

IN RE: PETITION FOR SPECIAL HEARING
S/S Hidden Glen Drive, 200' E of the c/l
Greenspring Avenue
(2311 Hidden Glen Drive)
8th Election District
2nd Council District

Paul R. Scher
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-229-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Paul R. Scher. The Petitioner requests a special hearing to approve the conversion of the second floor of an existing two-story garage for residential use by a caretaker. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Paul R. Scher, property owner, and Joseph Larson, with Spellman, Larson & Associates, Inc., the consultants who prepared the site plan of this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the south side of Hidden Glen Drive, just east of Greenspring Avenue in the subdivision of Green Valley North in Owings Mills. The property contains a gross area of 1.909 acres, more or less, split zoned R.C.4 and R.C.5, and is improved with a two-story frame dwelling with an attached one-story garage, a detached two-story garage, and two accessory sheds. A macadam driveway leads into the property from Hidden Glen Drive and provides a parking area and access to both garages. The subject of the request relates to the two-story detached garage. In this regard, Mr. Scher indicated that he suffers from a series of health problems that limit his physical activity and that maintenance of the subject property has become difficult. As noted

ORDER RECEIVED FOR FILING

Date

By

1/29/04

gsp

above, the site is approximately 2.0 acres in area. As shown on the site plan, all of the improvements are located in the front (northwest) corner of the site along Hidden Glen Drive; however, the bulk of the property is in lawn and woods. Mr. Scher testified that he wishes to convert the second floor of the detached two-story garage into living quarters for a potential caretaker. He indicated that these living quarters would consist of a living room, dining room, small kitchen, bedroom and a bathroom. Mr. Scher testified that an individual who has worked for the family for a number of years would help him and his wife maintain their property in exchange for living on the premises.

Based upon the circumstances, the special hearing relief seems appropriate. Mr. Scher was advised however of the relevant provisions of the B.C.Z.R. and the Zoning Advisory Committee (ZAC) comment received from the Office of Planning. That comment indicates that the Office of Planning is not opposed to the request; however, does not believe that approval should run in perpetuity with the land. Further, the Office of Planning believes that the subject relief should become null and void upon the sale or transfer of the property to someone other than the current owners. In this regard, Mr. Scher was advised in open hearing that the B.C.Z.R. would prohibit the living quarters in the garage from being used as a rental apartment. That is, the use of the proposed living quarters shall be limited to the caretaker of the Scher property or a Scher family member. Thus, relief shall be granted subject to this condition.

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.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of January, 2004 that the Petition for Special Hearing to approve the conversion of the second floor of an existing two-story garage for residential use by a caretaker, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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.

- 2) The use of the proposed living quarters is limited to the caretaker of the Scher property or a Scher family member and shall become null and void upon the sale or transfer of the subject property to someone other than the current owners. At no time can the living quarters be used as a rental apartment.
- 3) Within ninety (90) days of the date of this Order, the Petitioners shall have recorded a new deed in the Land Records of Baltimore County referencing this case and the terms and conditions of the relief granted. A copy of the newly recorded deed shall be forwarded to the Department of Permits and Development Management for inclusion in the case file.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

1/29/04

By



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

January 29, 2004

Mr. Paul R. Scher
2311 Hidden Glen Drive
Owings Mills, Maryland 21117

RE: PETITION FOR SPECIAL HEARING
S/S Hidden Glen Drive, 200' E of the c/l Greenspring Avenue
(2311 Hidden Glen Drive)
8th Election District – 2nd Council District
Paul R. Scher, et ux - Petitioners
Case No. 04-229-SPH

Dear Mr. Scher:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Joseph Larson, Spellman, Larson & Associates
105 W. Chesapeake Avenue, Towson, Md. 21204
Office of Planning; People's Counsel; Case File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2311 Hidden Glen Drive
which is presently zoned RC-5 & RC-4

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

The conversion of the 2nd floor of an 18' high 2 story garage for residential use for a caretaker.

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.

Contract Purchaser/Lessee:

Name - Type or Print NA
Signature NA
Address NA Telephone No. NA
City NA State NA Zip Code NA

Attorney For Petitioner:

Name - Type or Print NA
Signature NA
Company NA
Address NA Telephone No. NA
City NA State NA Zip Code NA

Legal Owner(s):

Name - Type or Print PAUL R. SCHER
Signature [Signature]
Name - Type or Print NA
Signature NA
2311 Hidden Glen Drive 410-792-7113
Address Telephone No.
Owings Mills MD 21117-1615
City State Zip Code

Representative to be Contacted:

Joseph L. Larson
Name
105 W. Chesapeake Avenue 410-823-3535
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING NA

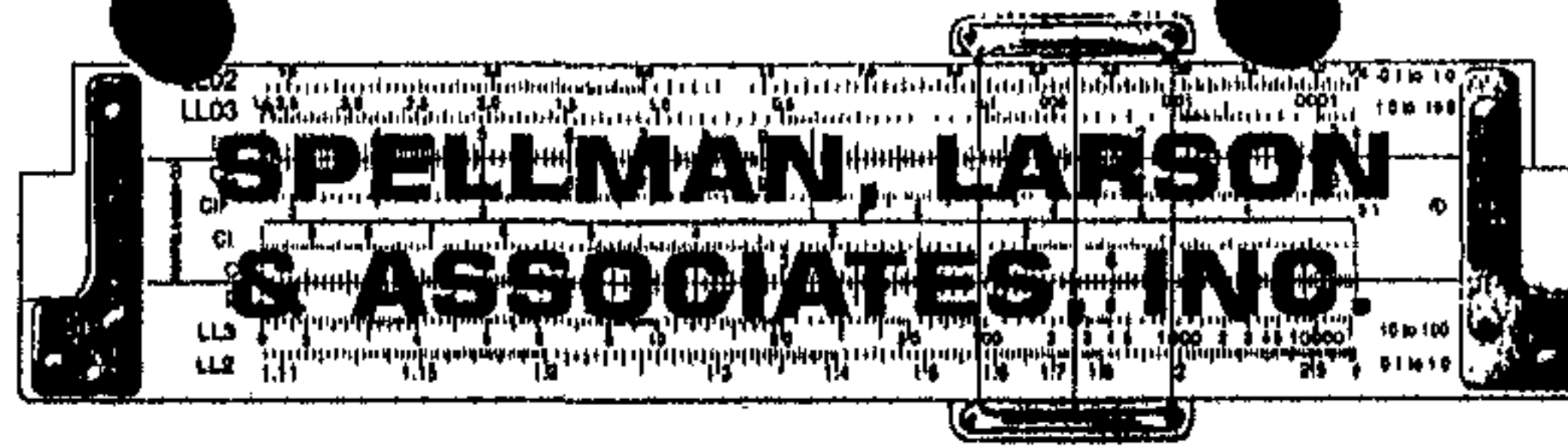
UNAVAILABLE FOR HEARING NA

Reviewed By LTm Date 11/15/03

Case No. 04-229-SPL

ORDER RECEIVED FOR FILING

Date 11/29/03
By [Signature]
REV 9/15/98



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215

**DESCRIPTION FOR A ZONING PETITION, NO. 2311 HIDDEN GLEN DRIVE,
EIGHTH DISTRICT, BALTIMORE COUNTY, MARYLAND.**

BEGINNING for the same at a point on the south side of Hidden Glen Drive, 50 feet wide, being at the three following courses and distances from the east side of Greenspring Avenue, as widened and as shown on a Plat entitled, Ammended Plat of Section One, Green Valley North said Plat being recorded among the Plat Records of Baltimore County in Plat Book E.H.K., Jr. No. 37, Folio 22 viz: north 23 degrees 40 minutes 51 seconds east 13.58 feet easterly by a curve to the right with a radius of 565.00 feet the distance of 76.75 feet, and north 84 degrees 17 minutes 54 seconds east 184.12 feet to the dividing line between Lot 3 and Lot 2 all as shown on the Plat herein referred to and running thence and binding on the south side of Hidden Glen Drive, 50 feet wide, north 84 degrees 17 minutes 54 seconds east 413.49 feet thence leaving the south side of Hidden Glen Drive and running south 05 degrees 42 minutes 06 seconds east 145.37 feet and south 59 degrees 53 minutes 14 seconds west 350.32 feet to the dividing line between Lot 3 and Lot 1 as shown on said Plat and running thence and binding on said lot line and continuing along the lot line between Lot 3 and Lot 2 herein referred to north 29 degrees 44 minutes 26 seconds west 305.16 feet to the place of beginning.

CONTAINING 1.909 Acres of land more or less.

SUBJECT to a Drainage and Utility Easement along the third line of the above described parcel of land and subject to a Transcontinental Gas Pipeline right of way both as shown on the above described parcel of land.

October 14, 2003

File#D10140301



229

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

NO.

DATE

AMOUNT

RECEIVED
FROM

FOR

PAID TO

DATE PAID

CASHIER'S SIGNATURE

04-229

Paul Schur

**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: #04-228-SPH
2311 Hidden Glen Drive
S/side of Hidden Glen Drive,
200 feet east of Greenspring
Avenue

8th Election District
2nd Councilmanic District
Legal Owner(s): Paul Scher
Special Hearing: to permit
the conversion of the 2nd
floor of an 18-foot high 2-
story garage for residential
use for a caretaker.

Hearing: Tuesday, January
6, 2004 at 10:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue.

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 con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT/12/751 De23 0642286

CERTIFICATE OF PUBLICATION

12/24/2003

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 12/23/2003.

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

J. Wilkinson

LEGAL ADVERTISING

1/6
25

CERTIFICATE OF POSTING

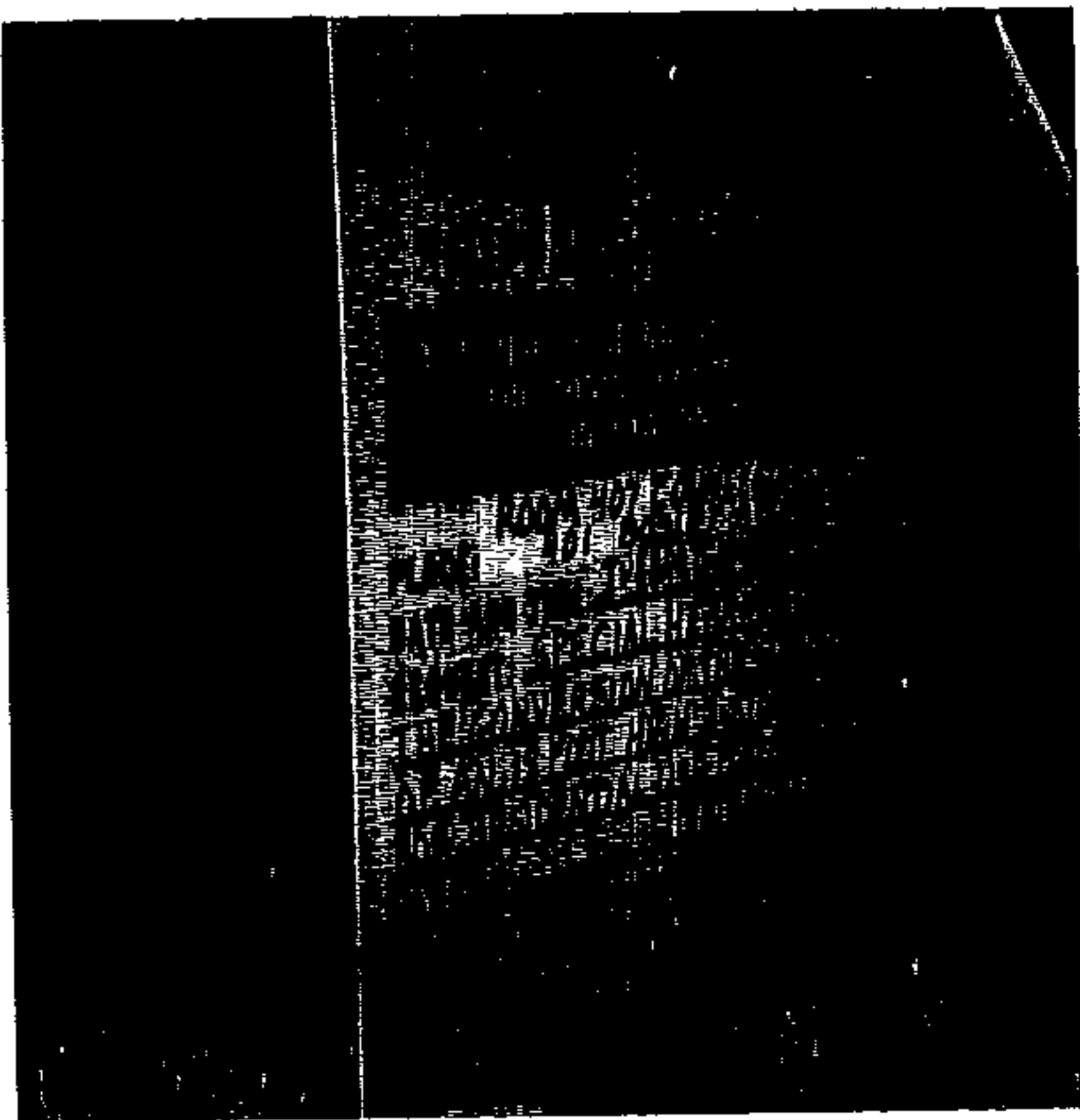
Attention: Becky Hart.

Date: December 22, 2003

RE: Case Number 04-229-SPH
Petitioner/Developer: Paul Scher / Joseph LARSON
Date of Hearing/Closing: January 6, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2311 Hidden Glen Drive

The sign(s) were posted on December 21, 2003
(Month, Day, Year)



04-229-SPH

Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

**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 20, 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: 04-229-SPH

2311 Hidden Glen Drive

S/side of Hidden Glen Drive, 200 feet east of Greenspring Avenue

8th Election District – 2nd Councilmanic District

Legal Owner: Paul Scher

Special Hearing to permit the conversion of the 2nd floor of an 18-foot high 2-story garage for residential use for a caretaker.

Hearings: Tuesday, January 6, 2004, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Timothy Kotroco
Director

TK:klm

C: Paul Scher, 2311 Hidden Glen Drive, Owings Mills 21117-1615
Joseph Larson, 105 W. Chesapeake Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 22, 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.

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



TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 23, 2003 Issue - Jeffersonian

Please forward billing to:

Paul Scher
2311 Hidden Glen Drive
Owings Mills, MD 21117-1615

410-792-7113

NOTICE OF ZONING HEARING

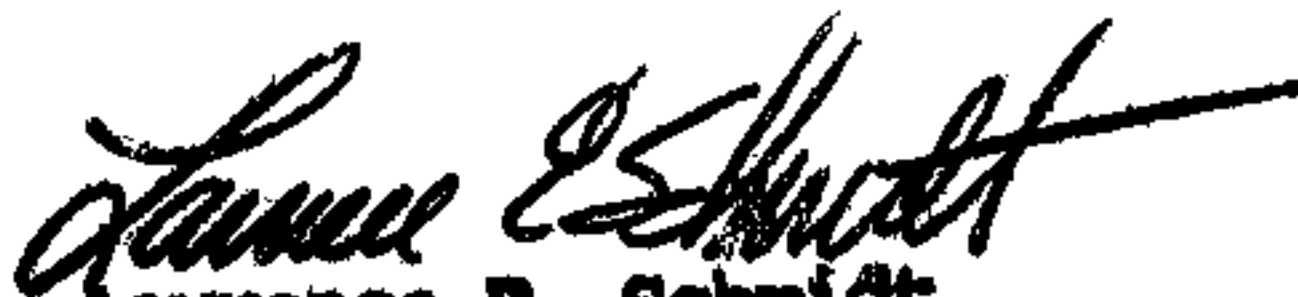
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CASE NUMBER: 04-229-SPH

2311 Hidden Glen Drive
S/side of Hidden Glen Drive, 200 feet east of Greenspring Avenue
8th Election District – 2nd Councilmanic District
Legal Owner: Paul Scher

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Hearings: Tuesday, January 6, 2004, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

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: 04-229-SPH
Petitioner: Paul Robert Scher
Address or Location: 2311 Hidden Glen Drive.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Paul Robert Scher
Address: 2311 Hidden Glen Drive.
Owings Mills, MD 21117

Telephone Number: _____

**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*

January 2, 2004

Paul Scher
2311 Hidden Glen Drive
Owings Mills, MD 21117-1615

Dear Mr. Scher:

RE: Case Number: 04-229-SPH, 2311 Hidden Glen Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 5, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Joseph Larson, 105 W. Chesapeake Ave., Towson 21204

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



**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

November 19, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 17, 2003

Item No.: 222 & 229

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.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code, (2000 edition of NFPA 1 & 101), prior to occupancy or beginning of operation.

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*

State Highway
Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11.18.03

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

RE: Baltimore County
Item No. 229 LTM

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

1/6
Hs

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 20, 2003

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

SUBJECT: 2311 Hidden Glen Drive

INFORMATION:

Item Number: 04-229

Petitioner: Paul R. Scher

Zoning: RC 5 and RC 4

Requested Action: Special Hearing

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NOV 25 2003
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the subject use does not run in perpetuity with the land. If granted, the subject use shall become null and void should the property be sold or transferred to someone or an entity other than the current owner. Said use shall also become null and void if it's determined that the use is no longer needed.

Prepared by:

Mark A. Cimper

Section Chief:

Lynne Tashman

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 26, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For Item Nos. 222, 223, 225, 226, 227,
228, 229, 230, and 231

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 * BEFORE THE
2311 Hidden Glen Drive; S/side Hidden *
Glen Drive, 200' E Greenspring Avenue * ZONING COMMISSIONER
8th Election & 6th Councilmanic Districts *
Legal Owner(s): Paul R Scher * FOR
Petitioner(s) * BALTIMORE COUNTY
* 04-229-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 and documentation filed in the case.

RECEIVED

NOV 20 2003

Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

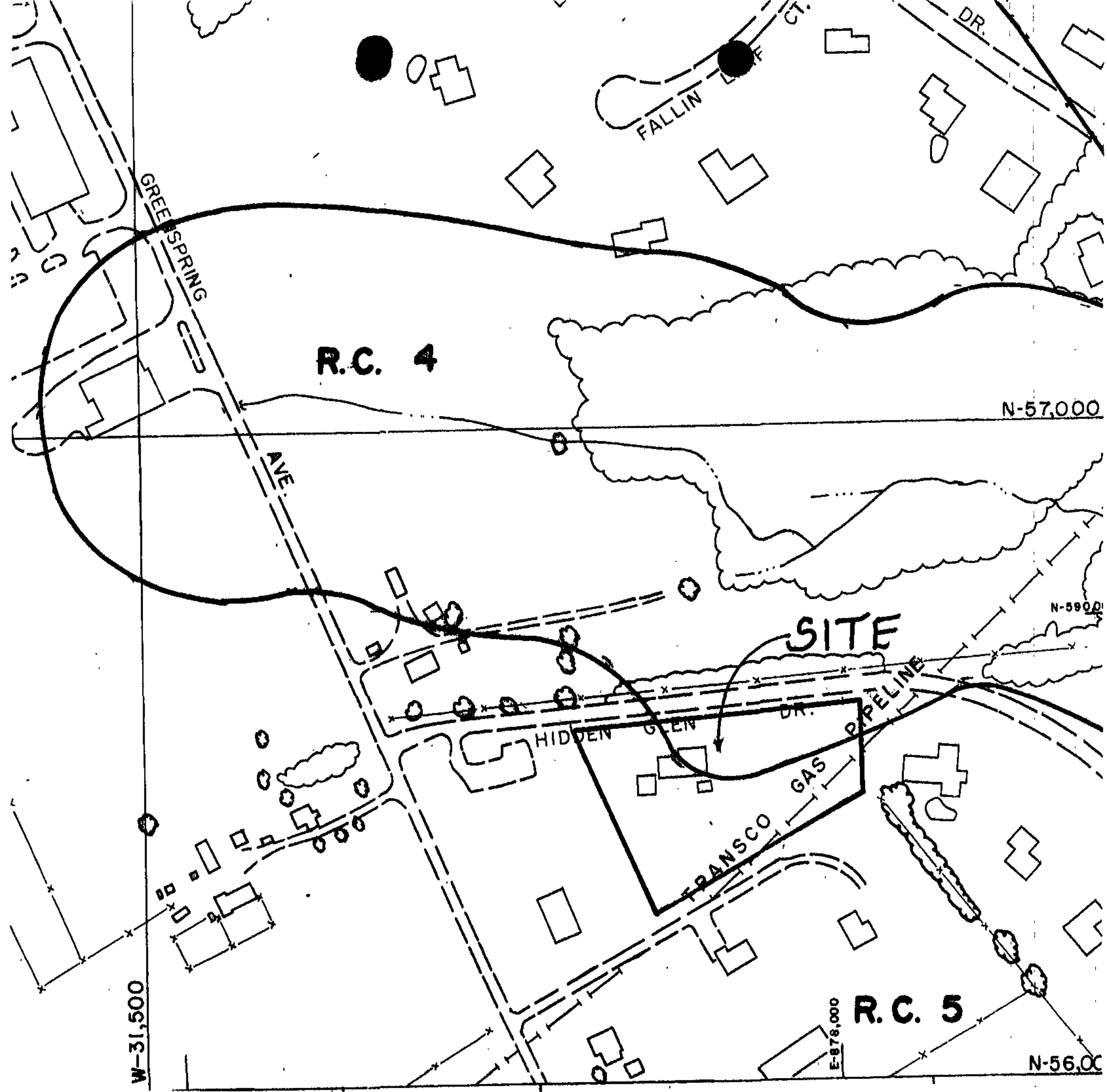
I HEREBY CERTIFY that on this 20th day of November, 2003, a copy of the foregoing Entry of Appearance was mailed to Joseph L Larson, 105 W Chesapeake Avenue, Towson, MD 21204, Representative for Petitioner(s).

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

DATE _____

E-MAIL

[illegible]



ZONING MAP
NW-15-F
SCALE: 1"=200'

#229

