IN RE: PETITION FOR SPECIAL HEARING E/S of Garrison Forest Road, 280 ft. S centerline of Avery Hill Drive 4th Election District 2nd Councilmanic District **(12211, 12221, 12223 Garrison Forest Road)** Lawrence M. Macks *Petitioner*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-105-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 12211, 12221, 12223 Garrison Forest Road in "Section Two, Worthington Park" subdivision of Baltimore County. Lawrence M. Macks, the Petitioner and legal owner of the property filed the Petition. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the 5th Amended Partial Final Development Plan to reconfigure Lot Nos. 26, 27 and 28 and add Lot No. 11.

The property was posted with Notice of Hearing on September 13, 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 7, 2004, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

RECEIVED FOR FILING
Date 10/5/04
By

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: ZAC comments were submitted by the Office of Planning dated September 13, 2004, a copy of which is attached hereto and made a part hereto.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were Will Duvall, Scott Rouk and Jonathan Myers for the Petitioner. Robert A. Hoffman, Esquire represented the Petitioner. No Protestants or citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The Petitioner is requesting to reconfigure Lot Nos. 26, 27 and 28 and add Lot No. 11 to a previously approved CRG plan known as "Section Two, Worthington Park". See Petitioner's Exhibit No. 1. Mr. Hoffman proffered that this plan shows lots 26, 27 and 28, which are vacant. Adjacent to these lots are several lots owned by Lawrence Macks who voluntarily restricted development on same by donating the development rights of two lots to the Land Preservation Trust. Consequently, Mr. Hoffman noted that if the Special Hearing relief is granted, one new lot would be created. The net number of lots will then be one less than previously approved. The Petitioner presented a letter of support from Kenneth Katz who owns the adjacent property to the revised plan as Exhibit No. 5.

Petitioner's Exhibit No. 2 shows the proposed reconfigured lots and new lot. Exhibit No. 3 is the same plan with existing vegetation shown. Each lot is located along Garrison Forest Road, which road is a designated scenic route on the County's Master Plan. Consequently, the Planning Office has requested that two conditions involving the scenic road be placed in the

ORDER RECEIVED FOR FILING
Date 10/5/04
By

Order. The first was to define the limit of disturbance to avoid removing existing vegetation along Garrison Forest Road. Mr. Hoffman proffered that the Petitioner met with the Office of Planning who reviewed and approved the plan as indicated by the signature of the Section Planner, Ms. Lanham, on the redline plan.

However, the Office of Planning also requested elevations be submitted for approval by Planning for the new home on lot 26. The Petitioner was reluctant to agree to this provision as they did not know which architects would design the new homes. However, Mr. Hoffman proffered that submitting elevations was not necessary because the foliage along Garrison Forest Road was so dense that travelers on the road would not be able to see the homes. In support of this contention the Petitioner submitted photographs of the road frontage. See Petitioner's Exhibit No. 4. In addition, the Petitioner's engineer pointed out that the road is 20 + ft. above the area where the new homes would be built, which will further reduce any possibility that the new homes would be seen. He further noted that the new homes are limited to height of 35 ft. Consequently, he believed that given the existing foliage, the side of the new home would never be seen by travelers on the road.

A general discussion then ensued as to how to guarantee that the foliage along Garrison Forest Road would remain in its present condition and configuration in the future. In the end the Petitioner agreed to a condition of approval that the foliage would remain intact along the border of lot 26 with Garrison Forest Road for a width of 40 ft. from the right-of-way. Mr. Hoffman noted that the Comprehensive Manual of Development Policies, Division VI, Section A, Scenic View, recommends the buffer area between the road and new development have a minimum of 30 ft. wide and that the agreement exceeds this width.

ORDER RECEIVED FOR FILING
Date 10/6/04
By

Findings of Fact and Conclusions of Law

I find the request to reconfigure Lot Nos. 26, 27 and 28 and add Lot No. 11 to the previously approved CRG plan known as "Section Two, Worthington Park" is reasonable in scope and effect. The Petitioner has exceeded the buffer width recommended by the CMDP for these situations along scenic routes. There will be one less lot than approved in the existing final development plan. Consequently, I find the revised plan will not adversely affect the health, safety or welfare of the community and will be within the spirit and intent of the regulations. Therefore, I will approve the Special Hearing request with the condition that a 40 ft. wide buffer be maintained on lot 26 along the right-of-way of Garrison Forest Road.

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 Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 4 day of October, 2004, that the Petitioner's request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R), to amend the 5th Amended Partial Final Development Plan to reconfigure Lot Nos. 26, 27 and 28 and add Lot No. 11, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;

2. That the Petitioner shall dedicate to the County a forest buffer easement 40 ft. wide on lot 26, along the right-of-way of Garrison Forest Road, which shall be maintained with foliage as presently configured or its equivalent;

PETITION RECEIVED FOR FILING
Date 10/6/04
By

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 10/5/04
By

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

October 4, 2004

Robert A. Hoffman, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Administrative Variance
Case No. 05-105-SPH
Property: 12211, 12221, 12223 Garrison Forest Road

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing 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

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Will Duvall, W. Duvall & Associates, Inc., 530 E. Joppa Rd., Towson, MD 21204
Jonathan Myers & Scott Rouk, 4750 Owings Mills Blvd., Owings Mills, MD 21117

Printed on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 12211, 12221, and 12223 Garrison Forest Road

which is presently zoned RC5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Lawrence M. Macks
Name - Type or Print

Signature

Name - Type or Print

Signature

4750 Owings Mills Boulevard (410) 356-9900
Address — Telephone No.

Owings Mills, Maryland 21117
City — State — Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Signature

Venable LLP
Company

210 Allegheny Avenue (410) 494-6200
Address — Telephone No.

Towson, Maryland 21204
City — State — Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue (410) 494-6200
Address — Telephone No.

Towson, Maryland 21204
City — State — Zip Code

ORDER RECEIVED FOR FILING
Date 10/5/04
By

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JP Date 8/25/04

Case No. 05-105-SPA

REV 9/15/98

ATTACHMENT TO PETITION FOR SPECIAL HEARING
12211, 12221, and 12223 Garrison Forest Road

Special Hearing to amend the 5th Amended Partial Final Development Plan to reconfigure Lot Nos. 26, 27 and 28 and add Lot No. 11.

Zoning Description

12211, #12221 & 12223 Garrison Forest Road

Beginning at a point on the East side of Garrison Forest Road which is 70 foot Right Of Way Width at the distance of 280 feet South of the centerline of the nearest improved intersecting street Avery Hill Drive which is 70 foot Right Of Way width. Being Lot # 26,27 and 28 in subdivision of Worthington Park Section 2 as recorded in Baltimore County Plat Book # 60 Folio # 49 containing 5.7709 Acres ±

Also known as Resubdivision of Lots 26,27 & 28 Section Two, Worthington Park and located in the 4th Election District, 3 rd Councilmanic District.

Thence with the following Eleven Courses and Distances:

1) By a curve to the right having a Radius of 917.50 feet for a length of 404.30 feet;
2) N 08° 44'58"E, 38.15 feet;
3) By a curve to the right having a Radius of 627.74 feet for a length of 82.16 feet;
4) By a curve to the right having a Radius of 920.00 feet for a length of 358.56 feet;
5) N 74° 23' 17" E, 106.02 feet;
6) S 64° 32' 14" E, 100.00 feet;
7) S 02° 42' 52" E, 142.84 feet;
8) S 40° 36' 44" E, 281.32 feet;
9) S 78° 58' 47" W, 33.74 feet;
10) S 60° 52' 53" W, 205.39 feet;
11) S 42° 45' 00" W, 486.46 feet to the place of beginning, containing 5.7709 Acres of land, more or less.

#105

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: #05-105-SPH
12211, 12221, 12223 Garrison Forest Road
East side of Garrison Forest Road at the distance of 280 feet south of the centerline of Avery Hill Drive
4th Election District 2nd Councilmanic District
Legal Owner(s): Lawrence M. Macks

Special Hearing: to amend the 5th Amended Partial Final Development Plan of Worthington Park to reconfigure Lot Nos. 26, 27, 28 and to add Lot No. 11.

Hearing: Tuesday, September 28, 2004 at 2:00 p.m., Room 106 County Office Building, 111 West Chesapeake Avenue

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 9/658 Sept. 7 20790

CERTIFICATE OF PUBLICATION

9/9, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/7, 2004.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39726

DATE 8/25/04 ACCOUNT 001-006-6150

AMOUNT $ 260.00

RECEIVED FROM: Venable, Baetjer and Howard LLP
12211, 12221 & 12223 Garrison Forest Rd.

FOR: Petition for Special Hearing Item # 105

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRAWER
8/25/2004	8/25/2004	10:24:03	2

RECEIPT # 277380 8/25/2004 OFLM
Dept 5 526 ZONING VERIFICATION
CR NO. 039726
Recpt Tot $260.00
$260.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-105-SPH

Petitioner/Developer: LAWRENCE M. MACKS

Date of Hearing/Closing: 9/28/04

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

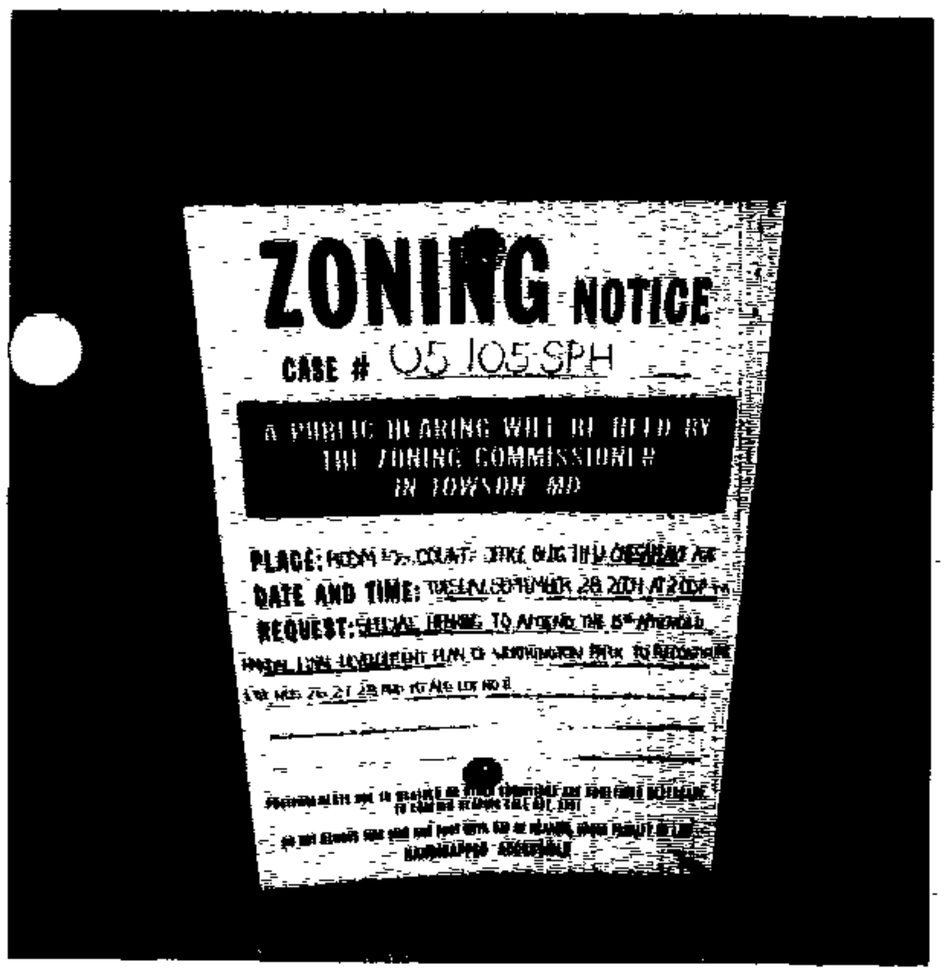
Ladies and Gentlemen:

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

12211, 12221, 12223 GARRISON FOREST RD.

The sign(s) were posted on 9/13/04
(Month, Day, Year)

Sincerely,



Robert Black 9/13/04
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

September 2, 2004

TO: PATUXENT PUBLISHING COMPANY
Tuesday, Septmeber 7, 2004 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
210 Allegheny Avenue
Towson, Maryland 21204

410-494-6244

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: 05-105-SPH
12211,12221,12223 Garrison Forest Road
East side of Garrison Forest Road at the distance of 280 feet south of the centerline of Avery Hill Drive.
4th Election District—2nd Councilmanic District
Legal Owners: Lawrence M. Macks

Special Hearing to amend the 5th Amended Partial Final Development Plan of Worthngton Park to reconfigure Lot Nos. 26,27,28 and to add Lot No. 11.

Hearing: Tuesday, September 28, 2004 at 2:00 pm, Room 106 County Office Building
111 West Chesapeake Avenue.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Department of Permits
Development Management

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

Baltimore County

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

September 2, 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: 05-105-SPH
12211,12221,12223 Garrison Forest Road
East side of Garrison Forest Road at the distance of 280 feet south of the centerline of Avery Hill Drive.
4th Election District—2nd Councilmanic District
Legal Owners: Lawrence M. Macks

Special Hearing to amend the 5th Amended Partial Final Development Plan of Worthington Park to reconfigure Lot Nos. 26,27,28 and to add Lot No. 11.

Hearing: Tuesday, September 28, 2004 at 2:00 pm, Room 106 County Office Building
111 West Chesapeake Avenue.

Timothy Kotroco

Timothy Kotroco
Director

TK: clb

C: Robert A. Hoffman Venable, LLP. 210 Allegheny Avenue Towson 21204
Lawrence W. Macks 4750 Owings Mills Blvd. Owings Mills 21117

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY.THURSDAY, SEPTEMBER 7, 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 Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 05 - 105 - SPH

Petitioner: Lawrence M. Macks

Address or Location: 12211, 12221, and 12223 Garrison Forest Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dontell

Address: 210 Allegheny Avenue
Towson, MD. 21204

Telephone Number: (410) 494-6244

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

Baltimore County

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

September 24, 2004

Robert A. Hoffman
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Case Number: 05-105-SPH, 12211, 12221, and 12223 Garrison Forest Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 25, 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,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Lawrence M. Macks, 4750 Owings Mills Blvd., Owings Mills 21117

Printed on Recycled Paper

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

September 7, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: September 7, 2004

Item No.: 101-103, 105-111, 113-115

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.

2. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 410-887-4881
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 14, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For September 13, 2004
Item Nos. 101, 102, 103, 104, 105, 106,
107, 109, 110, 111, 112, 113, 114, and
115

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

RWB:CEN:jrb

cc: File

Robin
FYI
9/28

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED
OCT - 1 2004
ZONING COMMISSIONER

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: September 30, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of September 7, 2004

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

05-101
04-103
04-105
04-106
04-107
04-109
04-110
04-112
04-113
04-114

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 13, 2004

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

RECEIVED
SEP 22 2004
ZONING COMMISSIONER

SUBJECT: 12211, 12221, 12223 Garrison Forest Road

INFORMATION:

Item Number: 5-105

Petitioner: Lawrence M. Macks

Zoning: RC 5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The property was the subject of a Development Review Committee request for CRG plan refinement, 032204K, approved on April 9, 2004. The special hearing is needed to amend the final development plan for Worthington Park Section 2 in order to reconfigure 3 lots into four lots. It appears that this request is not subject to Bill 55-04, revised RC5, since the DRC plan was acted upon prior to June 7, 2004.

The Office of Planning reviewed the petitioner's request and has determined that the following must be submitted to this office for review and approval since Garrison Forest Road is designated as a scenic route in Master Plan 2010, and the subject site is wooded with an enclosed view:

1. The side of the proposed house on Lot 26 that is oriented towards the scenic route must be fully articulated. As such, the petitioner must submit architectural elevation drawings to this office for review and approval prior to the application of any building permits.
2. Show the limit of disturbance area for each lot.

For further information concerning the matters stated herein, please contact Diana Itter at 410-887-3480.

Prepared by: _____

Division Chief: _____
AFK/LL:MAC:

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

SHA
Driven to Excel
State Highway Administration
Maryland Department of Transportation

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

Date: 2·7·04

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

RE: Baltimore County
Item No. 105 JRF

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,

S. D. Foster

Steven D. Foster, Acting Chief
Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING 12211, 12221, & 12223 Garrison Forest Road; E/side Garrison Forest Rd, 280' S Avery Hill Dr* 4th Election & 2nd Councilmanic Districts Legal Owner(s): Lawrence M Macks Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-105-SPH

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

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

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 2004, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

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

RECEIVED
SEP 13 2004
For.....

VENABLE LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

(410) 494-6244

aldontell@venable.com

July 23, 2004

HAND DELIVERED
Mr. W. Carl Richards
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Petition for Special Hearing
Petitioner: Lawrence M. Macks
Location: 12211, 12221, & 12223 Garrison Forest Road

Dear Mr. Richards:

I am drop filing the enclosed Petitions for Special Hearing for the above-referenced property. This property is not in violation of any zoning laws. With this letter, I have enclosed the following documents:

1. Petition for Special Hearing (3)
2. Zoning Description (3)
3. Site Plan (12)
4. 200' Scale Zoning Map (1)
5. Newspaper advertising form (1)
6. Check in the amount of $260.00
   (4 Lots @ $65.00 each)

If you have any questions or concerns regarding this filing, please give me a call.

Very truly yours,

Amy L. Dontell

Amy L. Dontell
Paralegal

ALD
Enclosure
TO1DOCS1/ald99/#189558 v1

File

VENABLE LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

410 494-6262

rahoffman@venable.com

October 25, 2004

HAND-DELIVERED

John V. Murphy, Deputy Zoning Commissioner
for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: 12211, 12221, and 12223 Garrison Forest Road
4th Election District, 2nd Councilmanic District
Case No. 05-105-SPH

Dear Mr. Murphy:

I am in receipt of your Findings of Fact and Conclusions of Law, dated October 4, 2004, for the above-captioned property and request clarification of the Order. In the Order, you imposed a condition (Condition No. 2) that relates to an existing vegetated area located on Lot 26. Condition No. 2 of the Order reads as follows:

> [t]hat the Petitioner shall dedicate to the County a forest buffer easement 40 ft. wide on lot 26, along the right-of-way of Garrison Forest Road, which shall be maintained with foliage as presently configured or its equivalent.

See Order, Page 4. We understand you want to ensure that all future owners of Lot 26 are provided adequate notice that the forested area on that lot must remain an undisturbed vegetative buffer.

We are in agreement and believe the addition of a note on the final development plan and record plat that reads "vegetative buffer not to be disturbed" and insertion of a restriction in the deed for the lot will suffice to assure notice to future owners and ensure preservation of the forested area. The deed restriction would read as follows:

> a forty (40) foot wide vegetative buffer shall be maintained by the future lot owner/s in an undisturbed condition, as shown on the 6th Amended Partial Development Plan, Section II.

VENABLE LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

If you are in agreement, please confirm by countersignature below that the placement of such language on the final development plan, record plat, and within the deed of sale will comply with Condition No. 2 of the Order.

I appreciate your attention to this matter.

Very truly yours,

Robert A. Hoffman

RAH/ dhk
Enclosure

REVIEWED AND ACCEPTED:

John V. Murphy,
Deputy Zoning Commissioner

TO1DOCS1/DHK01/#195584 v1

Rose / Chris
See me
Cal

From: Timothy Kotroco
To: Popelarski, Catherine (Kitty)
Date: 08/30/2004 2:40:49 PM
Subject: Fwd: Request for Expedited Zoning Commissioner's Hearing date

Kitty, Can you try to fit this in on the calendar. Tim

Spoke to Dave 9/1/04

Timothy M. Kotroco, Director
Permits & Development Management
Phone: 410-887-3020

>>> "Karceski, David H." <DKarceski@Venable.com> 8/30/2004 12:47:55 PM >>>
Tim,

I telephoned Kitty this morning with regard to Case No. 05-105-SPH. In this case, I filed a Petition for Special Hearing to amend the Worthington Park property 5th amended FDP for our client, Macks & Macks. The filing appointment was originally set for mid-July. The processing of the Petition requesting a change to the FDP and assignment of a case number were delayed for completion of County agency review of the FDP. John Lewis informed me that all County agencies have reviewed and accepted the 5th FDP, and he, therefore, expects to sign it this week. With Mr. Lewis' signature, the 5th FDP is "approved," and any changes to it may now be processed, including the change requested in this case.

Verified date c̄ Amy 9/2/04

This unexpected delay is certainly not the fault of the zoning office, but it has resulted in a significant delay nonetheless. Macks and Macks, therefore, requests an expedited hearing date in an attempt to account for a significant amount of lost time. If you find it appropriate, a hearing date in the week of September 13th or the week of the 20th would be much appreciated by Macks & Macks.

Thank you in advance for your consideration of this request. The zoning hearing time should not exceed one (1) hour. I will contact you to follow up.

Thank you, David

****
This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.
****

JRF
Intake Planner

7/28/04
Date Assigned

DROP-OFF PETITIONS PROCESSING CHECK-OFF

☑ **Two Questions Answered on Cover Sheet:**
Any previous reviews in the zoning office?
Any current building or zoning violations on site?

☑ **Petition Form Matches Plat in these areas:**
Address
Zoning
Legal Owner(s)
Contract Purchaser(s)
Request (if listed on plat)

☑ **Petition Form (must be current PDM form) is Complete:**
Request:
Section Numbers
Correct Wording (must relate to the code, especially floodplain and historical standard wording. Variances must include the request in lieu of the required code quantities.
Hardship/Practical Difficulty Reasons
Legal Owner/Contract Purchaser:
Signatures (originals)
Printed/Typed Name and Title (if company)
Attorney (if incorporated)
Signature/Address/Telephone Number of Attorney

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

☑ **200 Scale Zoning Map**

☑ **Check:** Amount Correct? Signed?

☑ **ZAC Plat Information:**
Location (by Carl) E/S Garrison Forest Rd. approx. 700' N. Walnut Ave (Relocated)
Zoning: RC-5 Acreage: 5.7709 Previous Hearing Listed With Decision
Election District 4th Councilmanic District 3rd Case # _____
Check to See if the Subject Site or Request is:
CBCA
Floodplain
Elderly
Historical
Pawn Shop
Helicopter
*If Yes, Print Special Handling Category Here
*If No, Print No

NO

05-105-SPH
Item Number Assigned

8/26/04
Date Accepted for Filing

PLEASE PRINT CLEARLY

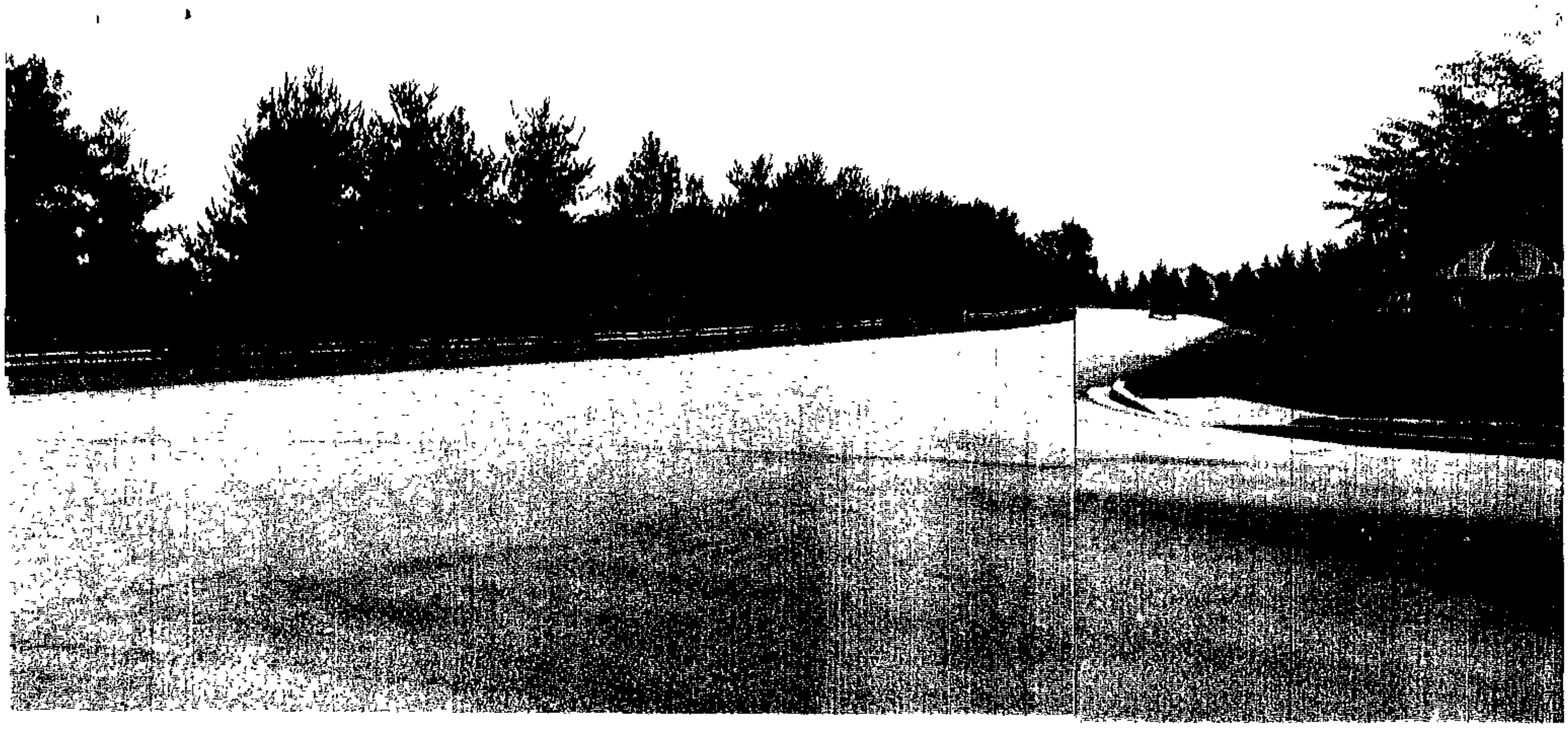
CASE NAME 12210, 12221, 12223 Garrison Forest Rd
CASE NUMBER 05-105-SPH
DATE 9/28/04

PETITIONER'S SIGN-IN SHEET

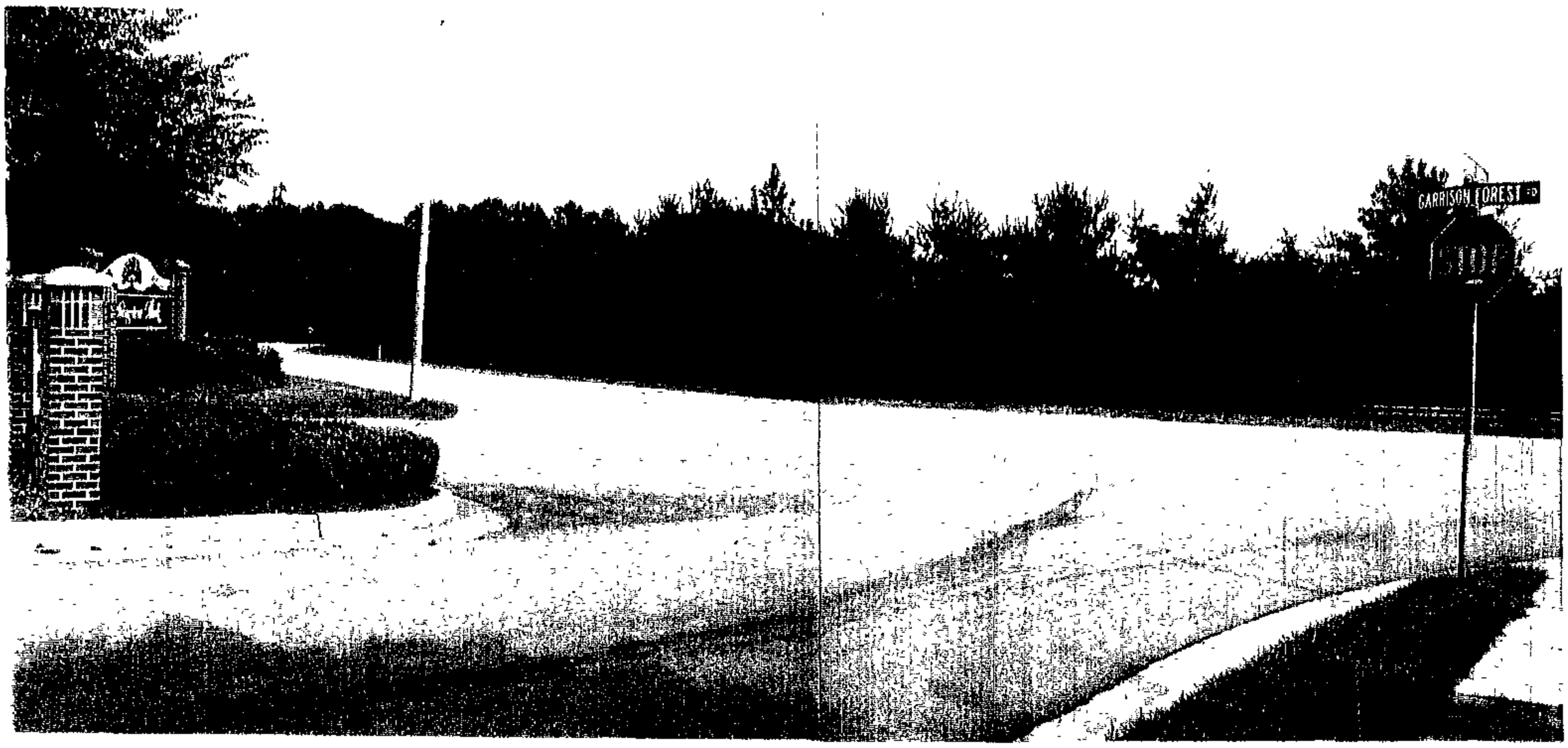
NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Robo Hoffman	210 Allegheny Ave	Towson 21204	
Will Duvall - Engr	530 E Joppa Rd	Towson 21286	
Jonathan Myers - Devel	4750 Owings Mills Blvd.	Owings Mills MD 21117	
Scott Rank - Land Archt	" " " "	" "	

SCENIC VIEWS

Introduction.....1
Definitions.....2
Development Guidelines.....6
Approval Process.....13



VIEWS OF EVERGREEN SCREEN FROM WORTHINGTON PARK ENTRANCE
LOTS 26, 27, 28 BEYOND



VIEWS OF EVERGREEN SCREEN FROM WORTHINGTON PARK ENTRANCE
LOTS 27, 28 & 11 BEYOND

Pet #4

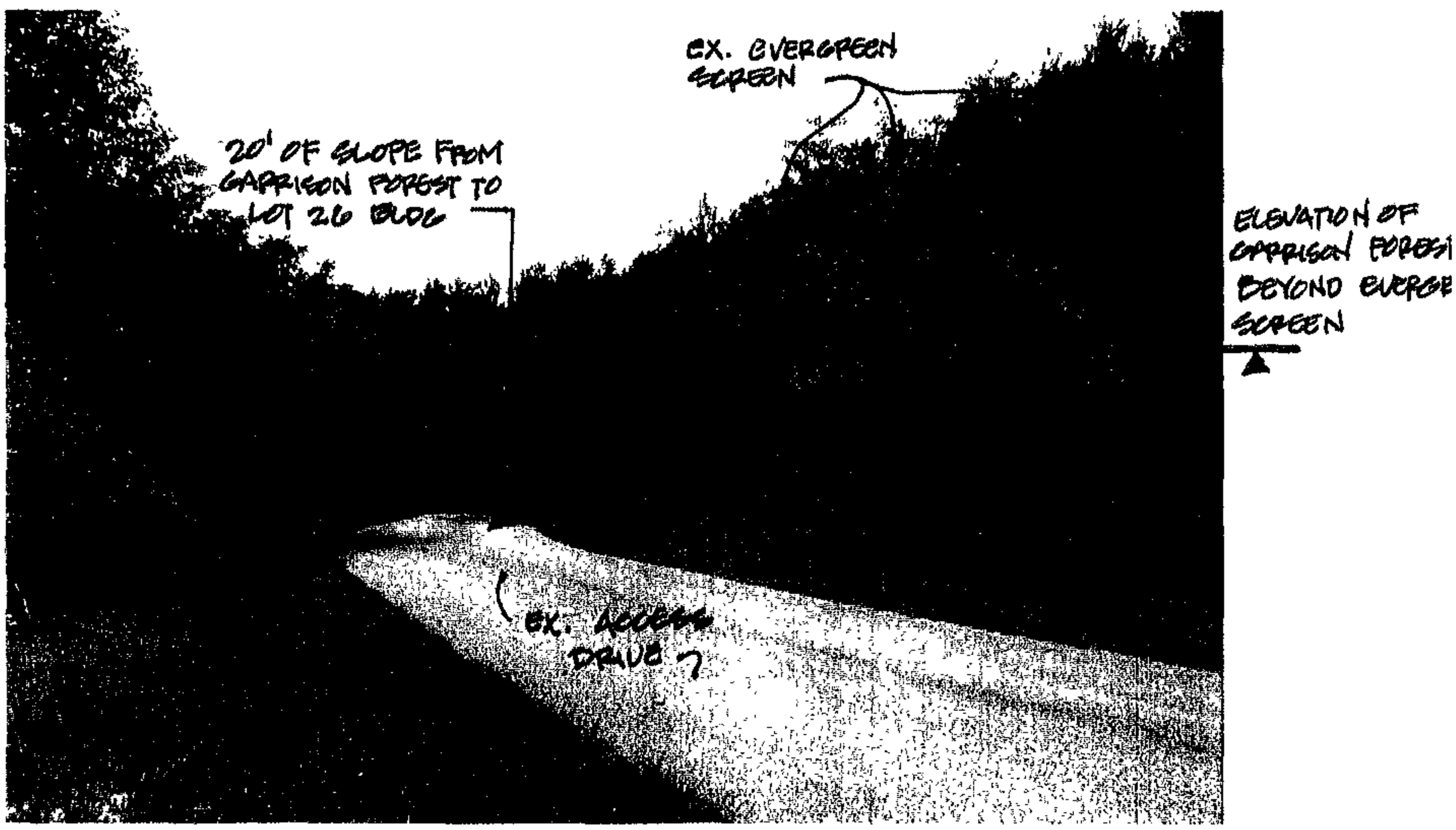
EX. STREET TREES : EVERGREENS SCREENING LOTS 26, 27, 28 FROM GARRISON FOREST

EX. STREET TREES : EVERGREENS SCREENING LOTS 28 : 11 FROM GARRISON FOREST

VIEW OF WORTHINGTON PARK SECTION I OPPOSITE LOTS 26, 27, 28
WORTHINGTON PARK - SECTION II ALONG GARRISON FOREST

VIEWS OF WORTHINGTON PARK SECTION I FROM GARRISON FOREST ROAD
OPPOSITE OF LOTS 26, 27, 28

VIEW OF LOT 26 FROM EXISTING ACCESS DRIVE @ ENTRANCE



VIEW OF LOT 26 FROM EXISTING ACCESS DRIVE @ LOT 27

WORTHINGTON PARK · SECTION II -5

VIEW OF EX LOT 29 SCREEN FROM ACCESS DRIVE @ ENTRANCE

WORTHINGTON PARK · SECTION II -6

EX LOT 20 FRONT ELEVATION

EX LOT 20 SIDE ELEVATION

TYPICAL FRONT : SIDE ELEVATIONS OF
EXISTING HOMES ON GARRISON FOREST

TYPICAL FRONT, SIDE & REAR ELEVATIONS OF EX HOMES ON GARRISON FOREST WORTHINGTON PARK · SECTION II - 9

TYPICAL FRONT, SIDE : REAR ELEVATIONS OF EX. HOMES ON GARRISON FOREST **WORTHINGTON PARK. SECTION II-**

VIEWS OF LOTS IMMEDIANTLY ADJACENT LOT 26
FROM GARRISON FOREST ROAD

Kenneth M. Katz
12225 Garrison Forest Road
Owings Mills, Maryland 21117

September 24,2004

Timothy M. Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21024

Subject: Worthington Park, Section II
Special Hearing #SPH05-105,
122211- 122223 Garrison Forest Road
Baltimore County, Maryland

Dear Mr. Kotroco:

I am in receipt of notification of a Special Hearing to be held on September 28,2004 for the above mentioned properties, in which the developer is requesting lot modifications to an existing Final Development Plan. I am unable to attend the hearing due to prior engagements; therefore, I would like to take this opportunity to express my support for the project.

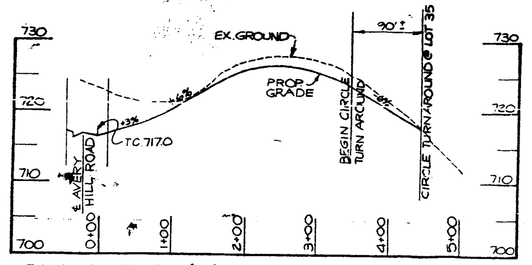
The property is immediately adjacent to my existing home and lot and will utilize the access drive on which we share a use and common easement. I have been in contact with the developer for the proposed lot revisions and anticipate no adverse impacts to our property. I feel that the proposed revisions are in keeping with the intent of the original plan and will add value to the community. I recommend approval for the above mentioned properties.

Please forward my approval to the zoning administrator for his information and review. Thank you in advance for your attention to this matter.

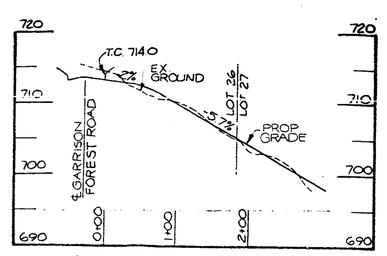
Very Truly Yours,

Kenneth M. Katz

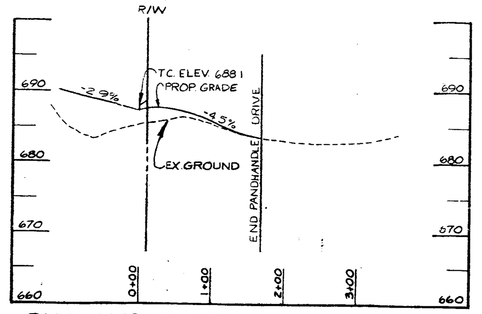
Pet #5



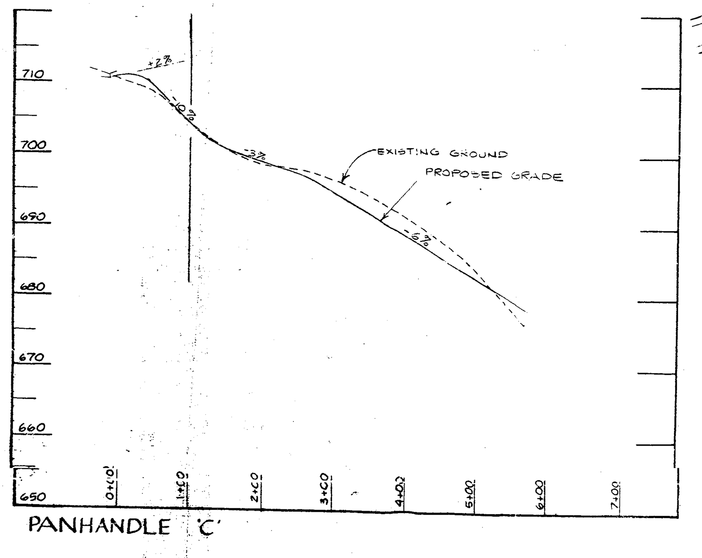
PANHANDLE 'A'



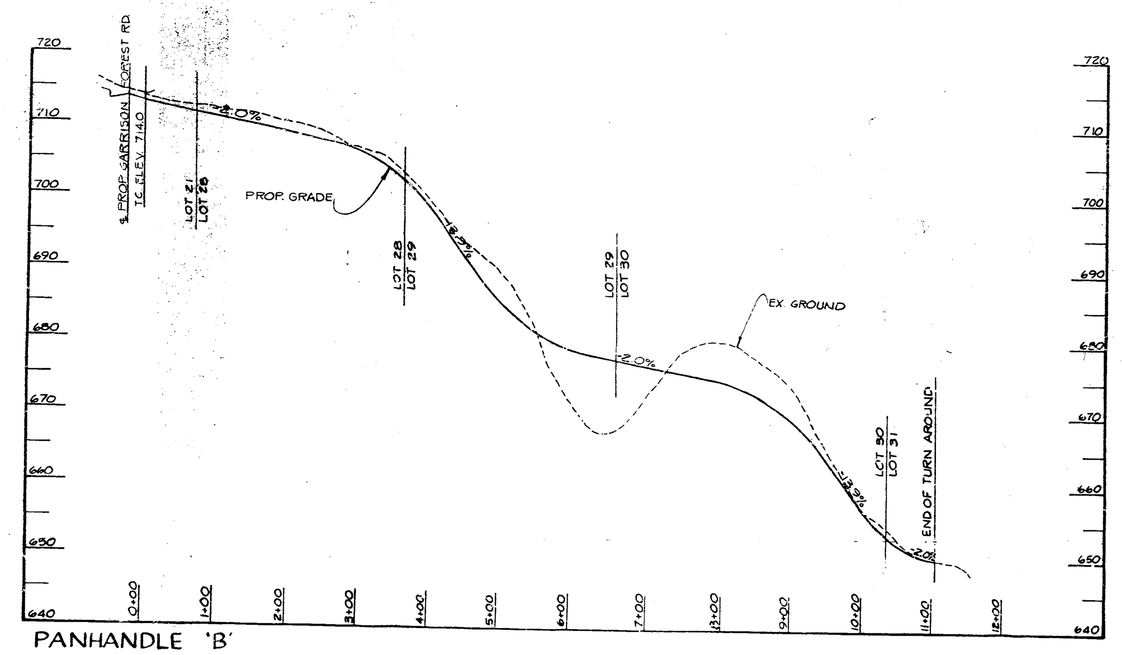
SOUTHSIDE PANHANDLE 'B'



PANHANDLE 'D'



PANHANDLE 'C'



PANHANDLE 'B'

NOTE: PARCEL 'A' (0.52 AC) AND PARCEL 'B' (0.06 AC) ARE UNDER CONTRACT TO BE TRADED FOR AN 0.06 AC PORTION OF LAND OWNED BY ELISABETH R. PEARRS.
NOTE: LOT 3 (5.0167 AC.) AND TRACT 'A' ARE NOT PART OF WORTHINGTON PARK. THE OVERALL DENSITY OF THIS SUBMISSION WILL NOT CHANGE FROM THE 3RD AMENDMENT. THE 3RD AMENDMENT FOR 4TH AMENDMENT FOR WORTHINGTON PARK SECTION TWO AS INDICATED IN REASONS NO. 1.
NOTE: LOTS 30 & 31 OF WORTHINGTON PARK SECTION 2 AND LOTS 3 AND TRACT 'A' IN THE SPANGLER MARITAL PROPERTY ARE ALL OWNED BY LAWRENCE W. MACKS.
NOTE: NO CONSTRUCTION IS PLANNED AT THIS TIME WITHIN 300' OF SECTION TWO WEST OF BOUNDARY NORTH OF AVERY HILL DRIVE. THIS DEVELOPMENT PLAN WILL BE AMENDED IF AND WHEN A LAYOUT IS PROPOSED.
NOTE: THE OWNERS OF LOT 27 HAVE THE RIGHT TO REPAIR THE WATER LINE UNDER THE PANHANDLE DRIVE.
NOTE: THE TWO EXISTING WELLS ON LOT 31 WILL BE USED IN TANDEM IN ORDER TO ACHIEVE A HIGHER YIELD OF WATER FOR THE PROPOSED DWELLING. THE WELLS YIELD GREATER THAN 1½ G.P.M. EACH.
NOTE: THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION WITHIN THE 50' STREAM BUFFER EXCEPT AS PERMITTED BY DEPRM.
NOTE: PANHANDLE 'A' TO BE ENCLOSED IN AN INGRESS, EGRESS, MAINTENANCE/UTILITY EASEMENT (PRIVATE). SEE DETAIL BELOW.
NOTE: EXISTING WELL TO BE BACKFILLED BY A LICENSED WELL DRILLER AND A WELL ABANDONEMENT REPORT MUST BE FILED BEFORE RECORDED PLAT.
"WORTHINGTON PARK" FUTURE SECTION
TEMPORARY TURN-AROUND W/TIMBER BARRICADES
BALTIMORE COUNTY GRID NORTH
ULTIMATE 70' R/W
U.I.C. INGRESS, EGRESS ESM'T.
R. NICKLE BURNHAM & WIFE (NON-BUILDABLE)
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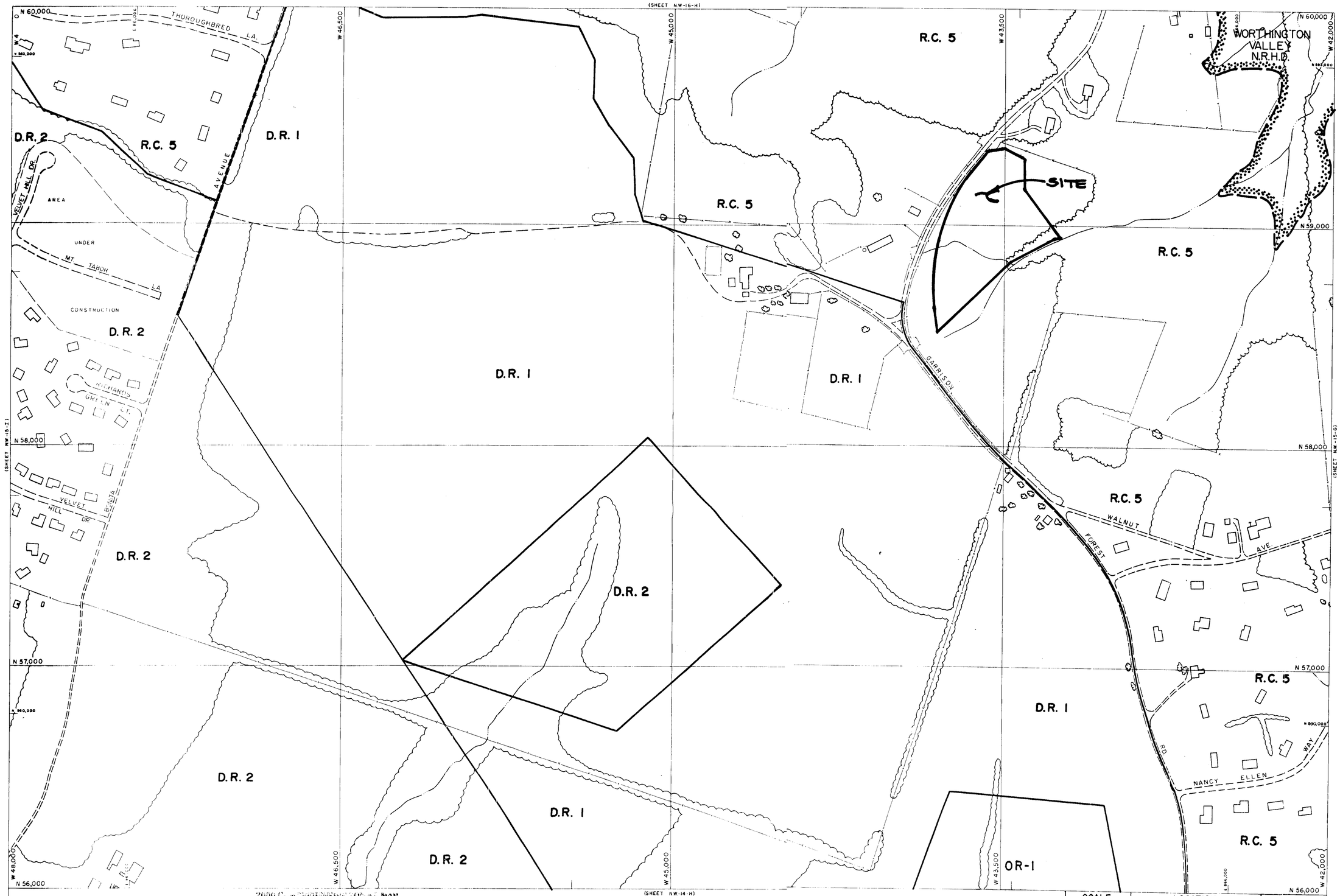


T-NW T-NE

2000 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, [illegible]

Jackie Cornegy
Baltimore Co. Zoning Commissioner

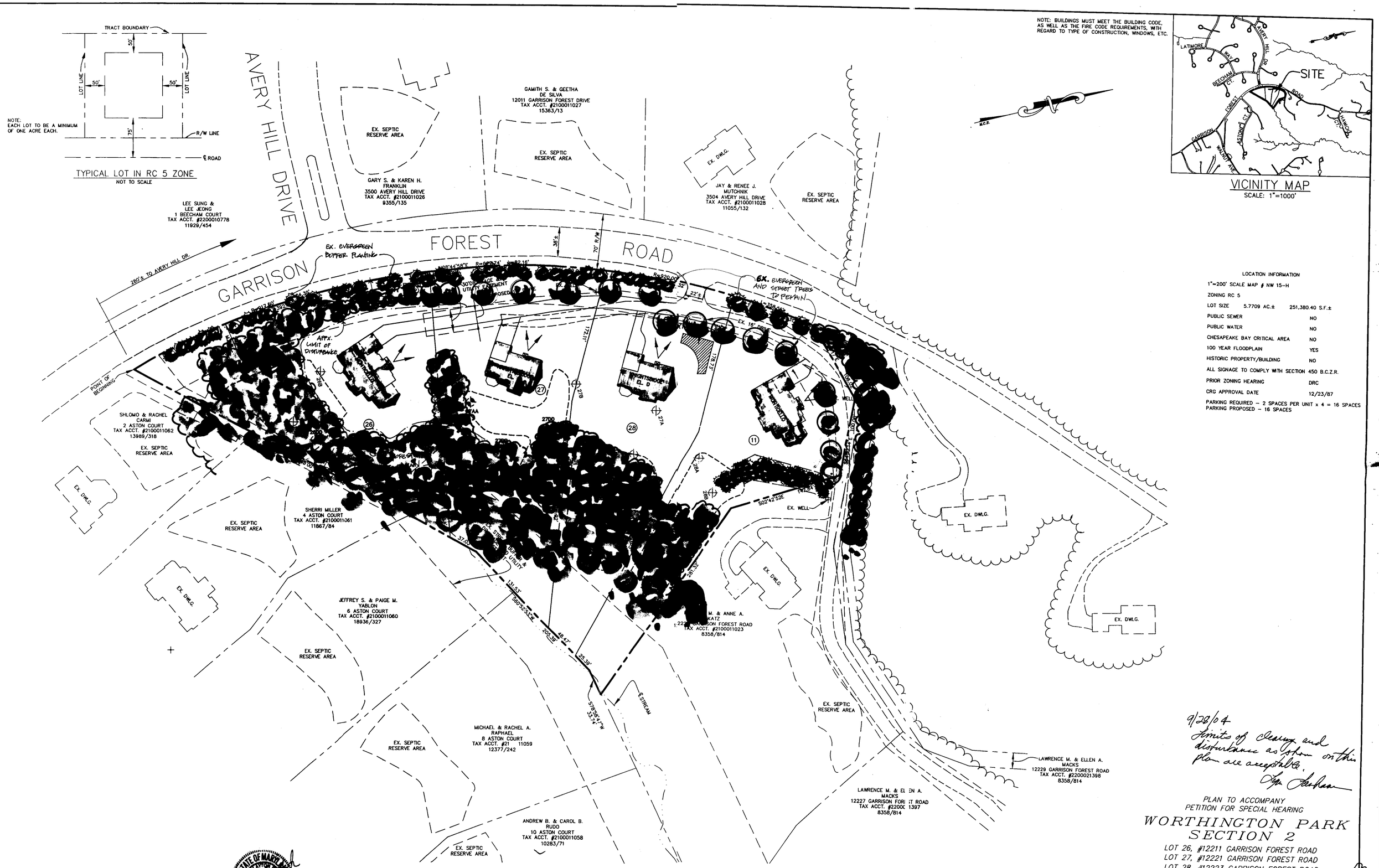
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	TIMBER GROVE	N.W. 15-H
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 15 H

#105



NOTE: BUILDINGS MUST MEET THE BUILDING CODE, AS WELL AS THE FIRE CODE REQUIREMENTS, WITH REGARD TO TYPE OF CONSTRUCTION, WINDOWS, ETC.

LOCATION INFORMATION

1"=200' SCALE MAP # NW 15-H		
ZONING RC 5		
LOT SIZE	5.7709 AC.±	251,380.40 S.F.±
PUBLIC SEWER		NO
PUBLIC WATER		NO
CHESAPEAKE BAY CRITICAL AREA		NO
100 YEAR FLOODPLAIN		YES
HISTORIC PROPERTY/BUILDING		NO
ALL SIGNAGE TO COMPLY WITH SECTION 450 B.C.Z.R.		
PRIOR ZONING HEARING		DRC
CRG APPROVAL DATE		12/23/87

PARKING REQUIRED – 2 SPACES PER UNIT x 4 = 16 SPACES
PARKING PROPOSED – 16 SPACES

9/28/04
Limits of clearing and disturbance as shown on this plan are acceptable.
[illegible]

PLAN TO ACCOMPANY
PETITION FOR SPECIAL HEARING

WORTHINGTON PARK SECTION 2

LOT 26, #12211 GARRISON FOREST ROAD
LOT 27, #12221 GARRISON FOREST ROAD
LOT 28, #12223 GARRISON FOREST ROAD
DRC #032204K, APPROVED ON 4/9/04
CRG REFINEMENT

COUNCILMANIC DISTRICT 3
4TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE : 1" = 50' JULY 2, 2004
SHEET 1 OF 2

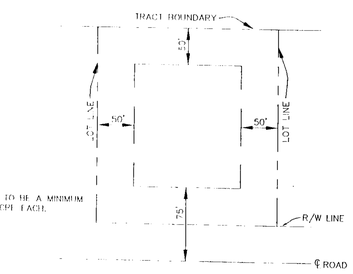
Plat #3

W. DUVALL & ASSOCIATES, INC.
ENGINEERS . SURVEYORS . LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
Phone: 410.583.9571
Fax: 410-583-1513

STATE OF MARYLAND
REGISTERED PROFESSIONAL ENGINEER

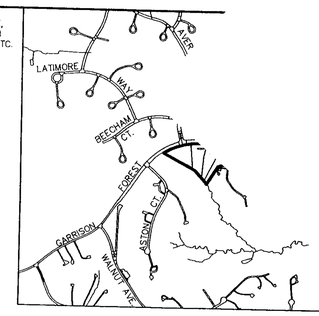
OWNER/DEVELOPER
LAWRENCE M. MACKS
4750 OWINGS MILLS BLVD.
OWINGS MILLS, MD. 21117
(410)356-9900

NOTE: BUILDINGS MUST MEET THE BUILDING CODE, AS WELL AS THE FIRE CODE REQUIREMENTS, WITH REGARD TO TYPE OF CONSTRUCTION, WINDOWS, ETC.

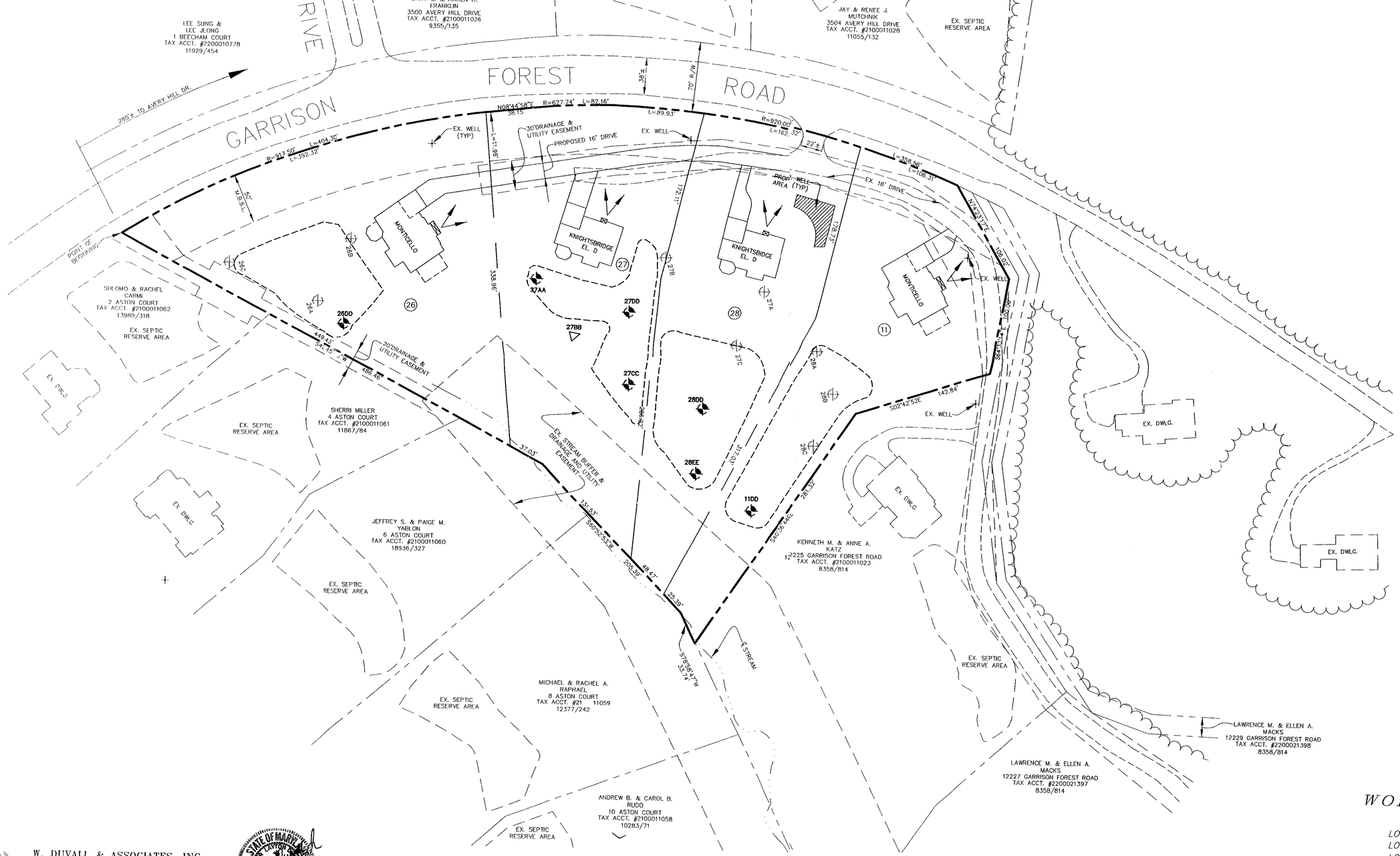


NOTE:
EACH LOT TO BE A MINIMUM OF ONE ACRE EACH.

TYPICAL LOT IN RC 5 ZONE
NOT TO SCALE



VICINITY MAP
SCALE: 1"=1000'



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CRG REFINEMENT

COUNCILMANIC DISTRICT 3
4TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE : 1" = 50' JULY 2, 2004
SHEET 1 OF 2

Pet #1