IN RE: DEVELOPMENT PLAN HEARING and \* BEFORE THE

PETITION FOR VARIANCE – W/S

Greenspring Avenue, N of Walnut Avenue \* ZONING COMMISSIONER

(Raintree Farm)

4<sup>th</sup> Election District 2<sup>nd</sup> Council District

\* OF BALTIMORE COUNTY

\* Case Nos. IV-592 & 04-517-A

Guy L. & Dorothy E. Shaneybrook, Morton & Norma R. Seidman, Owners; P & S Realty, Developer

iers; \*

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

This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.). That Section permits an applicant to request development plan approval and zoning relief through a single public hearing. Pursuant to the development review regulations codified in Title 26 thereof, the Owners/Developer seek approval of a two-page red-lined development plan, prepared by Colbert Matz Rosenfelt, Inc., for the proposed residential development of the subject property with 13 single family dwelling units, 3 of which are existing. In addition, variance relief is requested from Sections 1A04.2.A.11.f and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the existing canopy, barns and garages (accessory structures) in the front and side yards in lieu of the required rear yard. Variance relief is also requested from Section 404.10.B of the B.C.Z.R. to permit an existing agricultural structure to be located 2 feet from the right-of-way line in lieu of the required 50 feet. The proposed subdivision is more particularly described on the redlined development plan submitted and marked into evidence as Developer's Exhibits 1A and 1B.

As to the history of this project through the development review process codified in Title 26 of the Baltimore County Code, a concept plan of the proposed development was prepared and a conference held thereon on February 2, 2004. As the name suggests, the concept plan is a schematic representation of the proposed subdivision and is reviewed by and between representatives of the Developer and the reviewing County agencies at the Concept Plan Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled

during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the CIM was held on March 8, 2004 at the Fort Garrison Elementary School. Subsequently, a development plan is prepared, based upon the comments received at the CPC and CIM, and submitted for further review at a Development Plan Conference (DPC) which is again held between the Developer's consultants and reviewing County agencies. In this case, the DPC was held on May 12, 2004. Following the DPC, comments are submitted by the appropriate County reviewing agencies and a revised development plan incorporating these comments is submitted at the Hearing Officer's Hearing, which in this case was held on June 4, 2004.

Appearing at the public hearing required for this project were Guy and Dorothy Shaneybrook and Norman and Morton Seidman, property owners; Tom Scherr on behalf of P & S Realty, Inc., Developer; Thomas Mills, President of Hydro-Terra, a geologist and environmental consultant; Richard E. Matz on behalf of Colbert Matz Rosenfelt, the consultants who prepared the development plan; and Dusky Holman, Esquire, attorney for the Owners/Developers. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Walt Smith, Project Manager; Dennis Kennedy, Development Plans Review; Eric Rockel, Land Acquisition; and, Jun Fernando, Zoning Review. Also appearing on behalf of the County were Mark Cunningham, Office of Planning (OP); and R. Bruce Seeley, Department of Environmental Protection and Resource Management (DEPRM). No one appeared from the surrounding community.

The subject property is an irregular shaped parcel located on the west side of Greenspring Avenue, north of Walnut Avenue across from Baublitz Avenue in Owings Mills. The property contains a gross area of 37.95 acres, more or less, zoned R.C.5. As noted above, the property is proposed for development with 13 single family dwelling lots, the largest of which is shown as Lot 13 and will be retained by Morton and Norma Seidman. That lot features an existing single-family dwelling known as 12544 Greenspring Avenue. In addition, there are

during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the CIM was held on March 8, 2004 at the Fort Garrison Elementary School. Subsequently, a development plan is prepared. based upon the comments received at the CPC and CIM, and submitted for further review at a Development Plan Conference (DPC) which is again held between the Developer's consultants and reviewing County agencies. In this case, the DPC was held on May 12, 2004. Following the DPC, comments are submitted by the appropriate County reviewing agencies and a revised development plan incorporating these comments is submitted at the Hearing Officer's Hearing, which in this case was held on June 4, 2004.

Appearing at the public hearing required for this project were Guy and Dorothy Shaneybrook and Norman and Morton Seidman, property owners; Tom Scherr on behalf of P & S Realty, Inc., Developer; Thomas Mills, President of Hydro-Terra, a geologist and environmental consultant; Richard E. Matz on behalf of Colbert Matz Rosenfelt, the consultants who prepared the development plan; and Dusky Holman, Esquire, attorney for the Owners/Developers. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Walt Smith, Project Manager; Dennis Kennedy, Development Plans Review; Eric Rockel, Land Acquisition; and, Jun Fernando, Zoning Review. Also appearing on behalf of the County were Mark Cunningham, Office of Planning (OP); and R. Bruce Seeley, Department of Environmental Protection and Resource Management (DEPRM). No one appeared from the surrounding community.

The subject property is an irregular shaped parcel located on the west side of Greenspring Avenue, north of Walnut Avenue across from Baublitz Avenue in Owings Mills. The property contains a gross area of 37.95 acres, more or less, zoned R.C.5. As noted above, the property is proposed for development with 13 single family dwelling lots, the largest of which is shown as Lot 13 and will be retained by Morton and Norma Seidman. That lot features an existing single-family dwelling known as 12544 Greenspring Avenue. In addition, there are

several outbuildings which are the subject of the variance request and will be retained by the Seidmans. In addition to the dwelling and outbuildings, that lot will also feature a large area of forest conservation easement.

In addition to the Seidman home, there are two other existing single homes. Lot 1, which is located near the intersection of Greenspring Avenue and Walnut Avenue, is owned by Mr. & Mrs. Shaneybrook and is improved with a single family dwelling, known as 12508 Greenspring Avenue. In addition, Lot 12, which is located near the rear of the subject property, is improved with a single family dwelling known as 12520 Greenspring Avenue. New dwellings are proposed for Lots 2 through 11. Vehicular access will be provided via an existing road, known as Raintree Court, which leads into the site from Greenspring Avenue and terminates as a cul-de-sac. The property will be served by private wells and septic systems, the areas for which are shown on the plan.

Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, the Developer indicated that there were no outstanding issues and the County agency representatives who were present corroborated his representations. Mr. Seeley indicated that the Environmental Impact Review Division, the Groundwater Division, and the Storm water Management Division of DEPRM had reviewed this project and that there were no outstanding issues. There were no open issues identified by any other County agency representatives. However, Mr. Fernando of Zoning Review noted that variance relief had previously been granted for the existing improvements on Lot 1 (see Case No. 03-052-A) and that the terms and conditions of that approval would remain in full force and effect.

As noted above, there were no Protestants or other interested persons present. Mr. Mills appeared on behalf of the Owner/Developer to offer testimony if necessary regarding wells and septics. It was indicated that some community members raised concerns at the CIM regarding those issues; however, none of those individuals appeared at the Hearing Officer's Hearing. Mr. Mills briefly testified and indicated that there is sufficient groundwater availability

to serve each of the proposed lots. As noted above, the proposed well locations and septic areas are shown on the plan.

Pursuant to Section 26-206 of the Baltimore County Code, the Hearing Officer is required to approve a plan when there are no open issues or unresolved comments, and all of the standards, rules and regulations for development in Baltimore County have been met. In that the development plan for Raintree Farms complies with all of these requirements, it must be approved.

Turning to the variance request, the relief requested relates to existing improvements on the Seidman property, which will be retained as Lot 13. In addition to the house, there is a garage and several freestanding buildings, including a horse shelter, shed, barn, etc. Many of these accessory structures are located in the front/side yard, contrary to the requirement that they be located in the rear yard. Thus, relief is requested to legitimize their location. In addition, there is a one and one-half story wood barn located 2 feet from the front right-of-way line for Greenspring Avenue. It is to be noted that this setback is from the right-of-way line and not the actual paving. As shown on the plan, the structure actually sits back a distance from the paving of the road and a fence is located between the structure and the road. In that all of these structures have existed on the property for many years, I am persuaded to grant the requested relief.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the development plan shall be approved and the Petition for Variance granted, consistent with the comments contained herein.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this \_\_\_\_\_\_ day of June 2004 that the red-lined development plan for Raintree Farm, identified herein as Developer's Exhibits 1A and 1B, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1A04.2.A.11.f and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the existing canopy, barns and garages (accessory structures) in the front and side yards

to serve each of the proposed lots. As noted above, the proposed well locations and septic areas are shown on the plan.

Pursuant to Section 26-206 of the Baltimore County Code, the Hearing Officer is required to approve a plan when there are no open issues or unresolved comments, and all of the standards, rules and regulations for development in Baltimore County have been met. In that the development plan for Raintree Farms complies with all of these requirements, it must be approved.

Turning to the variance request, the relief requested relates to existing improvements on the Seidman property, which will be retained as Lot 13. In addition to the house, there is a garage and several freestanding buildings, including a horse shelter, shed, barn, etc. Many of these accessory structures are located in the front/side yard, contrary to the requirement that they be located in the rear yard. Thus, relief is requested to legitimize their location. In addition, there is a one and one-half story wood barn located 2 feet from the front right-of-way line for Greenspring Avenue. It is to be noted that this setback is from the right-of-way line and not the actual paving. As shown on the plan, the structure actually sits back a distance from the paving of the road and a fence is located between the structure and the road. In that all of these structures have existed on the property for many years, I am persuaded to grant the requested relief.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the development plan shall be approved and the Petition for Variance granted, consistent with the comments contained herein.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this day of June 2004 that the red-lined development plan for Raintree Farm, identified herein as Developer's Exhibits 1A and 1B, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1A04.2.A.11.f and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the existing canopy, barns and garages (accessory structures) in the front and side yards

OFFICE RECENTED FOR FILLING
By

LES:bjs

in lieu of the required rear yard, and from Section 404.10.B of the B.C.Z.R. to permit an existing agricultural structure to be located 2 feet from the right-of-way line in lieu of the required 50 feet, in accordance with Developer's Exhibits 1A and 1B, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that all of the terms and conditions of the zoning relief granted in prior Case No. 03-052-A shall remain in full force and effect.

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

AWRENCE E. SCHMIDT

Zoning Commissioner/Hearing Officer

for Baltimore County

### 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

June 15, 2004

Dusky Holman, Esquire Gildea, LLC 300 E. Lombard Street, Suite 1440 Baltimore, Maryland 21202

RE: DEVELOPMENT PLAN HEARING & PETITION FOR VARIANCE W/S Greenspring Avenue, N of Walnut Avenue (Raintree Farm)

4<sup>th</sup> Election District – 2<sup>nd</sup> Council District Guy L. & Dorothy E. Shaneybrook; Morton & Norma R. Seidman, Owners; P & S Realty, Developer

Case Nos. IV-592 & 04-517-A

Dear Mr. Holman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved and the Petition for Variance granted, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. & Mrs. Guy Shaneybrook, 12508 Greenspring Avenue, Owings Mills, Md. 21117

Mr. & Mrs. Morton Seidman, P.O. Box 408, Owings Mills, Md. 21117

Mr. Richard E. Matz, Colbert Matz Rosenfelt

2835 Smith Avenue, Suite G, Baltimore, Md. 21209

Mr. Thomas Mills, 9192 Red Branch Road, Suite 290, Columbia, Md. 21045

Mr. Tom Scherr, 701 Fern Valley Circle, Baltimore, Md. 21228

Ms. Barbara Pash, 1040 Park Avenue, Suite 200, Baltimore, Md. 21201/

Walt Smith, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case/File



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



# Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 12544 Greenspring Avenue which is presently zoned R.C.-5

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

UNAVAILABLE FOR HEARING

Date 5/10/04

Reviewed By \_\_\_\_\_

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 of thereof, hereby petition for a Variance from Section(s)

1A04.2.A.11.f and Section 400.1, BCZR, to permit the location of the existing canopy, barns and garages (accessory structures) in the front and side yards in lieu of the required rear yard; and from Section 404.10.B, to permit an existing accessory agricultural structure to be located two (2) feet from the right-of-way line in lieu of the required 50 feet.

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

To be presented at time of hearing.

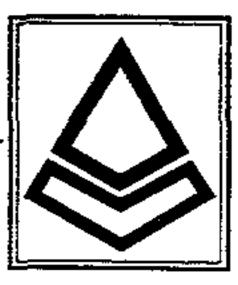
Property to be posted and advertised as prescribed by the zoning regulations.

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: Legal Owner(s): Thomas Scherr, Vice-President, P& S Realty Morton Seidman Name - Type or Print Name Type or Print Signature Signature 701 Fern Valley Circle 410-744-8589 Norma R. Seidman Address. Telephone No. Name - Type or Print **Baltimore** Md. 212289 City Zip Code Signature State Attorney For Petitioner: P.O. Box 408 410-356-7102 Address. Telephone No. D. Dusky Holman, Esq. Owings Mills 21117 MD Name - Type or Print City State Zip Code Representative to be Contacted: Richard E. Matz, P.E. **Jidea, LL**Q Compan COLBERT MATZ ROSENFELT, INC (eve) 410-484-8757 1440 De Lombard Street, Suite 1440 (day) 410-653-3838 410-234-0070 2835 Smith Avenue, Suite G Telephone No. Address Telephone No. 21202 21209 Md. **Baltimore** MD Zip Code City State Zip Code State Ease No. 04-517-A OFFICE USE ONLY ESTIMATED LENGTH OF HEARING

# Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



### ZONING DESCRIPTION 12544 GREENSPRING AVENUE

Beginning at a point on the west side of Greenspring Avenue which is 70 feet wide, at the distance of 300 feet, more or less, north of the centerline of Baublitz Road, which is 50 feet wide. Thence the following courses and distances:

S 36°24'25" E, 317.22 ft.;

S 35°01'25" E, 568.27 ft.;

S 34°31'25" E, 143.90 ft.;

S 58°11'17" W, 645.81 ft.;

N 31°47'58" W. 41.70 ft.;

S 57°43'45" W, 580.43 ft.;

N 50°44'53" W, 72.59 ft., thence

N 19°53'34"E, 1487.36 ft., to the Point of Beginning.

Containing 15.433 acres. Also known as 12544 Greenspring Avenue and located in the 4<sup>th</sup> Election District.



#51

| BALTIMORE COUNTY, MAP "A OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT | No.        | FRIL FILLETT  SUSTINESS ACTUAL TIME  5.10.733A 5/10/3034 (S6:24-32)                      |
|---|------------|--|
| DATE 5/10/04 ACCOUNT 12   | 001006150  | TELETON # 18-190 TAIL SHE<br>TELETON # 18-190 TAIL TOA<br>Lean T Els Loving Vinit Lation |
| AMOUNT \$   |            | 77 N.C. C36434<br>Record Tot: \$65.60<br>\$65.60 C: \$.00 C                              |
| RECEIVED COLSINT  | MATZIROSM  | (Chaltamore County, decident   |
| FOR:  | <u>- A</u> |  |
|   |            |  |
| DISTRIBUTION  WHITE - CASHIER PINK - AGENCY YELLOW - CUSTO                | OMER       | CASHIER'S VALIDATION   |

# The Zouring Commissioner of Haltimore County, by authority of the Zouring Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland or the property identified herein as follows: Case: #04-517-A 12544 Greenspring Avenue W/side of Greenspring Avenue, 300 feet +/- north or centerline of Baublitz Road 4th Election District - 2nd Councilmanic District Legal Owner(s): Morton & Norma Seidman Contract Purchaser: Thomas Scherr, Vice President, P & S Realty Variance: to permit the location of the existing canopy barns and garages (accessory structures) in front and side yard in lieu of the required rear yard; and to permit an existing accessory agricultural structure to be located two (2) feet from the right-of-way in lieu of the required 50 feet. Hearing: Friday, June 4, 2004 at 9:00 a.m. in Rooms 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.

5540

5/210 May 20

### CERTIFICATE OF PUBLICATION

| 5/20, $2004$  |
|---|
| THIS IS TO CERTIFY, that the annexed advertisement was published                            |
| n the following weekly newspaper published in Baltimore County, Md.,                        |
| once in each ofsuccessive weeks, the first publication appearing on $\frac{5/20}{,20.04}$ . |
| The Jeffersonian  |
| ☐ Arbutus Times   |
| ☐ Catonsville Times   |
| ☐ Towson Times  |
| Owings Mills Times  |
| ☐ NE Booster/Reporter   |
| ☐ North County News   |
|   |

LEGAL ADVERTISING

# CETIFICATE OF POSTING

ATTENTION; KRISTEN MATTHEWS

Date May 18, 2004

RE: Case Number 04-517-A

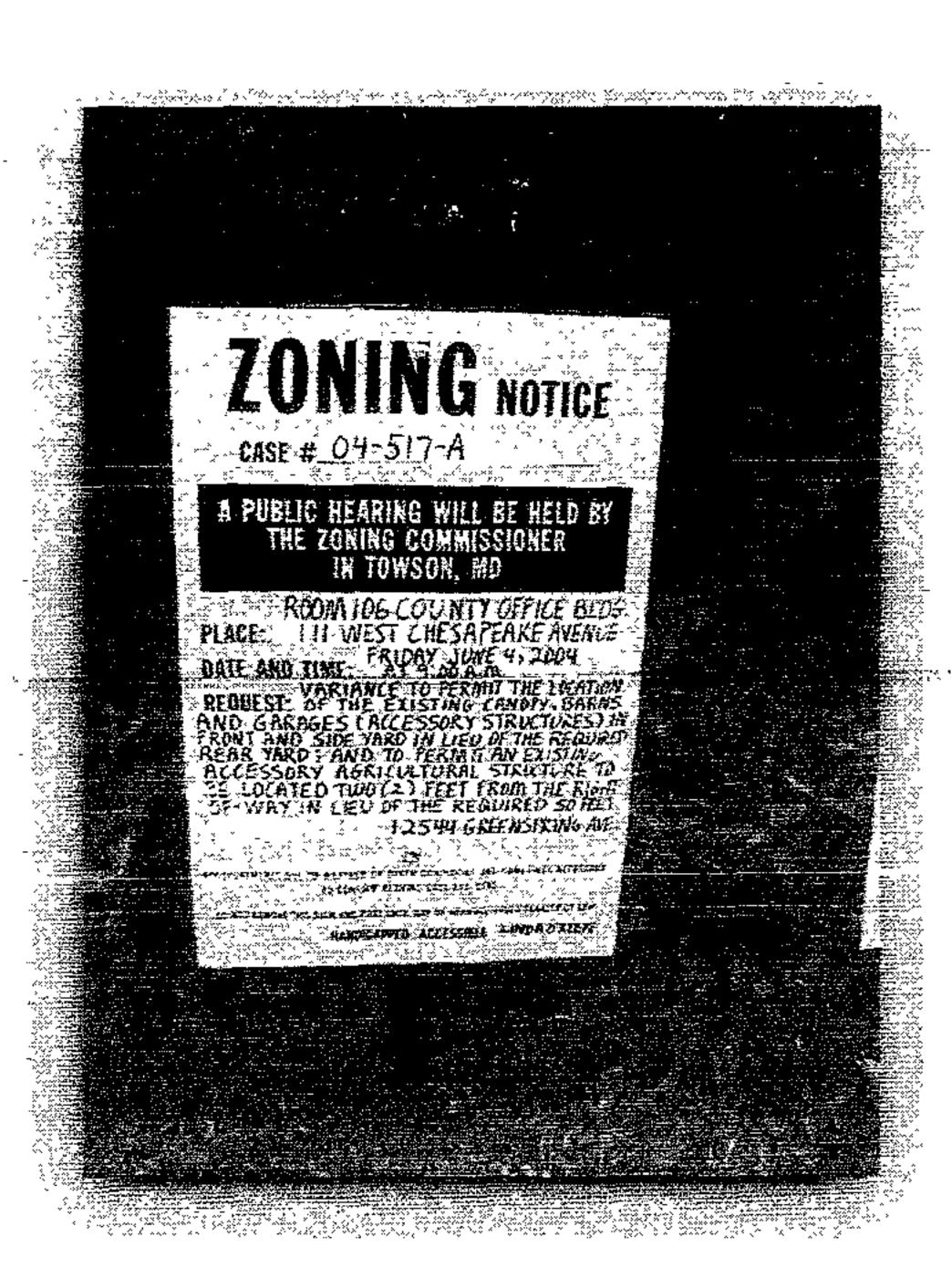
Petitioner/Developer RICHARD MATZ, COLBERT, MATZ & ROSENFELT/ETAL.

Date of Hearing/Closing JUNE 4, 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  $12544\,GREENSPRING\,AVE\,$ 

The sign(s) were posted on

May 18, 2004,



(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY

Thursday, May 20, 2004 Issue- Jeffersonian

Please forward billing to:

Thomas Scherr P & S Realty 701 Fern Valley Circle Baltimore, MD 21289 410-744-8589

### **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: 04-517-A

12544 Greenspring Avenue

W/side of Greenspring Avenue, 300 feet +/- north of centerline of Baublitz Road

4<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: Morton & Norma Seidman

Contract Purchaser: Thomas Scherr, Vice-President, P & S Realty

<u>Variance</u> to permit the location of the existing canopy, barns and garages (accessory structures) in front and side yard in lieu of the required rear yard; and to permit an existing accessory agricultural structure to be located two (2) feet from the right-of-way in lieu of the required 50 feet.

Hearing: Friday, June 4, 2004, at 9:00 a.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue

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

May 10, 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: 04-517-A** 

12544 Greenspring Avenue

W/side of Greenspring Avenue, 300 feet +/- north of centerline of Baublitz Road

4<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: Morton & Norma Seidman

Contract Purchaser: Thomas Scherr, Vice-President, P & S Realty

<u>Variance</u> to permit the location of the existing canopy, barns and garages (accessory structures) in front and side yard in lieu of the required rear yard; and to permit an existing accessory agricultural structure to be located two (2) feet from the right-of-way in lieu of the required 50 feet.

Hearing: Friday, June 4, 2004, at 9:00 a.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue

Timothy Kotroco Director

TK:klm

C: D. Dusky Holman, Gildea, LLC, 300 E. Lombard St., Ste. 1440, Baltimore 21202 Morton & Norma Seidman, P.O. Box 408, Owings Mills 21117 Thomas Scherr, P & S Realty, 701 Fern Valley Circle, Baltimore 21289 Richard Matz, Colbert, Matz & Rosenfelt, 2835 Smith Ave., Ste. G, Baltimore 21209

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 20, 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.

| Item Number o  | r Case Number: 04 - 517 - A                            |
|----------------|--|
|                | MORTON SEIDMAN   |
| Address or Loc | ation: 12544 GREENSPRING AVE                           |
|                |  |
| Name: Pt.      | WARD ADVERTISING BILL TO:<br>S REAUTY ATTN TOM SCHERR. |
| Name: Pt.      |  |
| Name: PE       | S REALTY ATTN TOM SCHERR.                              |

### Department of Permits an Development Management

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





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

May 28, 2004

Dusky Holman Gildea, LLC. 300 E. Lombard Street, Suite 1440 Baltimore, Maryland 21202

Dear Mr. Holman:

RE: Case Number:04-517-A, 12544 Greenspring Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 10, 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 Rill D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

**Enclosures** 

People's Counsel C:

> Morton and Norma P.O. Box 408 Owings Mills 21117 Thomas Scherr 701 Fern Valley Circle Baltimore 21228

Robert E. Matz Colbert, Matz, and Rosenfelt 2835 Smith Avenue, Ste. G Baltimore 21209



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

### 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

May 18, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: May 18, 2004

Item No.:

495, 502-511, 513-515, 517

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.

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:** June 2, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For May 24, 2004

Item Nos. 502, 503, 507, 508, 509, 512, 513, 514, 515, and 517

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

DATE:

May 24, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 17, 2004

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

04-495

04-502

04-503

04-506

04-507

04-508

04-509

04-512 04-513

04-514

04-517

Reviewers:

Sue Farinetti, Dave Lykens

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

fy y

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MAY 2 1 2004

**DATE:** May 18, 2004

**SUBJECT:** 

Zoning Advisory Petition(s): Case 4-517

ZONING COMMISSIONER

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

MAC/LL



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

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

### MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

5.17.04

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

RE:

Baltimore County

Item No.

517

LTM

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,

1. 1. Soul

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

My telephone number/toll-free number is

RE: PETITION FOR VARIANCE

12544 Greenspring Ave; W/side Greenspring

Avenue, 300' N c/line of Baublitz Rd 4<sup>th</sup> Election & 2<sup>nd</sup> Councilmanic Districts

Legal Oramon(a), Moston & Mormo Soidmon

Legal Owner(s): Morton & Norma Seidman \*

Contract Purchaser(s): Thomas Scherr, VP

of P&S Realty

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

**BALTIMORE COUNTY** 

04-517-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 19<sup>th</sup> day of May, 2004, a copy of the foregoing Entry of Appearance was mailed to, Richard E. Matz, Colbert Matz Rosenfelt Inc, 2835 Smith Avenue, St G, Baltimore, MD 21209 and to D. Dusky Holman, Esquire, Gildea, LLC, 300 E. Lombard Street, St 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

MAY 1 9 2004

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....

To: Hearing Officer.

RE: Case Number 04-517-A

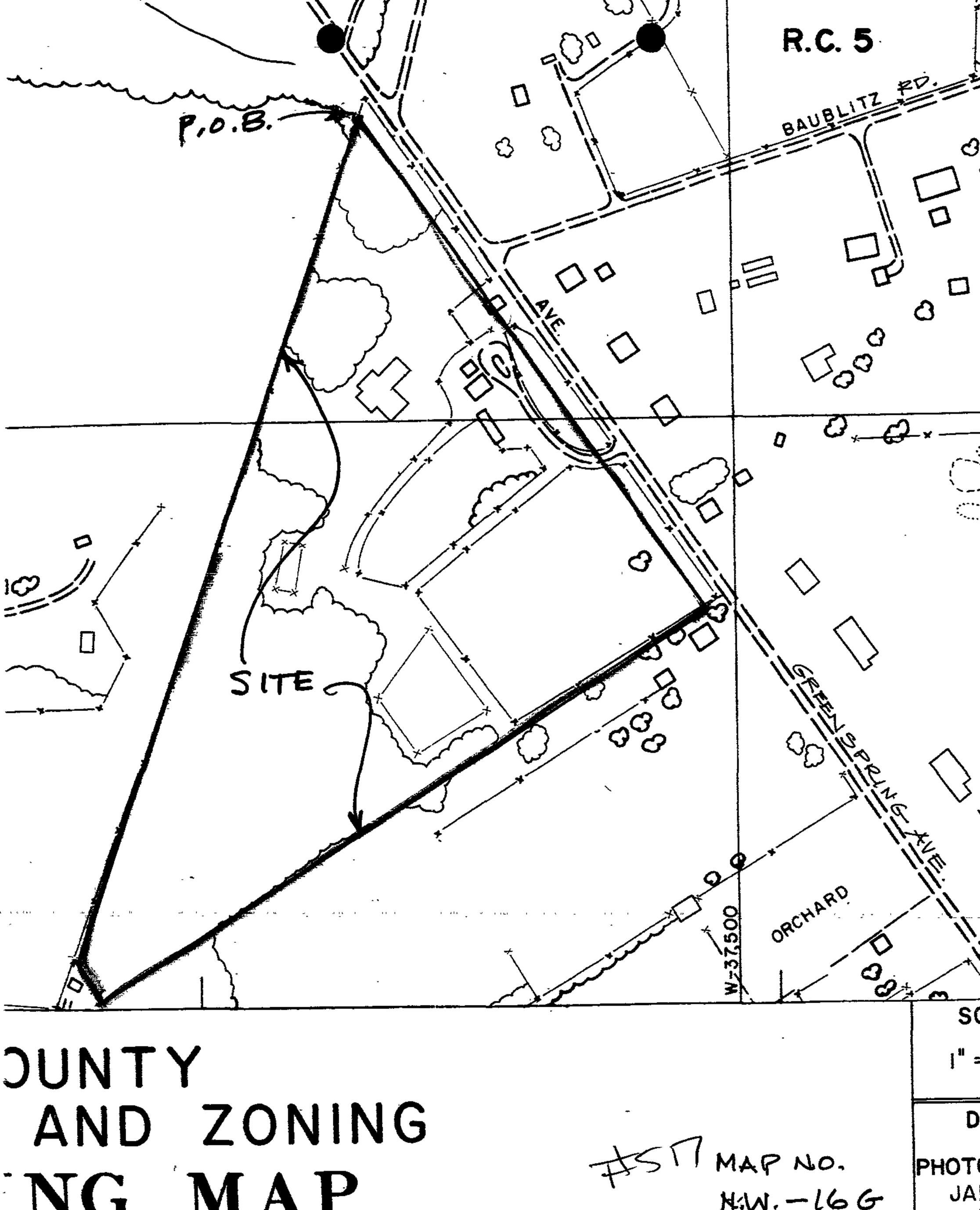
From: Carl Richards

### Comments:

I'm confused with the application, which I believe was hastily prepared. There are no "accessory agricultural structures" identified in the regulations, unless they are environmentally controlled.

If the property meets the commercial agriculture definition and the building is used for agriculture, then the required zoning setback would be that which is required by the Baltimore County Building Code (see Section 404.11.A BCZR)

If it is accessory to the dwelling use with no commercial agriculture and the property cannot be approved by the Agriculture board as a reduced acreage farm, then only the location, setback, and height as required by Section 400 BCZR need to be met.



ING MAP

MAP NO. N:W.-166

