IN RE: PETITION FOR VARIANCE

NW/S of Turkey Point Road, 1,600 ft. +/-

W of Back River Neck Road

15th Election District

6th Councilmanic District

(Turkey Pt. Rd., S/E of Cape May Pt. Rd.)

CASE NO. 05-074-A

OF BALTIMORE COUNTY

DEPUTY ZONING COMMISSIONER

BEFORE THE

Burren Forest, LLC By: Joseph M. Moran Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

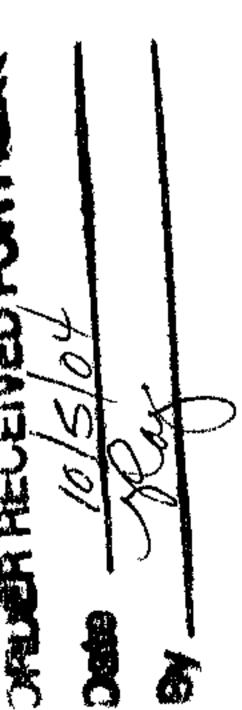
This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Burren Forest, LLC, by Joseph M. Moran. The Petitioners are requesting variance relief for property located at Turkey Point Road, southeast of Cape May Point Road. Variance relief is requested from Section 32-4-409(a) of the Baltimore County Code (BCC) to permit a panhandle drive in excess of 500 ft. in a DR zone, which drive will be subject to a 30 ft. private ingress, egress, maintenance and utility easement, as shown more particularly on the plat to accompany the petition.

The property was posted with Notice of Hearing on September 18, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 21, 2004 to notify any interested persons of the scheduled hearing date

#### Applicable Law

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."

#### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

#### Interested Persons

Appearing at the hearing on behalf of the variance request was Daniel Moran, for the Petitioner LLC and Charles Merritt professional engineer. Howard L. Alderman, Jr., Esquire represented the Petitioners. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### Testimony and Evidence

D.R.3.5. Mr. Alderman proffered that the property is almost 1,000 ft. long and only 135 ft. wide. Wetlands constitute nearly half the area of the property. The property is vacant and is going through the minor subdivision process to allow 3 lots which would be served by public water and sewer, the latter of which will be extended to the property by the Petitioner.

Delineated wetlands are found in the middle of the property and at the far end away from Turkey Point Road. Access to these lots would be by way of a common driveway which would measure approximately 800 ft. in length to a T-turnaround. The driveway would also serve two lots on the adjacent Hosna property which, by agreement with the Petitioner and DEPRM, will

use the extension of the "T" to minimize the impervious surface for both properties. The driveway would be built over the wetland area while the water and sewer would tunnel under the wetlands so as to minimize any disturbance to the flora.

Mr. Alderman proffered that the proposed layout fits the pattern of development in the area and that it matched that proposed by this plan as shown in the GIS photograph marked as Exhibit No. 2. Note that there are several similar panhandle developments off of Cape May Road.

Section 32-4-409 (e) of the BCC limits the length of panhandle driveways to 500 ft. and thus the request for variance under subsection (e) (3). Mr. Alderman proffered that the property is unique in a zoning sense because of its long narrow shape, and the existence of extensive wetlands which severely limit the development of the property. By zoning density, 10 lots could be placed on the property; however the Petitioner is asking for only three. Finally, he noted that the plan reflects the spirit and intent of the zoning.

#### Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Besides being oddly shaped, half of the area is given over to wetlands. This severely restricts the use of the property. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. If the driveway would be limited to 500 ft., it would end in the middle of the wetlands. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance as the density is one third the density allowed under the regulations. Finally, I find this variance 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. The pattern of development

shown by the Petitioner is similar to this plan so there will be no change to the character of the neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

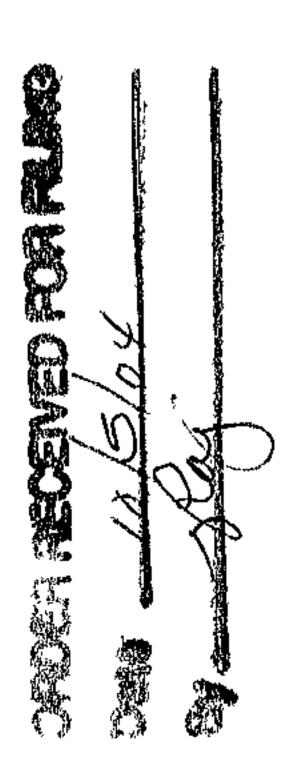
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHNV. 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

October 5, 2004

Howard L. Alderman, Esquire Levin & Gann, PA Nottingham Centre, 8<sup>th</sup> Floor 500 Washington Avenue Towson, Maryland 21204

Re: Petition for Variance
Case No. 05-074-A
Property: Turkey Point Road,
southeast of Cape May Point Road

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted 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 and 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

John V. Muspley

JVM:raj Enclosure

c: Daniel Moran 11619 Philadelphia Road White Marsh, MD 21162 Charles Merritt 2416 E. Joppa Road Baltimore, MD 21234



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



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# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Turkey Point Road s/e of Cape May Point Road which is presently zoned DR 3.5

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

#### SEE ATTACHED

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

#### SEE ATTACHED

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): NONE Burren Forest LLC Name - Type or Print Name - Type of Print Managing Member
TOSEPH MYORAN Signature Signatule Address Telephone No. Name - Type or Print City State Zip Code Signature 11619 Philadelphia Road 410-256-8650 **Attorney For Petitioner:** Address Telephone No. Howard L. Aldefman, Jr., Esquire White Marsh MD 21162-1310 Name Type or Print City State Zip Code Representative to be Contacted: Signature Charles Merritt, Merritt Development Consultants, Inc. Levin & Gann, PA Nottingham Centre, 8th Floor Company, 512 Washington Avenue Name 410-321-0600 9831 Magledt Road 410-663-5525 Ad ress Telephone No. Address Telephone No. Baltimore MD 21234 Towson, MD 21204 Cit Zip Code City State Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING ase No. TNAVAILABLE FOR HEARING Date 8-10-04 Reviewed By

# ATTACHMENT PETITION FOR VARIANCE

CASE NO: _	<u>05–</u>		<u> </u>
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Address:

Turkey Point Road s/e of Cape May Point Road

Legal Owners:

Burren Forest, LLC

Present Zoning:

DR 3.5

#### REQUESTED RELIEF:

32-4-409(0)

Grant a variance from Baltimore County Code Section 26-266(4) to permit a panhandle drive in excess of 500 feet in a DR zone, which drive will be subject to a 30 foot private ingress, egress, maintenance and utility easement, as shown more particularly on the Plat to accompany this Petition

#### JUSTIFICATION:

- A. Size, shape and configuration of existing property;
- B. Existing topographic and environmental constraints; and
- C. For such further reasons that will be presented at the hearing on this Petition.

#### For Additional Information Contact:

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. Nottingham Centre 502 Washington Avenue 8th Floor Towson, Maryland 21204

(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com

014

#### August 3, 2004

# Zoning Description for Tax Map 98 Grid 13 Parcel 374

Beginning for the same at a point in or near the center of Turkey Point Road, said point being at the beginning of the third or North 21 degrees 18 minutes West, 940.1 foot line of the land secondly described in a deed dated March 31, 2004 from Markay Enterprises, L.L.C. to Burren Forest LLC and recorded among the land records of Baltimore County, Maryland in Liber 19905, folio 696, thence leaving said point of beginning and running for the four following courses and distances, as now surveyed:

- 1) North 29 degrees 24 minutes 02 seconds West, 940.12 feet, thence
- 2) North 60 degrees 35 minutes 58 seconds East, 131.50 feet, thence
- 3) South 29 degrees 24 minutes 02 seconds East, 1042.80 feet, thence
- 4) North 81 degrees 25 minutes 02 seconds West, 166.84 feet to the place of beginning.

Containing 130,378 square feet or 2.9931 acres of land more or less.

Being all of the land firstly described in a deed dated March 31, 2004 from Markay Enterprises, L.L.C. to Burren Forest LLC and recorded among the land records of Baltimore County, Maryland in Liber 19905, folio 696 and being located in the 15<sup>th</sup> Election District, and 6<sup>th</sup> Councilmanic District.



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## 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: # 05-074-A

Case: # 05-074-A
Turkey Point Road southeast of Cape May Point Road
Northwest side of Turkey Point Road, 1,800 feet +/west of Back River Neck Road
16th Election District — 6th Councilmanic District
Legal Owner(s): Burren Forest, LLC. Joseph M. Moran
Variance: from development standards to permit a panhandle driveway in excess of 500 ft. In a DR zone, which
will be subject to a 30 foot private ingress, egress, maintenance and utility easement, as shown more particularly
on the Plat to accompany this Petition.
Hearing: Tuesday, October 5, 2004 at 9:00 a.m. In
Room 407, County Courts Building, 401 Bosley
Avenue.

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) 887-4388.

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

JT 9/732 Sept. 21

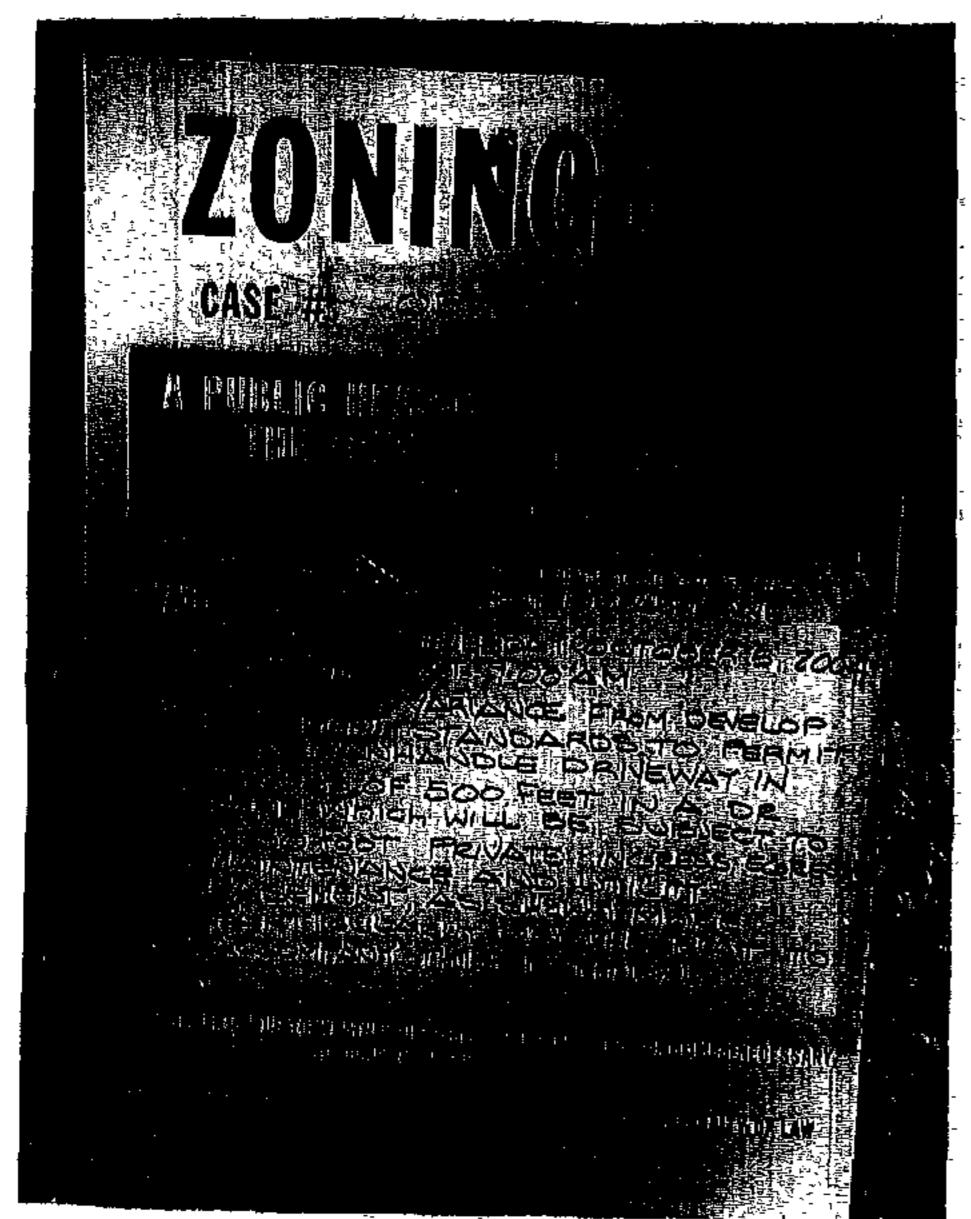
22461

#### CERTIFICATE OF PUBLICATION

923,2004
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 $921$ , $2004$
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilking
LEGAL ADVERTISING

### CERTIFICATE OF POSTING

vate: 1110104
•
8: Case Number: 05-074 A
Petitioner/Developer: Burren Forest
Date of Hearing/Closing: 10 5 04
This is to certify under the penalties of perjury that the necessary sing(s) required by law were posted conspicuously
on the property located at NORTHWEST SIDE. TURKEY POINT ROAD 1600 +
WEST OF BACK RNER NECK RD
•
The sign(s) were posted on $9/18/04$
(Month, Day, Year)



Charles Sign Poster)

Charles E. Merritt 9831 Magledt Road Baltimore, MD 21234 410-665-5562



RE: PETITION FOR VARIANCE

> Turkey Pt Rd SE Cape May Pt Rd; NW/side Turkey Pt Rd, 1,600' W Back River Neck Rd\*

15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts

Legal Owner(s): Burren Forest LLC,

Joseph M. Moran

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

**FOR** 

**BALTIMORE COUNTY** 

05-074-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 August, 2004, a copy of the foregoing Entry of Appearance was mailed to, Charles Merritt, Merritt Development Consultants, Inc, 9831 Magledt Road, Baltimore, MD 21234 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

AUG 1 9 2004

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

TO: PATUXENT PUBLISHING COMPANY

Tuesday, September 21, 2004 Issue - Jeffersonian

Please forward billing to:

Burren Forest, LLC. 11619 Philadelphia Road

Baltimore, Maryland 21162

410-256-8650

#### **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: 05-074-A

Turkey Point Road southeast of Cape May Point Road

Northwest side of Turkey Point Road, 1,600 feet +/- west of Back River Neck Road.

15<sup>th</sup> Election District—6<sup>th</sup> Councilmanic District

Legal Owners: Burren Forest, LLC. Joseph M. Moran

Variance from development standards to permit a panhandle driveway in excess of 500 feet in

DR zone, which will be subject to a 30 foot private ingress, egress, maintenance and utility easement, as shown more particularly on the Plat to accompany this Petition.

Hearing: Tuesday, October 5, 2004 at 9:00 a.m. in Room 407, County Courts Building

401 Bosley Avenue.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

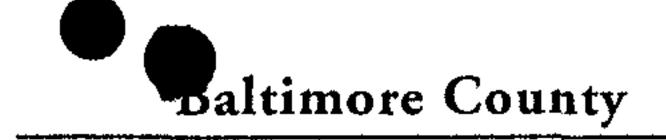
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

# Department of Permits and Development Management

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





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

August 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: 05-074-A

Turkey Point Road southeast of Cape May Point Road
Northwest side of Turkey Point Road, 1,600 feet +/- west of Back River Neck Road.

15<sup>th</sup> Election District—6<sup>th</sup> Councilmanic District
Legal Owners: Burren Forest, LLC. Joseph M. Moran

<u>Variance</u> from development standards to permit a panhandle driveway in excess of 500 feet in a DR zone, which will be subject to a 30 foot private ingress, egress, maintenance and utility easement, as shown more particularly on the Plat to accompany this Petition.

Hearing: Tuesday, October 5, 2004 at 9:00 a.m. in Room 407, County Courts Building 401 Bosley Avenue.

Timothy Kotroco

Director

TK: clb

C: Howard L. Alderman, Jr., Esquire Levin & Gann 502 Washington Ave.,8th Floor Towson 21204

Burren Forest, LLC. Joseph M. Moran 11619 Philadelphia Road White Marsh 21162-1310 Charles Merritt Merritt Development Consultants 9831 Magledt Road Baltimore 21234

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



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

# 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: 05 -074 A
Petitioner: Burren Forest we
Address or Location: Tueksy Point ROAD
PLEASE FORWARD ADVERTISING BILL TO:  Name: BURREN FOREST LLC
Address: 9 11619 Philadelphia ROAD
BALD MO ZITUZ
Telephone Number: 410 756・8650

### Department of Permits are Development Management

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





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

September 28, 2004

Howard L. Alderman, Jr. Esquire Levin & Gann Nottingham Centre, 8<sup>th</sup> Floor 502 Washington Avenue Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number: 05-074-A

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

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Burren Forest, LLC. Joseph Moran 11619 Philadelphia Road White Marsh 21234 Charles Merritt Merritt Devel. Consultants, Inc. 9831 Magledt Road Baltimore 21234



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

#### Fire Department

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



# Baltimore County

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

August 24, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 16, 2004

Item No.:

061-069, 071, 072, (074), 076-080

Pursuant to your request, the referenced plan(s) have been reviewed 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



#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

DATE: September 1, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

**SUBJECT:** 

Zoning Advisory Committee Meeting

For August 23, 2004

Item Nos. 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 072, 074, 075, 076, 077, 079, 080, and 081

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

RWB:CEN:jrb

cc: File

9/10/5

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-074 and 05-078

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

RECEIVED

**DATE:** September 1, 2004

SEP - 9 2004

ZONING COMMISSIONER



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

#### Maryland Department of Transportation

Date:

8.13.04

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

RE:

**Baltimore County** 

Item No. 074

772

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,

Steven D. Foster, Acting Chief Engineering Access Permits Division

J. J. Holl

#### **Baltimore County Code**

# ARTICLE 32. PLANNING, ZONING, AND SUBDIVISION CONTROL / TITLE 4. DEVELOPMENT / SUBTITLE 4. GENERAL DESIGN STANDARDS AND REQUIREMENTS / § 32-4-409. PANHANDLE DRIVEWAYS.

#### § 32-4-409. PANHANDLE DRIVEWAYS.

- (a) In general.
  - (1) The county may only allow a panhandle lot:
    - (i) To achieve better use of irregularly shaped parcels;
    - (ii) To avoid development in environmentally sensitive areas;
    - (iii) Where the lot will not be detrimental to adjacent properties; and
- (iv) Were the lot will not conflict with efforts to provide for public safety and general welfare.
- (2) The county may only allow a panhandle driveway where necessary to provide access to interior lots where a public road is neither feasible nor desirable.
  - (b) In-fee strip; required.
- (1) Except as provided in subsection (c) of this section, the county may permit a panhandle lot if the lot includes an in-fee strip of land for access to the local street.
  - (2) Panhandle fee strips shall be a minimum of:
    - (i) 20 feet in width to serve one lot;
    - (ii) 12 feet in width per lot where two lots are involved;
    - (iii) 10 feet in width per lot where three or more lots are involved; or
- (iv) 12 feet in width per lot where there are two or more lots in a development that is within the metropolitan area where public water and sewer services are available, planned, or considered.
- (c) Same; exception. In cases where a right-of-way has been established before the submission of the Development Plan, the Hearing Officer may approve access to the local street or collector street through the existing right-of-way instead of an in-fee strip.
  - (d) Panhandle driveways.
    - (1) A single panhandle driveway may serve up to five dwellings, three of American Legal Publishing Corp.

**Baltimore County Code** 

which may be on internal lots not adjacent to the local street or collector street.

- (2) Panhandle driveways serving lots greater than 20,000 square feet may serve five internal lots plus two dwellings on the front lots adjacent to the panhandle driveway and the local street or collector street.
- (3) Front lots are not required to be part of the panhandle driveway development.
- (4) Notwithstanding the provisions of § 32-4-107 of this title, the requirements of this subsection may not be waived.
  - (e) Length of panhandle in DR and RC zones.
    - (1) In a DR zone, the panhandle length may not exceed 500 feet.
    - (2) In an RC zone, the panhandle length may not exceed 1,000 feet.
- (3) The maximum permitted length of a panhandle is subject to variance under § 307 of the Baltimore County Zoning Regulations.

CASE NAME Buriew Forest UC CASE NUMBER 05-074-A DATE 05 OCT OF

### PETITIONER'S SIGN-IN SHEET UAR ONLY

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	Z416 E. JOPPS RODD 500)	BOUTO MID ZIZ34	
Daniel Moran	11619 Philadelphia Rd.	white Marsh, MD 21162	
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