

IN RE: DEVELOPMENT PLAN HEARING
& PETITION FOR VARIANCE
E/S of Courtleigh Drive,
S of Liberty Road
2nd Election District
4th Councilmanic District
(COURTLEIGH MANOR)

* BEFORE THE
* HEARING OFFICER
* OF BALTIMORE COUNTY
* Case Nos. II-648 & 04-136-A

P & S Realty
Petitioner/Developer

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for Baltimore County as a requested approval of a Development Plan and a Petition for Variance prepared by Colbert, Matz, Rosenfelt, Inc. (civil engineers, surveyors and planners) proposing the development of the subject property with 16 single-family dwellings. The property, which is the subject of this request, comprises 5.461 acres, more or less and is zoned D.R.3.5 and D.R.5.5. The subject property is located on the east side of Courtleigh Road, south of Liberty Road.

In addition to seeking approval of the Development Plan, the Petitioner is also requesting a variance to permit a building to building setback of 15 ft. in lieu of the required 20 ft. for Lot Nos. 9-16 only.

Appearing at the hearing on behalf of the Development Plan approval request and special hearing and variance relief were Richard E. Matz, P.E., representing the engineering and site planning firm who prepared the Development Plan and Thomas Scherr, the Petitioner/Developer. J. Carroll Holzer, Esquire represented the Developer/Petitioner.

Appearing as interested citizens in the matter were several residents of the surrounding community, namely Ella White Campbell, Charles Widerman, Mollie Mitnick, Cheryl Mitnick, Preston Johnson, Leon Coleman and Anthony Brown.

Representatives of the various Baltimore County reviewing agencies also attended the hearing; namely, Jun Fernando (Zoning Review), Don Stires (Land Acquisition), Terry Curtis (Development Plans Review) and Don Rascoe (Development Project Manager), all from the

ORDER RECEIVED FOR FILING

Date

11/24/03

By

R. J. [Signature]

Office of Permits & Development Management; R. Bruce Seeley from the Department of Environmental Protection & Resource Management (DEPRM); Mark Cunningham from the Office of Planning; and Jan Cook from the Department of Recreation & Parks.

As to the history of the project, a Concept Plan Conference was scheduled on January 6, 2003, followed by a Community Input Meeting held on February 6, 2003 at the Liberty Family Resource Center. Thereafter, a Development Plan Conference was held on October 22, 2003 and the Hearing Officer's Hearing was scheduled for November 13, 2003.

Developer Issues

The Developer presented no issues for resolution and urged approval of the plan without modification.

County Issues

All County agency representative's indicated that the redline plan met all their agency requirements except for the Planning Office. Mr. Cunningham from Planning indicated that he had a minor issue that the housing pattern book needed to be updated and that his agency opposed the variance requests. As the hearing developed, however, it became evident that the Planning Office also opposed the Development Plan, even though that opposition was listed under the heading of Variance in the development review comments.

The Planning Office feels that there should be a maximum of six homes surrounding the cul-de-sac. See Developer's Exhibit No. 1. The Developer has consistently proposed eight. The subject of the variance request was the distance between these homes. Consequently, the Planning Office believed that if the variance was denied the number of homes around the cul-de-sac would be reduced to six. At the hearing, however, the Developer pointed out that granting or denying the variance would have nothing to do with the number of these homes and that they were entitled to eight under the zoning regulations.

Community Issues

At the Community Input Meeting several members of the community had objected to a through road connecting Merryview Drive and Merrymount Drive to Courtleigh Drive. They felt that the existing neighbors who are served by those streets would be subject to cut through traffic from this new subdivision and other existing neighborhoods in the area. To accommodate these concerns, the Developer proposed to change the through road to a cul-de-sac. See Developers Exhibit 1. Ms. Campbell spoke in favor of the roadway change and raised the issue of the number and quality of homes the Developer was proposing.

Amended Petition

After much discussion of the issue as to whether the variance request affected the number of homes around the cul-de-sac, the Developer formally withdrew the request for variance. The Developer indicated that he intended to proceed with the proposed eight homes around the cul-de-sac.

Applicable Law

Section 26-206 of the B.C.Z.R. *Development Plan Approval*.

- (a) (1) A public quasi-judicial hearing before the hearing officer is required prior to final action on a plan. The hearing may be informal in nature. The hearing officer shall regulate the course of the hearing as he may deem proper, including the scope and nature of the testimony and evidence presented.
- (2) The hearing officer shall take testimony and receive evidence regarding any unresolved comment or condition that is relevant to the proposed plan, including testimony or evidence regarding any potential impact of any approved development upon the proposed plan.
- (3) The hearing officer shall make findings for the record and shall render a decision pursuant to the requirements of this section.
- (b) The hearing officer shall grant approval of a Development Plan that complies with these development regulations and applicable policies, rules and regulations promulgated pursuant to section 2-416 et seq. of the Code, provided that the final

ORDER RECEIVED FOR FILING

Date

11/24/03

By

J. J. Gannon

approval of a plan shall be subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein.

- (o) In approving a plan, the hearing officer may impose such conditions, as may be deemed necessary or advisable based upon such factual findings as may be supported by evidence for the protection of surrounding and neighboring properties. Such conditions may only be imposed if:
- (1) The condition is based upon a comment which was raised or a condition which was proposed or requested by a part;
 - (2) Without the condition there will be an adverse impact on the health, safety or welfare of the community;
 - (3) The condition will alleviate the adverse impact; and
 - (4) The condition does not reduce by more than twenty (20) percent the number of dwelling units proposed by a residential Development Plan in a D.R.5.5, DR 10.5, or DR 16 zone, and no more than twenty (20) percent of the square footage proposed by a non-residential Development Plan. This subsection is not applicable to a PUD Development Plan.

Development Plan

Mr. Matz described the Development Plan, which included many changes to the plan since the Community Input Meeting to Development Review Conference. These include changes to accommodate concerns regarding cut through traffic, providing a larger cul-de-sac with parking at the Planning Office's request, and improvements to existing flooding problems in the area. He noted that under present DR 3.5 and DR 5.5 zoning, the Developer could construct up to 23 homes on the tract. They are asking for only 16 homes in this Development Plan. He also clarified several concerns of the community regarding landscaping. Finally, he testified that the redline plan meets all County regulations and should be approved as presented.

The representative from the Planning Office testified that with or without variance approval, he believed that there should only be six houses around the cul-de-sac. This would mean larger lots and would keep the size of the proposed lots similar to those lots already

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2018 11/24/18
By: [Signature]

existing in the neighborhood and presumably the quality of the housing offered. He specifically noted that Section 26-206 (o) permits the Hearing Officer to reduce the number of units in these zones by up to 20 % and that he thought that reducing the density by 13% (two lots of the sixteen proposed) would be appropriate under the circumstances. However, on cross-examination he admitted that he saw no legal barrier to the sixteen units proposed.

Ms. Campbell and other community participants agreed with the Office of Planning and pointed out that the homes around the cul-de-sac were not consistent with the quality of several fine neighborhoods in the area. In addition, she questioned whether the homeowners association would be viable. The main concern of the community members remained the number of homes around the cul-de-sac.

Finds of Fact and Conclusions of Law

From the testimony and evidence presented, I find that the Redline Development Plan meets all County regulations. I have carefully considered the requests of the Planning Office and community that I reduce the number of homes from sixteen to fourteen. I agree that six homes around the cul-de-sac is a better design. I also agree that it is in keeping with the neighborhoods in the area. I further agree that the portion of the property around the cul-de-sac is zoned DR 5.5 and therefore I have the authority under Section (o) above to reduce the number of units.

My problem is whether there is a legal basis to reduce the number of homes from sixteen to fourteen. Said another way, is the fact that the proposed homes may well be on smaller lots, be smaller homes and perhaps sell for less than those of the surrounding neighborhood legally sufficient so as to justify the reduction in units? Would these smaller lots constitute an adverse impact on the health, safety and welfare of the community? The evidence before me is that

FILED
RECEIVED FOR FILING
Date 11/24/03
By R. J. J. J.

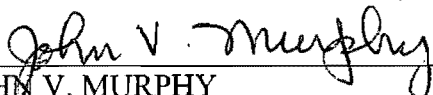
traffic, flooding and landscaping will be improved, or that they will not be a problem should the development be built. Ordinarily these are the factors that would be considered to increase with higher unit density. They are not problems here. The only issue is market price of the new homes around the cul-de-sac.

The representative of the Planning Office testified openly that he saw no legal basis for denying the plan as presented. While I understand and have sympathy for the concerns of the community and the Office of Planning, I am very reluctant to begin down a very slippery slope of trying to satisfy market worries of adjoining neighbors as real as they may be. I am very uncomfortable with this approach. The plan clearly meets all County regulations. Consequently, I will approve the Development Plan as presented.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 25 day of November, 2003, that the Redline Development Plan submitted into evidence as Developer's Exhibit No. 1, for the project known as "Courtleigh Manor", be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the Developer's Petition for Variance was withdrawn at the hearing and is hereby DISMISSED AS MOOT.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER/
HEARING OFFICER
FOR BALTIMORE COUNTY

JVM:raj

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

November 25, 2003

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286

Re: Hearing Officer's Hearing Case No. II-648 & 04-136-A
Property: E/S of Courtleigh Drive, S of Liberty Road
2nd Election District, 4th Councilmanic District
(**Courtleigh Manor**)

Dear Mr. Holzer:

Enclosed please find the decision rendered in the above-captioned case.

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 & 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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Copies to:

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



Thomas C. Scherr
701 Fern Valley Circle
Baltimore, MD 21228

Richard E. Matz,
Colbert, Matz, Rosenfelt, Inc.
2835 Smith Avenue, Suite G
Baltimore, MD 21208

Ella White Campbell
8544 Stevenswood Road
Baltimore, Maryland 21244

Charles Widerman
8424 Merrymount Drive
Baltimore, MD 21244

Mollie Mitnick
Cheryl Mitnick
8420 Merrymount Drive
Baltimore, MD 21244

Preston Johnson
8314 Channel Drive
Baltimore, MD 21244

Leon Coleman
8418 Merrymount Drive
Baltimore, MD 21244

Anthony Brown
6 Woodshire Court
Baltimore, MD 21244



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Courtleigh Drive

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) BCZR Sec 307.1 and BCZR Sec. 1301.2(c) to permit building to building set back of 15' in lieu of required 20' for lots 9-16 only.

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

The legal owners will set forth reasons for the variance at the time of the hearing.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Legal Owner(s):

P. + S. Homes, Inc.

Name - Type or Print

Signature

THOMAS G. SCHERR

Name - Type or Print

Signature

701 Fern Valley Circle 744-8589

Address

Balto.

MD

City

State

Telephone No.

21228

Zip Code

Representative to be Contacted:

J. Carroll Holzer

Name

508 Fairmount Ave. 825-6961

Address

Towson

MD

City

State

Telephone No.

21286

Zip Code

OFFICE USE ONLY

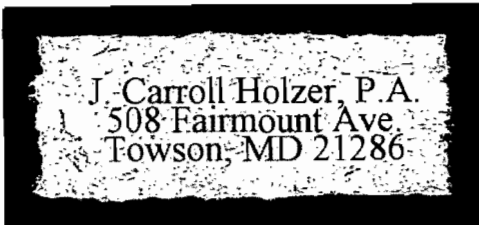
ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JRF Date 9/16/03

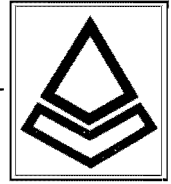
Case No. 04-136-A

ORDER RECEIVED FOR FILING



Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION COURTLEIGH MANOR

Beginning at a point on the east side of Courtleigh Road, which is of varying width, at the distance of 83 feet, more or less, north of the centerline of Stevenswood Road, which is 50 feet wide. Thence the following courses and distances:

N 38°20'14" E, 327.48 ft.;
S 51°39'46" E, 253.29 ft;
S 38°48'19" W, 297.69 ft., thence,
N 58°26'21" W, 252.62 ft., to the point of beginning.

Being a portion of a parcel as recorded in Baltimore County Liber 17385, folio 232. The parcel being known as 8413 Liberty Road and located in the 2nd Election District.



9/3/03

136

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 27381

DATE 9-16-03 ACCOUNT 001-006-6150

AMOUNT \$ 520.00

RECEIVED FROM: J. CARROLL HOLZER, P.A.

COURTLEIGH MANOR @ Courtleigh Rd.

FOR: VARIANCE ITEM # 136
TAKEN BY: JRF

CONTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
9/17/2003	9/16/2003	15:39:15	4

REG WS06 WALKIN KACH KXH
RECEIPT # 195624 9/16/2003 OFLN

Dept 5 528 ZONING VERIFICATION
CR NO. 027381

Receipt Tot \$520.00
520.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 04-136-A

Courtleigh Drive

E/side of Courtleigh Rd. at the distance of 83 ft. +/- north of centerline of Stevenswood

2nd Election District-4th Councilmanic District

Legal Owner(s): P & S Homes, Inc., Thomas Scherr.

Variance: to permit building setback of 15 feet in lieu of the required 80 feet for lots 9-16 only.

Hearings: Thursday and Friday, November 13 and 14, 2003 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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

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

JT/10777 Oct. 28

C633968

CERTIFICATE OF PUBLICATION

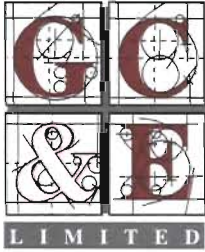
10/28/ 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/28/ 2003.

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

J. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE NO. 04-136-A
PETITIONER/DEVELOPER:
P&S Homes, Inc., Thomas Scherr
DATE OF HEARING:
November 13, and 14, 2003

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: REBECCA HART

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

LOCATION:
Courtleigh Drive
E/side of Courtleigh Road at he distance
of 83 Ft. +/- north of centerline of Stevenswood

DATE:
October 30, 2003

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX



POSTED ON: October 29, 2003



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

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

September 30, 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: 04-136-A

Courtleigh Drive
E/side of Courtleigh Rd. at the distance of 83 ft. +/- north of centerline of Stevenswood
2nd Election District – 4th Councilmanic District
Legal Owners: P & S Homes, Inc., Thomas Scherr

Variance to permit building setback of 15 feet in lieu of the required 80 feet for lots 9-16 only.

Hearings: Thursday and Friday, November 13 and 14, 2003, at 9:00 a.m., in Room 106, County Office Building, 111 W. Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286
P & S Homes, Inc., Thomas Scherr, 701 Fern Valley Circle, Baltimore 21228

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCTOBER 29, 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:
J. Carroll Holzer
508 Fairmount Avenue
Towson, MD 21286

410-825-6961

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: 04-136-A

Courtleigh Drive

E/side of Courtleigh Rd. at the distance of 83 ft. +/- north of centerline of Stevenswood
2nd Election District – 4th Councilmanic District

Legal Owners: P & S Homes, Inc., Thomas Scherr

Variance to permit building setback of 15 feet in lieu of the required 80 feet for lots 9-16 only.

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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 04-136-A
Petitioner: Thomas G. Scherr / P & S Homes, Inc.
Address or Location: Courtleigh Drive

PLEASE FORWARD ADVERTISING BILL TO:

Name: J. Carroll Holzer, P.A.
Address: 508 Fairmount Ave.
Towson, MD 21286

Telephone Number: 410-825-6961

Revised 2/20/98 - SCJ

**Department of Permits and
Development Management**

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



Baltimore County

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

November 7, 2003

J. Carroll Holzer
508 Fairmount Avenue
Towson, MD 21286

Dear Mr. Holzer:

RE: Case Number: 04-136-A, Courtleigh Drive

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

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a faint circular stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
P&S Homes, Inc., Thomas Scherr, 701 Fern Valley Circle, Baltimore 21228





**Baltimore County
Fire Department**

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

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

October 7, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 7, 2003

Item No.: 130 - ^{13e}141, 143, 144, 147 - 150

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





**Baltimore County
Fire Department**

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

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

September 24, 2003

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

cc: File

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



Printed with Soybean Ink
on Recycled Paper

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9.23.03

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

RE: Baltimore County
Item No. 136 JRF

Dear Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *RB Seeley*

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 30, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For September 29, 2003
Item Nos. 113, 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

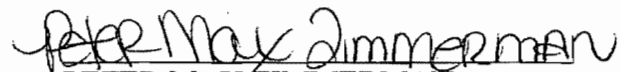
cc: File

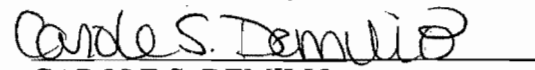
RE: PETITION FOR VARIANCE * BEFORE THE
Courtleigh Drive; E.side of Courtleigh Rd *
83' +/- N of c/line of Steveswood Road * ZONING COMMISSIONER
2nd Election & 4th Councilmanic Districts *
Legal Owner(s): Thomas G. Scherr * FOR
Petitioner(s) * BALTIMORE COUNTY
* 04-136-A

* * * * *

ENTRY OF APPEARANCE

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


PETER MAX ZIMMERMAN
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 26th day of September, 2003, a copy of the foregoing Entry of Appearance was mailed to, J Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, MD 21286, Attorney for Petitioner(s).

RECEIVED

SEP 26 2003

Per.....


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

3502 Melody Lane
Baltimore, MD 21244

JUNE 23, 2003

James T. Smith, Jr.
Baltimore County Executive
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RECEIVED

JUN 27 2003

Dear County Executive:

ZONING COMMISSIONER

We are neighbors and long time residents of the Merrymount Community, which is in the Randallstown area of the county and is bounded by Liberty, Courtleigh, and Rolling Rds. There are about 150 homes in our community. It is a quiet, clean, stable, and family-oriented community. Residents care about their homes and have fought tirelessly over the years to discourage crime, urban blight and anything that would degrade the lifestyle that we have established here. If you are looking for an older community which should be preserved and conserved, we think it is ours.

The purpose of this letter is to express our concern in regards to the proposed extension of Merryview Drive in conjunction with the construction of 16 single family homes (Courtleigh Manor PDM# 02-664) that P & S Realty will be developing on a 5.5 acre property which is bounded by Liberty Road on the west, Courtleigh Dr. on the north and the rear of several homes which front on to Merrymount Drive on the south.

At the public information meeting for this project on February 6th, the developer stated that his development does not require the extension of Merryview Drive. We are very concerned by the fact that Baltimore County directed that the developer had to show it on his plan as a condition of "Concept Plan Approval". According to the Development Manager for Baltimore County, Donald T. Rascoe, the County mandates that in cases where there are perpendicular roadways (Courtleigh Dr & Merrymount Drive), they should be connected in instances

File

*Letter -
I am 14 this
to some project
we got a
letter
on last week?
No level.
Alon
yes
filed?
yes
Bp*

8420 Merrymount Drive
Baltimore, Maryland 21244
April 21, 2003

RECEIVED

APR 25 2003

ZONING COMMISSIONER

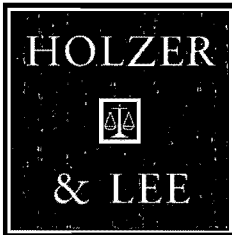
Mr. Lawrence E. Schmidt
Baltimore County Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Maryland 21204

Dear Mr. Schmidt:

We feel the urgent need to contact you to express our deep concern regarding the proposed Courtleigh Manor development, construction of 16 single-family homes (Courtleigh Manor PDM#02-664) that P & S Reality will be developing on a 5.5 acre property which is bounded by Liberty Road on the west, Courtleigh Drive on the north and the rear of several homes which front Merrymount Drive on the south. We have been residents on the Merrymount Community for over 42 years, and there are several things about the proposed development that trouble us greatly.

At the Community Input Meeting, held on February 6, 2003, the developer stated that his development does not require the extension of Merryview Drive. We are extremely concerned by the fact that Baltimore County directed the developer to show this extension on his plan as a condition of "Concept Plan Approval". According to Development Manager for Baltimore County, Mr. Donald T. Rascoe, the County mandates that in cases where there are perpendicular roadways (Courtleigh Dr. & Merrymount Dr.), they should be connected in instances such as this. He also stated that this opening would provide relief to Liberty Road. Liberty Road has an enormous amount of traffic all the time! We strongly feel that using our community streets as a bypass route to other destinations in the area, such as Northwest Hospital Center, would create detrimental effects on the health and safety of our neighborhood's children and adult residents. Many motorists already sneak through our neighborhood to avoid Liberty road congestion, and this will increase tremendously if this road extension goes through.

Another issue that troubles us is the Storm Water Management. On the proposed plan drawing this was shown as a large "pit". With the prominence of the West Nile Virus, and the reports by Health Department officials that the mosquitoes carrying this virus breed in areas of standing water, we would hope that much care would be taken to avoid even the possibility of creating a breeding ground for this and other dangerous and deadly diseases in ours or any other neighborhood.



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

September 11, 2003

7400

HAND DELIVERED

Don Rascoe

Department of Permits &

Development Management

Towson, MD 21204

Re: Courtleigh Manor, Petition for Variance

Dear Mr. Rascoe:

Attached are three (3) original Petitions for Special Hearing, three (3) property descriptions, 12 sets of plats and a zoning map of the subject site. The owner/developer is P & S Homes, Inc. and Petitioners seek variance relief for lots 9-16 only from BCZR Sec. 1B01.2(C) as described in the attached Petitions.

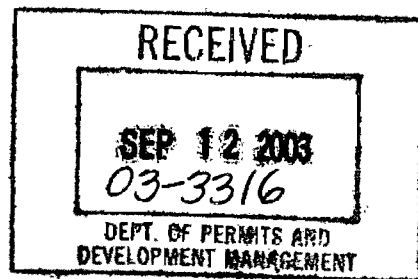
To the owner's knowledge, there are presently no zoning violations.

I appreciate your assistance in this matter and if you need to call, I can be reached at 410-825-6961

Very truly yours,

J. Carroll Holzer

JCH:clh



Planner - Jim Fernando

RECEIVED

SEP 11 2003

Per.....

JRF

Intake Planner

9/15/03

Date Assigned

DROP-OFF PETITIONS PROCESSING CHECK-OFF

☒ **Two Questions Answered on Cover Sheet:**

Any previous reviews in the zoning office?
Any current building or zoning violations on site?

☒ **Petition Form Matches Plat in these areas:**

Address
Zoning
Legal Owner(s)
Contract Purchaser(s)
Request (if listed on plat)

☒ **Petition Form (must be current PDM form) is Complete:**

Request:

Section Numbers

Correct Wording (must relate to the code, especially floodplain and historical standard wording. Variances must include the request in lieu of the required code quantities.

Hardship/Practical Difficulty Reasons

Legal Owner/Contract Purchaser:

Signatures (originals)

Printed/Typed Name and Title (if company)

Attorney (if incorporated)

Signature/Address/Telephone Number of Attorney

☒ **Correct Number of Petition Forms, Descriptions and Plats**

☒ **200 Scale Zoning Map**

☒ **Check: Amount Correct? Signed?**

☐ **ZAC Plat Information:**

Location (by Carl) SE1/4 CounHoish Dr between Stevenswood Rd and Liberty also sub Liberty Rd.

Zoning: DR 3.5/5.5

Acreage: _____

Previous Hearing Listed With Decision

Election District _____

Councilmanic District _____

Case # _____

Check to See if the Subject Site or Request is:

☒ CBCA

☒ Floodplain

☒ Elderly

☒ Historical

☒ Pawn Shop

☒ Helicopter

*If Yes, Print Special Handling Category Here

*If No, Print No

* Total Lot area
of Lots 9-16

* Description of Lots 9-16
& outline.

* \$520.00

* Newspaper Advertising

* Variance request

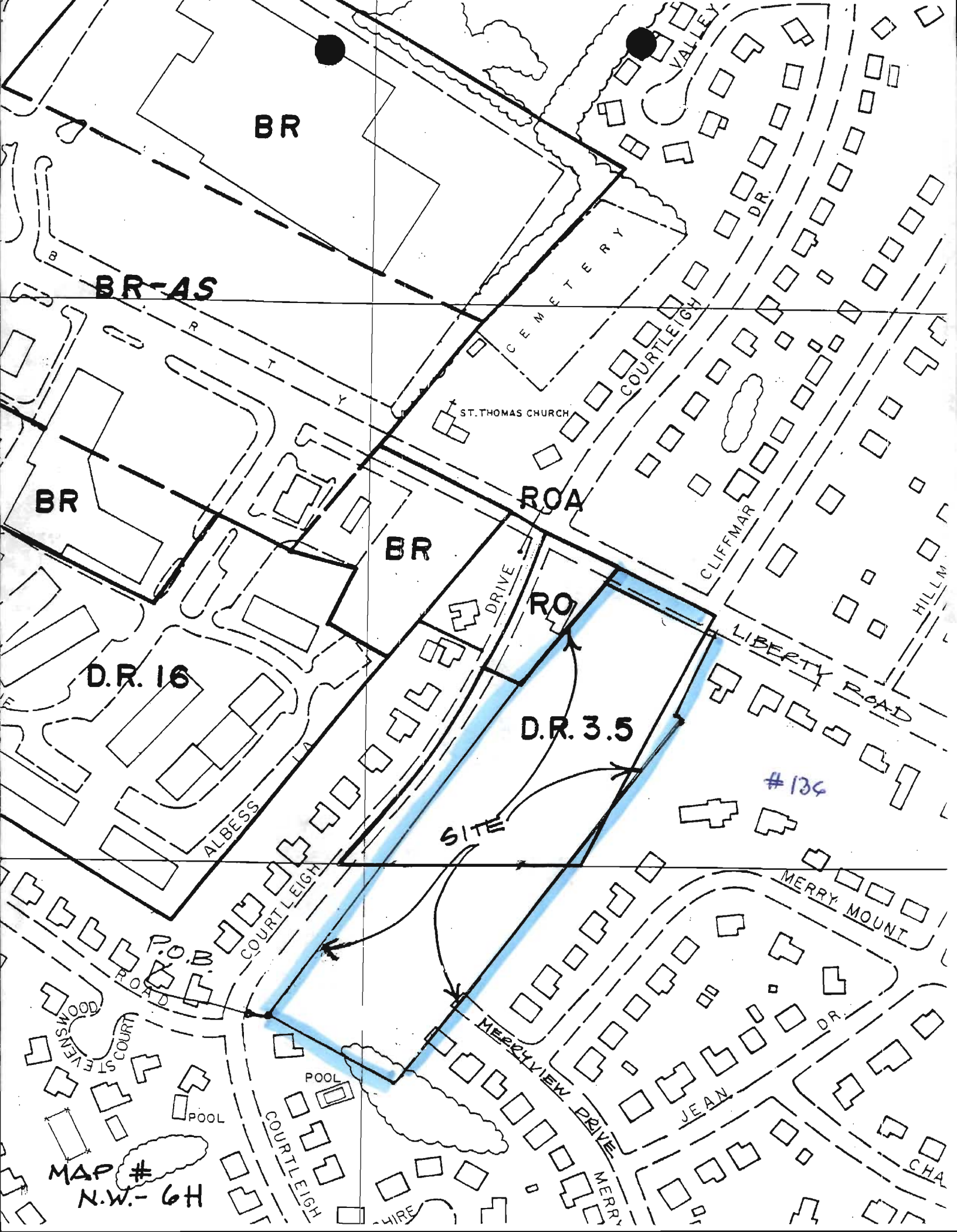
→ bldg to bldg of
15' in lieu of 20'

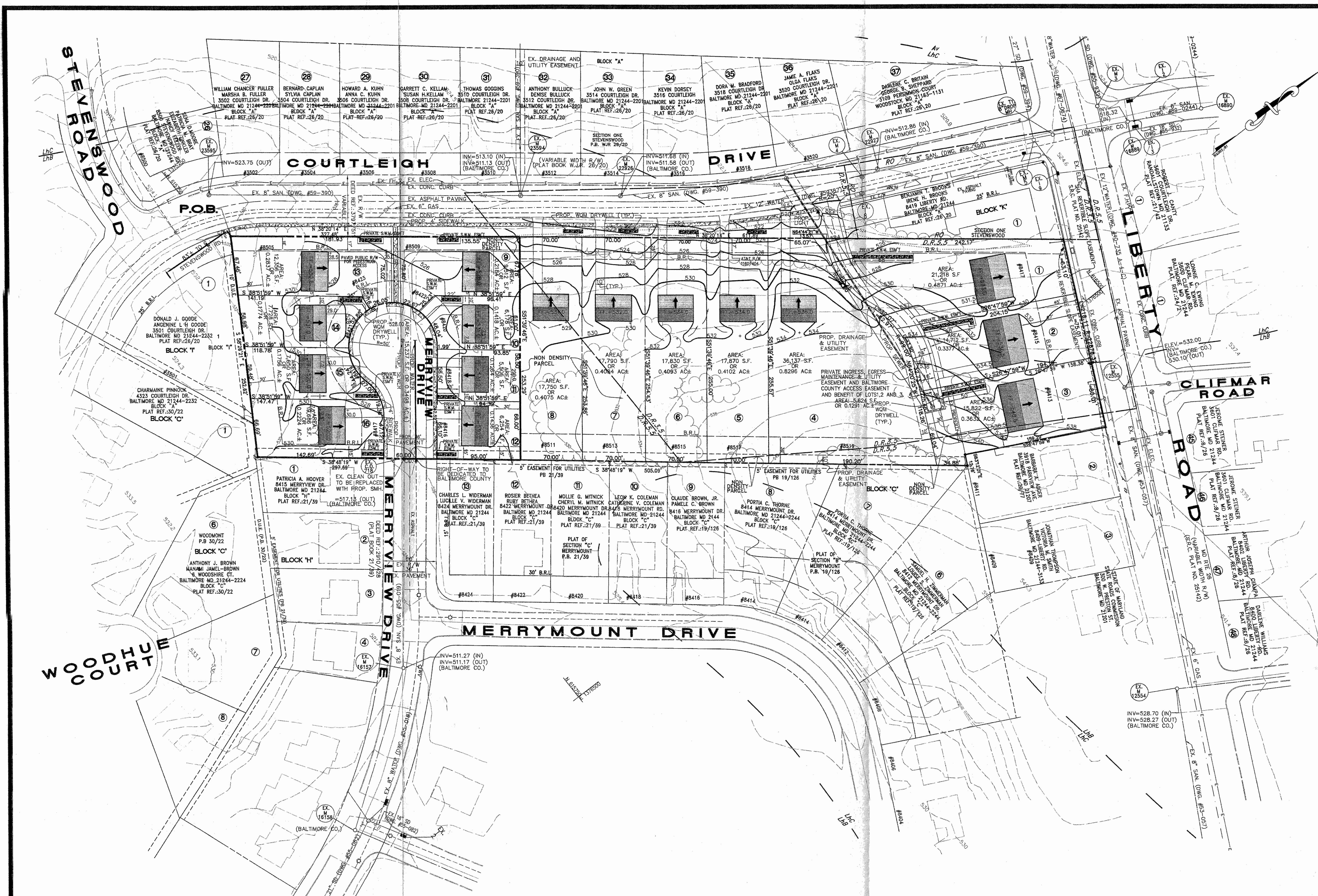
04-136-A

Item Number Assigned

9-16-03

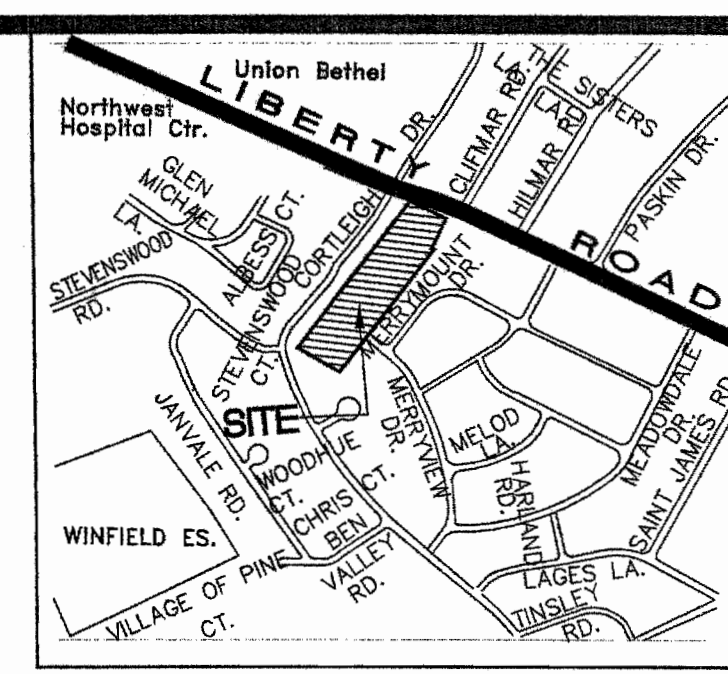
Date Accepted for Filing





1) HORIZONTAL DATUM SHOWN HEREON IS REFERS TO THE NAD 83/91 DATUM. VERTICAL DATUM SHOWN HEREON REFERS TO THE NAVD83 DATUM. BOTH OF WHICH ARE BASED ON THE FOLLOWING BALTIMORE COUNTY TRAVERSE STATIONS:

PT#	NORTHING	EASTING	ELEVATION
301	615194.65	1378430.37	518.80
302	614378.57	1376005.06	522.31



GENERAL NOTES

- OWNER/DEVELOPER:
P & S HOMES, INC.
701 FERN VALLEY CIRCLE
BALTIMORE MD 21228
(410) 744-8089
- SITE DATA:
TAX ACCT. NO. 0203000222
7356/232
TAX MAP: 77 GRID: 16 PARCEL: 815
ZONED D.R. 3.5 & D.R. 5.5 ZONING MAP NW-6-H

TAX ACCT. LOT 1
7356/232
TAX MAP: 77 GRID: 16 PARCEL: 660
ZONED D.R. 3.5 & D.R. 5.5 ZONING MAP NW-6-H

EX. USE: VACANT
PROP. USE: SINGLE-FAMILY RESIDENTIAL

NET SITE AREA: 237,905 SQ.FT. OR 5.461 AC.±
GROSS SITE AREA: 265,221 SQ.FT. OR 6.0886 AC.±
SITE AREA ZONED D.R. 3.5: 131,141 SQ.FT. OR 3.01 AC.±
SITE AREA ZONED D.R. 5.5: 106,764 SQ.FT. OR 2.46 AC.±
- CENSUS TRACT: 402302
WATERSHED: PATAPSCO
SUBSEWERED: 64
ELECTION DISTRICT: 2
COUNCILMANIC DISTRICT: 4
REGIONAL PLANNING DISTRICT: 319
ELEMENTARY SCHOOL DISTRICT: WINFIELD ES
MIDDLE SCHOOL DISTRICT: OLD COURT MS
HIGH SCHOOL DISTRICT: MILFORD MILL ACADEMY
- EXISTING TOPOGRAPHY SHOWN HEREON IS FIELD RUN BY COLBERT MATZ ROSENFELT, INC. DATED MAY 6, 2003. OFFSITE TOPOGRAPHIC INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM BALTIMORE COUNTY GIS FILE: 7753.
- PARKING REQUIRED—32 SPACES
PARKING PROPOSED—32 SPACES
ADT—160 TRIPS/DAY
- THE FOREST CONSERVATION VARIANCE REQUIREMENT HAS BEEN APPROVED HEREIN ON NOVEMBER 26, 2002, TO PURCHASE AN EASEMENT IN A FOREST CONSERVATION RETENTION BANK.
- THERE ARE NO STREAMS, WOODED AREAS, FLOODPLAINS OR WETLANDS ON THIS SITE.
- THERE ARE NO HAZARDOUS MATERIALS ON THIS PROPERTY.
- THERE ARE NO KNOWN WELLS, SEPTIC SYSTEMS OR UNDERGROUND STORAGE TANKS OF ANY KIND ON THIS SITE.
- THIS PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
- THE BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
- LOCAL OPEN SPACE REQUIRED—10,400 S.F. ACTIVE AND 5,600 S.F. PASSIVE OR A COMBINATION THEREOF AS SPECIFIED IN SECTION 1801.2.1. LOCAL OPEN SPACE PROVIDED—0 S.F. WAIVER REQUESTED AND FEE IN LIEU TO BE PAID.
- THIS PROPERTY AS SHOWN ON THE PLAN HAVE BEEN HELD INTACT PARCEL 815 SINCE AUGUST 15, 1950 AND PARCEL 660 SINCE PLAT 20/77 SEPTEMBER 25, 1955. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
- NON-DENSITY PORTION OF LOT #4, LOT #5 AND LOT #9 DOES NOT ALLOW ANY STRUCTURES OR BUILDINGS TO BE LOCATED ON THAT PARCEL.
- FOREST CONSERVATION/FOREST BUFFER PROTECTIVE COVENANTS NOTE:
THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST CONSERVATION AND FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

FOREST CONSERVATION/FOREST BUFFER PROTECTIVE COVENANTS NOTE:
ANY FOREST CONSERVATION AND FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
- THE DEVELOPER SHALL PROVIDE A MINIMUM 10-FOOT DRAINAGE AND UTILITY EASEMENT ALONG ALL BORDERING PROPERTY LINES THAT ARE NOT ADJACENT TO A ROAD RIGHT-OF-WAY OR STORM DRAIN RESERVATION.
- LOTS 1, 2 AND 3 WILL NOT HAVE VEHICULAR ACCESS FROM LIBERTY ROAD HOWEVER A PEDESTRIAN WALKWAY IS PERMITTED.
- LOTS 1, 2 AND 3 SHALL HAVE MAIL DELIVERY AND TRASH PICK-UP VIA LIBERTY ROAD.
- STORMWATER MANAGEMENT REQUIREMENTS WILL BE MET BY A COMBINATION OF WATER QUALITY TRENCHES, NON-STRUCTURAL METHODS AND A FEE-IN LIEU.
- VARIANCE REQUESTED FROM BUILDING TO BUILDING SETBACK REQUIREMENTS FOR LOTS 9-16.

SOILS LIMITATIONS

SYMBOL	TYPE	HSG	HOMESITES	W/O BASEMENTS
LNB	LEGORE SLIGHT	B	SLIGHT	SLIGHT
LNC	LEGORE MODERATE SLOPE	B	MODERATE SLOPE	MODERATE SLOPE
AV	ALLUVIAL LAND SEVERE-HIGH WATER	D	SEVERE-HIGH WATER FLOODING HAZARD	SLIGHT

SITE DATA

Existing Zoning and Maximum Density Permitted

Zone	Acres	Units Allowed	Density Units Proposed
D.R. 3.5	3.01	10	9
D.R. 5.5	2.46	13	11
Total	5.46	23	20

BUILDING SETBACK REQUIREMENTS

	D.R. 1 & 2 ZONES (FEET)	D.R. 3.5 5.5, 10.5 & 16 ZONES (FEET)	ALTERNATIVE SITE DESIGN ZERO & ZIPPER LOTS ALL D.R. ZONES (FEET)	NEO-TRADITIONAL ALL D.R. ZONES (FEET)
ARTERIAL OR COLLECTOR FROM FRONT BUILDING FACE TO: PUBLIC STREET RIGHT-OF-WAY OR PROPERTY LINE	25	25	25	15
FROM SIDE BUILDING FACE TO: SIDE BUILDING FACE	30	16-20 HIGH	16	16-20 HIGH
PUBLIC STREET RIGHT-OF-WAY PAVING OF A PRIVATE ROAD	25	15	15	15
FROM REAR BUILDING FACE TO: REAR PROPERTY LINE	30	30	20	50
PUBLIC STREET RIGHT-OF-WAY	30	30	20	50

ADDITIONAL SETBACKS:
SETBACKS FOR BUILDINGS LOCATED ADJACENT TO ARTERIAL ROADWAYS SHALL BE INCREASED BY AN ADDITIONAL 20 FEET.

LEGEND:

- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING PAVING
- EXISTING CURB & GUTTER
- PROPOSED CURB & GUTTER
- EXISTING EASEMENTS
- PROPOSED EASEMENTS
- ZONE LINE
- EXISTING GAS
- EXISTING STORMDRAIN
- EXISTING SANITARY
- EXISTING WATER
- PROPOSED SANITARY
- PROPOSED WATER
- PROPOSED LIGHT

TOM SCHERR, HEREBY CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

VARIANCE RELIEF REQUESTED:
FOR BUILDING TO BUILDING SETBACKS
LOTS 9, 10, 11, 12, 13, 14, 15 & 16

PDM # 11-648
DEVELOPMENT PLAN AND PLAN TO ACCOMPANY VARIANCE PETITION,
COURTLEIGH MANOR

ELECTION DISTRICT: 2 COUNCILMANIC DISTRICT: 4
BALTIMORE COUNTY, MD.
GRAPHIC SCALE
1 inch = 50 ft.

Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

9/16/03

NO.	DATE	REVISIONS:	BY	SHEET 1 OF 1