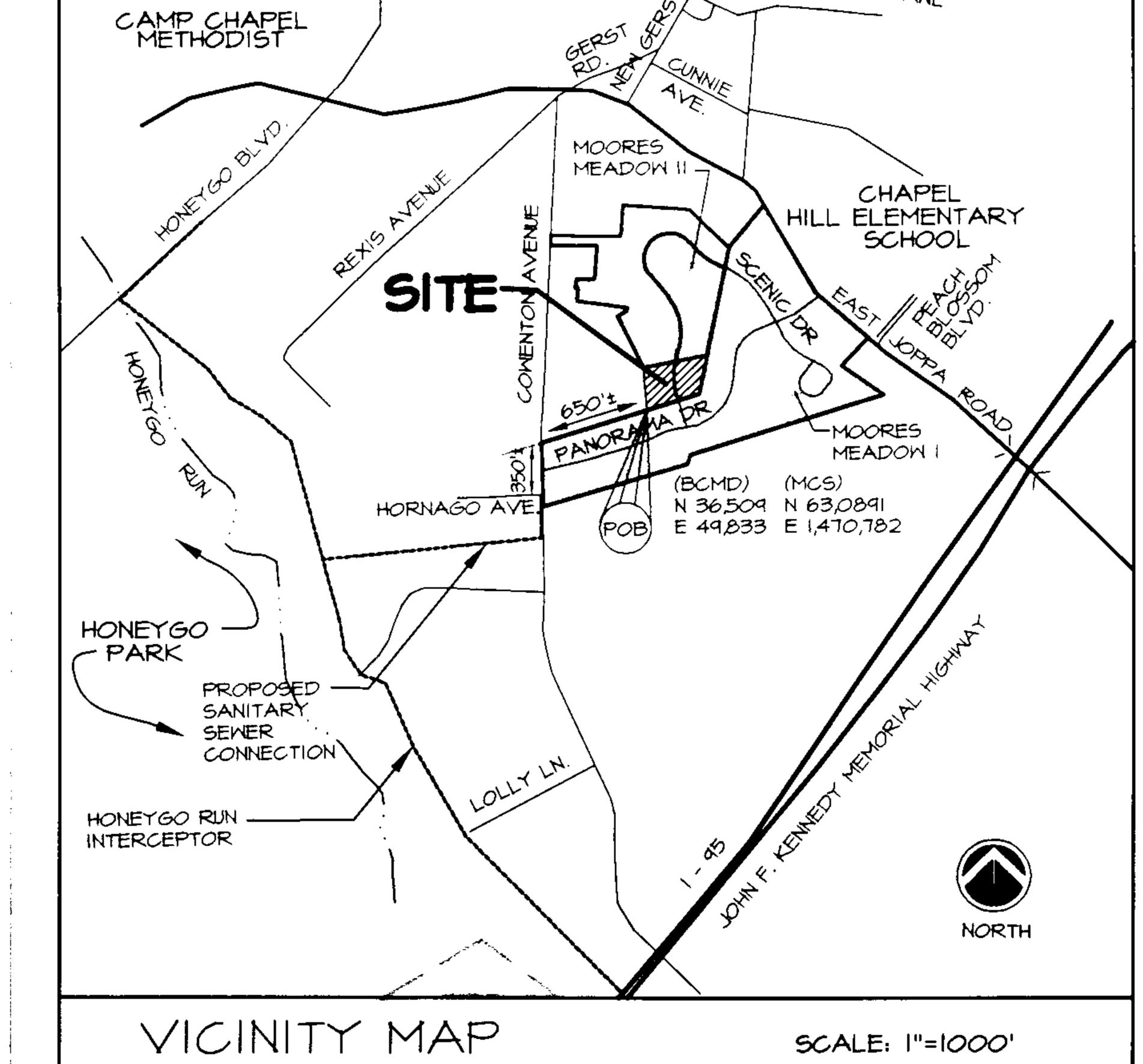
Division 6, Section 8 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit concrete mountable curbs in lieu of the required standard vertical concrete curb and from Section 1B01.2.C.1.b and 504.2 and Pg. 5, Part III, Division 6, Section 8 of the C.M.D.P. to allow for side building setbacks to a tract boundary of 10 feet in lieu of the required 15 feet for Lots 15, 16 and 25, in accordance with Developer's Exhibit 6A, be and is hereby GRANTED; and, IT IS FURTHER ORDERED that the Petition for Special Hearing secking a waiver from

Department of Public Works Standards to allow concrete mountable curb in lieu of the required vertical concrete curb, pursuant to Section 26-172 of the Baltimore County Code, be and is hereby GRANTED, in accordance with Developer's Exhibit 6A, be and is hereby GRANTED, subject to

- 1) The plan shall be amended to show the right-of-way, grading and sidewalks for potential road connection will be through Lot 5 and the elimination of the proposed dwelling for that lot.
- 2) The plan shall be amended to add a note and fence around the Baltimore County Forest Conservation Essement areas and other notations as required by the Department of Environmental Protection and Resource
- 3) Colorized building elevation drawings of the proposed dwellings will be submitted to the Office of Planning to insure compliance with the residential performance standards set forth in Section 260 of the B.C.Z.R.
- 4) All garages will be setback a minimum of 8 feet as required under the

IT IS FURTHER ORDERED that the Petition for Special Hearing/Special Variance seeking relief from the threshold limits contained in Section 259.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Sections 259.8 and 4A02.4 ii thereof, to permit the issuance of building permits for construction, be and is hereby DISMESSED AS MOOT.

FUTURE DEVELOPMENT INDICATED ON THE MARTIN PROPERTY.



RESIDENTIAL BUILDING SETBACK-D.R. ZONES HONEYGO OVERLAY DISTRICT AND SECTION IBOI.2.c.b.: OTHER RESIDENTIAL SETBACKS


	D.R3.5 H
From building face (front, side or rear) to: Right-of-way of a collector street, neighborhood street, alley or court. (not applied to parches or stoops	IO'
In front yard)	
From building face (front, side or rear) to: Right-of-way of a major or minor arterial or collector road.	40'
(not applied to parches or stoaps In front yard)	
From building face to: Property line (not a street line)	25'
From building face (front, side or rear) to: Rear property line (not a street line) (Except for unrooted additions, Including patice and decks; and rooted additions which do not exceed in width 50% of the dwelling unit, and which do not extend more than 10 feet into the rear-yard setback area)	50' (37.5' for unroofed additions; 40' for roofed additions)
From building face to: The side yard lot line that is not adjacent or the same as a public right-of-way if the dwelling unit has a side or rear entry garage.	6' (sum of all side yard widths may not be less than 20')
From side building face to: side building face	16' separation < 20' high bidg. 20' separation > 20' high bidg.
From side building face to: paving of a private road	25'
From side building face to: tract boundary	15'
Front entry garage shall be recessed behind the front facade of the dwelling unit has a side or rear entry garage.	8' min.
Minimum Width for Single Family Detached lot measured along both the front wall 4 rear wall of the dwelling:	∂5 '
This table lists minimum setback requirement fuller explanation of these and othe Comprehensive Manual of Development Police	r requirements, consult the

Envelopes or typical house locations on single family lots dictate a specific orientation which allows compliance with the BCZR and should theorientation change, the setbacks required by Section 259.9 must be met (DR Zones)

EGEND	

	TRACT BOUNDARY	INTER. CONTOUR	ROAD	FIRE HYDRANT
	ZONING LINE	SOILS	SANITARY SEMER	LIGHT
	EASEMENT	TREES	STORM DRAIN	UTILITY POLE
	INDEX CONTOUR	WETLANDS	WATER	25% SLOPES
	SPECIMEN TRI			
ا د	FOREST BUFFER EASEMENT	FIRE HYDRANT	▲ LIGHT	MAJOR DECIDUOUS TREE
7	INDEX CONTOUR	SANITARY SEMER	FOREST RETENTION	MINOR DECIDUOUS TREE
	INTER. CONTOUR	STORM DRAIN	AFFORESTATION	© EVERGREEN TREE

"THIS SITE IS IN THE HONEYGO OVERLAY DISTRICT 'H' AND IS WITHIN THE 'HONEYGO RUN' SUB-AREA AND IS SUBJECT TO THE APPLICABLE HONEYGO AREA REGULATIONS, AS WELL AS OTHER BALTIMORE COUNTY ZONING



THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of December 2003, that the Petition for Special Hearing to approve the sewer infrastructure serving all lots within the Honeygo Run sub-area to pass through the Bird River sub-area, and to amend the previously approved site plans in prior Cases Nos. 02-376-A in Moores Meadows and 03-428-SPHA-HAS in Moores Meadows II, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief, pursuant to Sections 259.8 and 4A02.4.G of the Baltimore County Zoning Regulations (B.C.Z.R.) (incorrectly referred to as "4A02.4.F" in Section 259.8), from Section 259.7.S of the B.C.Z.R. to permit all dwellings within the Bird River Sub-area to connect to the Honeygo Run sewer interceptor, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief, pursuant to Sections 259.9.G.3 and 504.2 of the B.C.Z.R., and Page 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies (C.M.D.P.), to allow mountable curbs in lieu of the required vertical curbs, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief, pursuant to Sections 1B01.2.C.1.b and 504.2 of the B.C.Z.R., and Page 5 of Part III, Division VI, Section E of the C.M.D.P., to allow a side building setback to the tract boundary of 10 feet in lieu of the required 15 feet for Lots 17 and 18 of Moores Meadows III (Martin Addition), in accordance with Petitioner's Exhibits 1 and 2, 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, the 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.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

OR FILING