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IN RE: DEVELOPMENT PLAN HEARING
E/S of Rexis Avenue, south of Joppa Road
11th Election District
5<sup>th</sup> Councilmanic District
(REYNOLDS/SPIERS PROPERTY)

Joseph Moran, Moran Properties, LLC Developer/Petitioner \* BEFORE THE

\* HEARING OFFICER

\* OF BALTIMORE COUNTY

\* Case Nos. XI-928 & 04-412-A

\* \* \* \* \* \* \* \* \* \*

### HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, as a requested approval of a Development Plan known as "Reynolds/Spiers Property" prepared by Morris & Ritchie Associates, Inc. The Developer is proposing to develop the subject property into 15 single-family dwellings in the Honeygo Overlay district, Honeygo Run Subarea. The subject property is located on the east side of Rexis Avenue, south of Joppa Road. The particulars of the manner in which the property is proposed to be developed are more specifically shown on Developer's Exhibit No. 1, the Development Plan entered into evidence at the hearing.

In addition to seeking approval of the Development Plan, the Petitioner has also requested variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- 1. from Section 259.9.B.3, to allow Lot 15 to have a width of 76.4 ft. in lieu of 85 ft. (as measured along both the front and rear wall of the dwelling unit) due to the location of the existing family dwelling (Lot 14), the retention of which creates a practical difficulty and an unreasonable hardship for the use of the balance of the property, namely Lot 15; and
- 2. from Section 260.4.B, to eliminate the requirement of a center landscaping design element at the cul-de-sac. Due to the forest conservation area and the wetlands buffer, a practical difficulty and an unreasonable hardship is created which reduces the size of the cul-de-sac and does not allow for a center island.

The property was posted with Notice of the Hearing for the Development Plan on February 24, 2004 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, the property was posted with a Notice of Hearing for the Variance

request on March 14, 2004 and published in "The Jeffersonian" newspaper on March 23, 2004 to notify any interested persons of the scheduled hearing date.

Appearing at the hearing on behalf of the Development Plan approval request were David Taylor, appearing on behalf of Morris & Ritchie Associates, Inc., the firm who prepared the Development Plan. Joseph Moran appeared on behalf of the Petitioners. Jeffrey Scherr, Esquire represented the Petitioners at the hearing.

Appearing as interested citizens in the matter were Beth Christello and Mel Bauerfiend who were interested in purchasing a home.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely, Bruno Rudaitis (Zoning Review), Phil Martin (Development Plans Review), Bill Miner (Bureau of Land Acquisition) and Christine Rorke (Development Management), all from the Office of Permits & Development Management; R. Bruce Seeley and John Oltman from the Department of Environmental Protection and 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 held on February 18, 2003 and a Community Input Meeting followed on March 18, 2003 at the Perry Hall Elementary School. A Development Plan Conference was held on March 10, 2004 and a Hearing Officer's Hearing was held on April 2, 2004 in Room 106 of the County Office Building.

### Developer Issues

The Developer raised no issues and recommended the Redline Plan be approved as presented.

### **County Issues**

The representative of the County agencies that reviewed the plan indicated that the Redline Plan met all County regulations for which their agency was responsible. Notice was

taken that the waiver of open space requested by the Developer was granted by the Department of Recreation and Parks on March 9, 2004 and the variance to allow existing accessory structures within the forest buffer area was likewise approved on February 4, 2004.

The Office of Planning indicated their support of the Petitioner's request provided certain conditions are met as indicated in their ZAC comment dated March 17, 2004, a copy of which is attached hereto and made a part hereof. At the hearing the Office of Planning amended its Comment No. 1 regarding side entry for garages to allow for exceptions on Lots 1, 6, and 15.

### Community Issues

There were no community issues raised at the hearing

### 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 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.

### Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall-contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

### Testimony and Evidence

The property on which the Development is proposed is approximately 11 acres in the Honeygo Overlay District, Honeygo Run subarea, and is zoned DR 3.5 H. The Developer proposes a 15-lot development for single family dwellings. The zoning would allow 39 units. This lower density is dictated by the existence of wetlands and forest buffers on the property as shown on Developer's Exhibit No. 1. Public water and sewer will serve the subdivision as these facilities are extended through other new subdivisions. The Developer proffered that the Redline Plan meets all County regulations including all Honeygo regulations.

The site is already improved by an existing home which, along with its accessory structures, is the reason for one of the variance requests. The location of the existing home and accessory structures on Lot 14 limits the width of Lot 15. In order to include these existing structures within the building envelope lines, Lot 14 had to be wider than the 85 ft. required by the Honeygo regulations. This in turn required Lot 15 to be only 76.4 ft. wide. The Petitioner points out that the existing home and accessory structures are an aesthetic amenity of the area along Rexis Avenue and should be preserved.

The second variance request is based upon the size of the cul-de-sac which serves Lots 1 through 8. Cul-de-sacs in the Honeygo District are to have a center island as an amenity. The Petitioner proffered that the location of nearby wetlands and forest buffers along the stream on the south edge of the property severely limit the location and size of the cul-de-sac given the lot size required by the Honeygo Regulations. Consequently, having the center island would constitute a practical difficulty if the regulations were enforced.

The Planning Office comments indicate that they support the variance requests provided the garages generally have side entrances, the homes on Lots 1 and 6 have wrap around porches and the sides of the homes on Lots 1 and 6 have certain windows and finishes. The Petitioner agreed to all conditions at the hearing. The wrap around porches on Lots 1 and 6, which also face Rexis Road, reinforce the aesthetic amenity of the area along Rexis Avenue along with the existing home which should be preserved.

### Findings of Fact and Conclusions of Law

After considering the evidence and testimony in this case I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The site has extensive wetlands and forest buffers that limit the area in which new homes can be built. I further find that strict compliance with the Zoning Regulations

for Baltimore County would result in practical difficulty or unreasonable hardship. There is an existing home on the property which should be preserved but causes the width of Lot 15 to be slightly less than the regulations allow. No increase in residential density beyond that otherwise allowable by the Zoning Regulations was requested. In fact, existing density would allow 39 units while only 15 are being requested. Furthermore, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Therefore, I will grant the variances.

Having granted the variances requested, I further find that the Redline Development Plan complies with the Development Regulations and applicable policies, rules and regulations promulgated pursuant to Section 2-416 et seq. of the Baltimore County Code, and that the final approval of the plan is properly subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this day of April, 2004, that the Petitioner's requests for variance as follows:

- 1. from Section 259.9.B.3, to allow Lot 15 to have a width of 76.4 ft. in lieu of 85 ft. (as measured along both the front and rear wall of the dwelling unit) due to the location of the existing family dwelling (Lot 14).
- 2. from Section 260.4.B, to eliminate the requirement of a center landscaping design element at the cul-de-sac.

be and they are hereby GRANTED; and

IT IS FURTHER ORDERED, that the Redline Development Plan known as "Reynolds/Spiers Properties", submitted into evidence as "Developer's Exhibit No. 1", be and is hereby APPROVED subject, however, to the following restrictions, which are conditions precedent to the relief granted herein:

- 1. The Petitioners shall be in compliance with the ZAC comments of the Office of Planning dated March 17, 2004 as set forth below:
  - a. All dwellings shall have side entry garage except Lot 1,6 and 15;
  - b. The dwellings on Lots 1 and 6 shall have porches and wrap-around the sides of the dwellings that face Rexis Avenue; and
  - c. The sides of the dwellings on Lots 1 and 6 shall include double windows and shall be finished with the same materials (stone or brick) at the front of the dwellings.
- 2. The Petitioners shall add a note in bold type to the Development Plan and Final Development Plan that no building permits will be issued without Honeygo allocation letters.

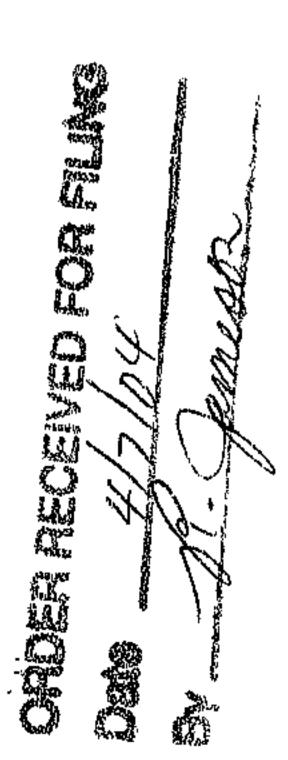
Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

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

April 6, 2004

Jeffrey H. Scherr, Esquire Kramon & Graham, P.A. One South Street, Suite 2600 Baltimore, Maryland 21202

> Re: Hearing Officer's Hearing - Case Nos. XI-928 & 04-412-A Property: E/S of Rexis Avenue, S of Joppa Road 11th Election District, 5th Councilmanic District (Reynolds/Spiers Property)

Dear Mr. Scherr:

Enclosed please find the decision rendered in the above-captioned cases. The Development Plan and Request for Variance for the Reynold/Spiers Property have been approved in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



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

### Copies to:

David Taylor Morris & Ritchie Associates, Inc. 1220-C E. Joppa Road, Suite 505 Towson, MD 21286

Joseph Moran Moran Properties 11619 Philadelphia Road White Marsh, MD 21162

Beth Christello Mel Bauerfiend 8366 Cypress Mill Road Baltimore, MD 21236



### Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 9115 and 9129 Rexis Avenue which is presently zoned

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

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

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

§259.9.B.3 and

§260.4.B

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

See Exhibit A, attached hereto and made a part hereof.

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

is the subject of this Petition. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> Morah/Luther, LLC Lisa D. Reynolds Name - Type or Print. Name - Type or Print/ Signature Signature 11619 Philadelphia Road Oliver W. and Thelma R. Spiers Address Telephone No. Name - Type or Print White Marsh, Maryland Zlp Code Signature See Exhibit A **Attorney For Petitioner:** Address Telephone No. Jeffrev H. Scherr Type or Print City State Zip Code Representative to be Contacted: Signature Kramon & Graham, P.A. Jeffrey H. Scherr Company Name One South St., Suite, 2600 410-752-6030 One South St. Suite 2600 410-752-6030 Baltimore, Maryland Address Baltimore, Maryland Telephone No. Telephone No. 21202 21202 City State Zip Code City State Zip Code OFFICE USE ONLY

Reviewed By DITHOMPSON

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

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### EXHIBIT A

### PETITION FOR VARIANCE

for the property located at 9115 & 9129 Rexis Avenue

### Issue 1:

Petitioners seek a variance from §259.9.B.3 allowing Lot 15 to have a width of 76.4 feet in lieu of 85 feet (as measured along both the front and rear wall of the dwelling unit) due to the location of the existing family dwelling (Lot 14), the retention of which creates a practical difficulty and an unreasonable hardship for the use of the balance of the property, namely Lot 15.

### Issue 2:

Petitioners seek a variance from §260.4.B to eliminate the requirement of a center landscaping design element at the cul-de-sac. Due to the forest conservation area and the wet lands buffer, a practical difficulty and an unreasonable hardship is created which reduces the size of the cul-de-sac and does not allow for a center island.

### Addresses of Legal Owners:

Lisa D. Reynolds 9129 Rexis Avenue Perry Hall, Maryland 21128

Oliver W. and Thelma R. Spiers 3205 Uniontown Way Abington, Maryland 21009

### MORRIS & RITCHE ASSOCIATES, INC.





### ZONING DESCRIPTION

Beginning at a point located on the northwesterly side of Rexis Avenue which has a width of 30 feet at the distance of 1290 feet southwesterly of the centerline of the nearest intersecting street, Joppa Road which has a variable width. Thence the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

South 46 degrees 36 minutes 45 seconds East, 380.76 feet; South 47 degrees 33 minutes 30 seconds West, 12.49 feet; South 36 degrees 46 minutes 37 seconds West, 87.03 feet; South 19 degrees 26 minutes 04 seconds West, 51.30 feet; North 67 degrees 30 minutes 53 seconds West, 20.54 feet; South 66 degrees 02 minutes 54 seconds West, 13.34 feet; South 15 degrees 21 minutes 11 seconds West, 57.42 feet; South 08 degrees 45 minutes 31 seconds East, 42.69 feet; South 14 degrees 03 minutes 04 seconds West, 32.29 feet; South 40 degrees 08 minutes 23 seconds West, 16.98 feet; South 04 degrees 47 minutes 20 seconds West, 43.70 feet; South 16 degrees 36 minutes 25 seconds West, 28.01 feet; South 39 degrees 25 minutes 53 seconds East, 57.33 feet; South 46 degrees 17 minutes 21 seconds West, 22.15 feet; South 27 degrees 14 minutes 51 seconds West, 27.29 feet; South 01 degrees 53 minutes 38 seconds East, 34.50 feet; South 62 degrees 18 minutes 31 seconds West, 18.55 feet; North 68 degrees 25 minutes 20 seconds West, 22.18 feet; South 32 degrees 42 minutes 09 seconds West, 27.68 feet; South 15 degrees 59 minutes 48 seconds West, 61.63 feet; South 65 degrees 12 minutes 29 seconds West, 44.89 feet; South 19 degrees 36 minutes 03 seconds West, 17.55 feet; South 56 degrees 54 minutes 37 seconds East, 22.68 feet; South 06 degrees 47 minutes 06 seconds East, 14.95 feet; South 36 degrees 01 minutes 04 seconds East, 39.77 feet; South 02 degrees 15 minutes 27 seconds West, 57.57 feet; South 61 degrees 02 minutes 19 seconds East, 44.68 feet; South 09 degrees 13 minutes 34 seconds East, 51.11 feet; South 78 degrees 39 minutes 49 seconds East, 4.36 feet; South 25 degrees 07 minutes 14 seconds East, 12.40 feet; North 76 degrees 16 minutes 44 seconds West, 470.42 feet; North 46 degrees 01 minutes 17 seconds West, 416.93 feet; North 45 degrees 06 minutes 16 seconds East, 431.45 feet; North 45 degrees 06 minutes 16 seconds East, 467.60 feet to the point and place of beginning and being known as #9105, #9115, and #9129 Rexis Avenue

Containing 491,789 square feet or 11.2899 acres of land and being located in Eleventh Election District of Baltimore County, Maryland.

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

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|                             |  |            |                |                      |           |  |

# NOTICE OF ZONING HEARING

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

Case: # 04-412-A

9115 and 9129 Rexis Avenue
9115 and 9129 Rexis Avenue
1290 feet s/west of centerline of N/west side of Rexis Avenue. 1 290 feet s/west of centerline of 11th Election District — 5th Councilmanic District
11th Election District — 5th Councilmanic District
Contract Purchaser: Morainfuther, LLC
Contract P

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
missioner's Office at (410) 887-4386
Contact the Zoning Review Office at (410) 887-3391.

# TE OF PUBLICATION

323 2004

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing ewspaper published in Baltimore County, Md., in the following weekly n once in each of

The Jeffersonian

- Arbutus Times
- Catonsville Times
- Towson Times
- Owings Mills Times
- NE Booster/Reporter
- North County News

White

LEGAL ADVERTISING

### CERTIFICATE OF POSTING

RE: Case No.: 04-4/2-A

Petitioner/Developer: MORAN

|  | LUTHER, LLC  |
|--|--|
|  | Date of Hearing/Closing: 4/2/04                            |
| Baltimore County Department of<br>Permits and Development Management<br>County Office Building, Room 111<br>111 West Chesapeake Avenue<br>Towson, Maryland 21204 |  |
| ATTN: Kristen Matthews {(410) 887-3394}  |  |
| Ladies and Gentlemen:  | *  |
| posted conspicuously on the property located   |  |
| 9/15 \$ 9/2°   | 1 REXIS AVE  |
|  |  |
| The sign(s) were posted on   | (Month, Day, Year)   |
| · · · · · · · · · · · · · · · · · · ·  | Sincerely,   |
|  | Probert Black 3/14/04) (Signature of Sign Poster) (Date)   |
|  | SSG Robert Black   |
|  | (Print Name)   |
|  | 1508 Leslie Road   |
|  | (Address) RECEIVED   |
|  | Dundalk, Mary and 21223 AH 1 8 2004                        |
|  | (City, State, Zip Code)                                    |
|  | (410) 282-7940 DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT |
|  | (Telephone Number)   |
|  |  |

TO: PATUXENT PUBLISHING COMPANY

Thursday, March 18, 2004 Issue - Jeffersonian

Please forward billing to:

David Hausner

One South Street, Ste. 2600

Baltimore, MD 21202

410-752-6030

### 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: 04-412-A** 

9115 and 9129 Rexis Avenue

N/west side of Rexis Avenue, 1,290 feet s/west of centerline of Joppa Road

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

Legal Owners: Lisa Reynolds and Oliver & Thelma Spiers

Contract Purchasers: Moran/Luther, LLC

Variance to permit Lot 15 to have a width of 76.4 feet in lieu of 85 feet. To eliminate the requirement of a center landscaping design element at the cul-de-sac.

Hearing: Friday, April 2, 2004 at 9:00 a.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

## 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





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

March 12, 2004

### 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: 04-412-A

9115 and 9129 Rexis Avenue

N/west side of Rexis Avenue, 1,290 feet s/west of centerline of Joppa Road

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

Legal Owners: Lisa Reynolds and Oliver & Thelma Spiers

Contract Purchasers: Moran/Luther, LLC

Variance to permit Lot 15 to have a width of 76.4 feet in lieu of 85 feet. To eliminate the requirement of a center landscaping design element at the cul-de-sac.

Hearing: Friday, April 2, 2004 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco Director

TK:klm

C: Jeffrey Scherr, Kramon & Graham, One South St., Ste. 2600, Baltimore 21202 Lisa Reynolds, 9129 Rexis Avenue, Perry Hall 21128 Mr. & Mrs. Oliver Spiers, 3205 Uniontown Way, Abington 21009 Moran/Luther, LLC, 11619 Philadelphia Rd., White Marsh 21162

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 18, 2004.

- (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.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

| For Newspaper Advertising:   |
|--|
| Item Number or Case Number: ON-HIQ-A                               |
| Petitioner: MORAN LUTHER II C                                      |
| Address or Location: 915 \$ 9129 REXIS AVENUE, PERRY HAW, MD 21128 |
| LEXIS AVENUE, PERRY HAW, MD 21128                                  |
| PLEASE FORWARD ADVERTISING BILL TO:                                |
| Name: DAVID M. HAUSIER   |
| Address: ONE SOUTH STEAT, SUITE 2600  BALTIMORE, MID 21202         |
| - DALTIMORE, MID 21202   |
| Telephone Number: 410 752-6030                                     |

### 

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



### Baltimore County

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

March 29, 2004

Jeffrey H. Scherr Kramon & Graham, P.A. One South Street Suite 2600 Baltimore, Maryland 21202

Dear Mr. Scherr:

RE: Case Number: 04-412-A, 9115 and 9129 Rexis Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 9, 2004.

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

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

Very truly yours,
U. Call Rihall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Lisa D. Reynolds 9129 Rexis Avenue Perry Hall 21128 Oliver W. and Thelma R. Spiers 3205 Uniontown Way Abington 21009 Moran/Luther LLC 11619 Philadelphia Road White Marsh 21162

74/2

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

**DATE:** March 17, 2004

RECEIVED

MAR 1 9 2004

G COMMISSIONER

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

9115 & 9129 Rexis Avenue

INFORMATION:

Item Number:

4-412

Petitioner:

Lisa D. Reynolds

Zoning:

**DR 3.5H** 

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning support's the petitioner's request to permit lot 15 to have a width of 76 feet in lieu of the minimum required 85 feet, and to not provide a landscaped island in the middle of the cul-de-sac associated with the subject development provided the following conditions are met:

- 1. All dwellings shall have side entry garage except lot 15, 1, and 6.
- 2. The dwellings on lots 1 and 6 shall have porches that wrap-around the sides of the dwellings that face Rexis Avenue.
- 3. The sides of the dwellings on lots 1 and 6 shall include double windows and shall be finished with the same materials (stone or brick) as the front of the dwellings.

Prepared by:

Section Chief:

AFK/LL:MAC:

cewarded at Dreaming eym. Zunmighi

- 1. The Petitioners shall be in compliance with the ZAC comments of the Office of Planning dated March 17, 2004 as set forth below:
  - a. All dwellings shall have side entry garage except Lot 1,6 and 15;
  - b. The dwellings on Dots 1 and 6 shall have porches and wrap-around the sides of the dwellings that face Rexis Avenue; and
  - c. The sides of the dwellings on Lots 1 and 6 shall include double windows and shall be finished with the same materials (stone or brick) at the front of the dwellings.
- 2. The Petitioners shall add a note in bold type to the Development Plan and Final Development Plan that no building permits will be issued without Honeygo allocation letters.

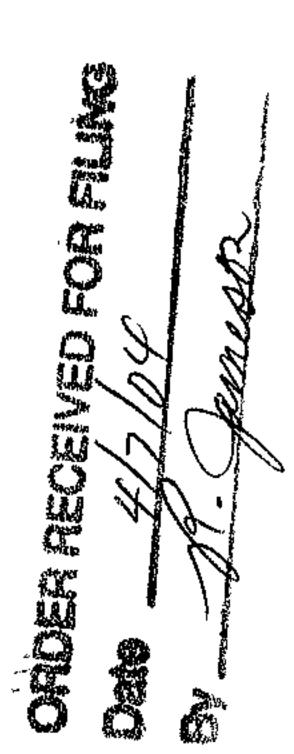
Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

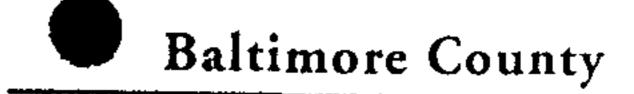


### Fire Department



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





James T. Smith, Jr., County Executive John J. Hohman, Chief

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

March 15, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 15, 2004

Item No.:

 $\supset$ 

341, 399-412

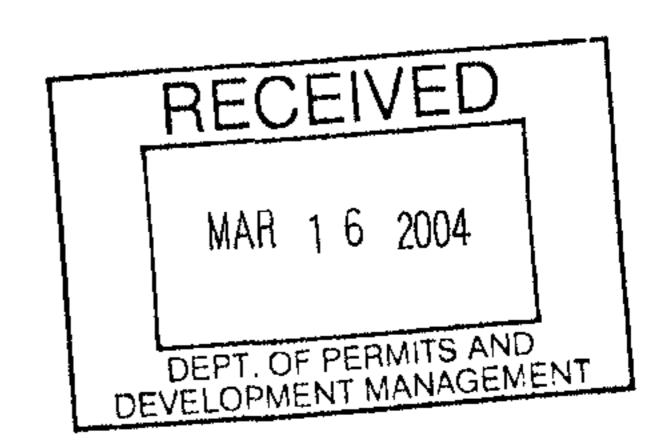
Dear Ms. Hart:

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.

6. 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





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

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** April 5, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans

SUBJECT:

Zoning Advisory Committee Meeting

For March 22, 2004

Item Nos. 341, 400, 401, 402, 403, 405, 406, 407, 408, 410, 411, and 412

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley RBS/JDU

DATE:

April 5, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 8, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-341

04-399

04-400

04-401

04-402

04-405

04-407

04-412

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

3.16.04 Date:

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

RE:

Baltimore County

Item No. 412

Dear. Ms. Matthews:

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. J. Goeth

RE: PETITION FOR VARIANCE

9115 & 9129 Rexis Avenue; NW/side Rexis

Avenue, 1,290' SW c/line of Joppa Rd

11<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts

Legal Owner(s): Lisa D Reynolds, Oliver W\*

& Thelma Spiers

Contract Purchaser(s): Mah/Luther, LLC

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

**BALTIMORE COUNTY** 

04-412-A

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### 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 17<sup>th</sup> day of March, 2004, a copy of the foregoing Entry of Appearance was mailed to, Jeffrey H Scherr, Esquire, Kramon & Graham, P.A, One South Street, Suite 2600, Baltimore, MD 21202, Attorney for Petitioner(s).


RECEIVED

MAR 1 7 2004

Per. Kly

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



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