ORDER RECEWED FOR FILING

IN RE: PETITION FOR VARIANCE

N/S Wetherbee Court, 1070' NW of the c/l

Summer Hill Drive

(12 Wetherbee Court)

10th Election District

3rd Council District

George E. Lowe, et ux Petitioners BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

^k Case No. 05-173-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, George E. Lowe, and his wife, Elizabeth Lowe, and the Contract Purchaser, Duerbeck Building Corporation. The Petitioners seek relief from Section 1A03.4.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1981) to permit a proposed single family dwelling with a property line setback of 37 feet in lieu of the required 50 feet. In addition, approval is requested of an amendment to the Final Development Plan for Hunt Valley Heights, Section 1, for Lot 4, only. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Jeff and Ruth Duerbeck, Principals of Duerbeck Building Corporation. Dr. Edward P. Scannell, adjacent property owner, appeared as an interested citizen. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an unimproved, irregular shaped parcel located at the western end of Wetherbee Court, north of Summer Hill Drive in the vicinity of the Hunt Valley Golf Course in northern Baltimore County. The property is also known as Lot 4 of the subdivision known as Hunt Valley Heights, and contains approximately 3 acres in area, zoned R.C.4. The Petitioners recently purchased the subject property with the intention of developing same with a single-family dwelling. However, due to

the unique configuration of the lot and site constraints associated therewith, a small portion of the proposed dwelling will extend beyond the limited building envelope. Thus, the Petitioners seek variance relief to allow a side yard setback on the east side of 37 feet in lieu of the required 50 feet, and an amendment to the development plan for Hunt Valley Heights, Lot 4 thereof, only.

At the hearing, Mr. Duerbeck testified that the purchase of the subject property was contingent upon his ability to construct the home in the location where proposed. Testimony indicated that Mr. Lowe, the current owner of the subject property and who resides on the adjacent lot on the affected side, has indicated that he will not allow a house to be built elsewhere on the property than where proposed. Mr. Duerbeck testified that the original planner of this community designed the layout so that all of the lots would have a spectacular view of the Hunt Valley Golf Course. He further testified that due to the topography of the property in this area, all of the houses on Wetherbee Court have been cited toward the front portion of the lots to take full advantage of the view.

As noted above, Dr. Scannell appeared as an interested citizen. He testified to similar circumstances and indicated that for so long as the requested variance was not from his property line, he had no objections to the proposal.

After due consideration of the testimony and evidence offered, I am persuaded to grant the requested relief. I find that the Petitioner has met the requirements of Section 307 for relief to be granted and that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship. The uniqueness of the property is its irregular shape and configuration. Moreover, it is clear that the neighbors support the proposal and that there will be no detriment to the adjacent properties. In this regard, the Office of Planning submitted a Zoning Advisory Committee (ZAC) comment in which it recommended that the proposed dwelling be moved further back on the lot so as to be even with the front face of Dr. Scannell's home. In that Dr. Scannell has no objections to the placement of the home where proposed, and Mr. Lowe, who resides on the affected side, would object to the house being placed in any other location, it appears that the relief requested is appropriate in this instance and should be granted.

Pursuant to the advertising, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of December 2004 that the Petition for Variance seeking relief from Section 1A03.4.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1981) to permit a proposed single family dwelling with a property line setback of 37 feet in lieu of the required 50 feet, and approval of an amendment to the Final Development Plan for Hunt Valley Heights, Section 1, Lot 4, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

WILLIAM I. WISEMAN Zoning Commissioner for Baltimore County

WJW:bjs

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 William J. Wiseman III. Zoning Commissioner

December 6, 2004

Mr. & Mrs. George E. Lowe 8 Wetherbee Court Phoenix, Maryland 21131

RE: PETITION FOR VARIANCE

N/S Wetherbee Court, 1070' NW of the c/l Summer Hill Drive

(12 Weatherbee Court)

10th Election District – 3rd Council District

George E. Lowe, et ux, Owners;

Duerbeck Building Corporation - Contract Purchasers, Petitioners

Case No. 05-173-A

Dear Mr. & Mrs. Lowe:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Jeff Duerbeck

17 Dalebrook Drive, Phoenix, Md. 21131

Dr. Edward P. Scannell, 14 Wetherbee Court, Phoenix, Md. 21131

Office of Planning; People's Counsel; Case File



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



Petition for Variance

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) 1 AO3.4.13.4 (BCZR CIRCA 1981)

TO PERMIT A PROPOSED SHALE FAMILY DWELLING TO HAVE

A PROPERTY LINE SETBACK OF 37' IN LIEU OF THE REQUIRED

to the Zoning Commissioner of Baltimore County

for the property located at LOT 4 HUNT VALLY HEIGHTS which is presently zoned _ 204 This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s)

50' AMO TO APPROVE A SING	LIET HELLITE
of the Zoning Regulations of Baltimore County, to the zoning is or practical difficulty) TO ALLOW CONSTRUCT THAT WILL ENCIONACH ON THAT SIDE OF THE LOT Property is to be posted and advertised as prescribed by the zone we agree to pay expenses of above Variance and by the zone we agree to pay expenses of above Variance and by the zone we agree to pay expenses of above Variance and by the zone we agree to pay expenses of above Variance and by the zone we agree to pay expenses of above Variance and by the zone we agree to pay expenses of above Variance and by the zone agree to pay expenses of above Variance and by the zone we agree to pay expenses of above Variance and by the zone was agreed to pay expenses of above Variance and by the zone was agreed to pay expenses of above Variance and by the zone was agreed to pay expenses of above Variance and by the zone agree to pay expenses of above Variance and by the zone agree to pay expenses of above Variance and by the zone agree to pay expenses of above Variance and by the zone agree to pay expenses of above Variance and the zone agree to pay expenses of above Variance and by the zone agree to pay expenses of above Variance and the zone agree to pay expenses of above Variance and the zone agree to pay expenses of above Variance and the zone agree to pay expenses of above Variance and the zone agree to pay expenses of above Variance and the zone agree to pay expenses of above Variance and the zone agree to pay expenses of above Variance and the zone agree to pay expenses of above Variance and the zone agree to pay expenses of above Variance and the zone agree to pay expenses of above Variance and the zone agree to pay expenses of above Variance and the zone agree to pay expenses of above Variance and the zone agree to pay expenses of above Variance and the zone agree agr	aw of Baltimore County, for the following reasons: (indicate hardshitten) of A MEW SINGLE FAMILY HUNGE HE SIDE YARD SETBACK OH THE EAST oning regulations.
I/We d	to solemnly declare and affirm, under the penalties of
DUE 12 BEGU BUILDING CORY. Name Tyng or Print DALEBRUX DR 628-4017 Address Telephone No This State Type or Print N/A Name - Type or Print	Legal Owner(s): APRIANS. GEORGE E. LONIES Name - Type or Print Fear Science Signature Lowe Ef Wife Name - Type or Print Cligabeth Levels (Wife) Signature WETHERBEE CT. FER Address Telephone No HOENIX MD. 21131 City State Zip Code
Telephone No. State Zip Code	Representative to be Contacted: THEREY A. DUERBECK
Reviewed By	UNAVAILABLE FOR HEADING

ZONING DESCRIPTION #12 WETHERBEE COURT

Beginning at a point on the north side of Wetherbee Court which is 50 feet wide at the distance of 1,070 feet northwest of the centerline of Summer Hill Drive which is 50 feet wide. Being Lot No. 4, in the Subdivision of "Hunt Valley Heights" as recorded in Baltimore County Plat Book No. 50, Folio No. 62, containing 3 acres ±. Also known as #12 Wetherbee Court and located in the 10th Election District, 3rd Councilmanic District.

Michael J. Miskunge

Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road Room 101 Towson MD 21286 (410) 828-9060

173

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CERTIFICATE OF POSTING

ATTENTION! KRISTEN MATTHEWS
Date NOVEMBER 1, 2004

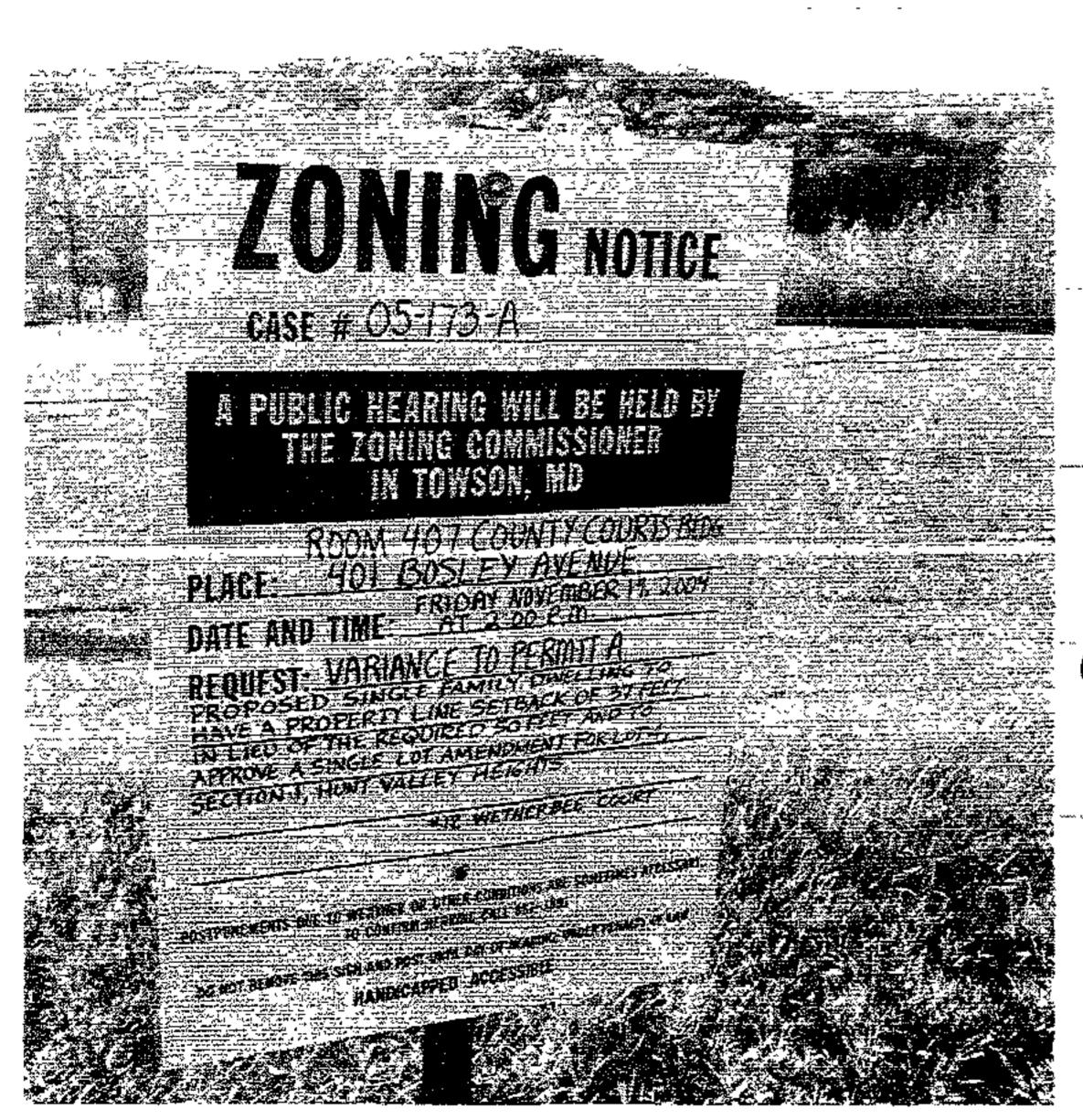
RE: Case Number 05-173-A

Petitioner/Developer JEFFREY DUER BECK/GEORGE + ELIZABETH LOWE/ETAL Date of Hearing/Closing NOVEMBER 19, 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 #12 WETHERBEE COURT SECTION - 1 - HUNT VALLEY HEIGHTS

The sign(s) were posted on

NOVEMBER 1, 2004



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)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date NOVEMBER 1, 2004

RE: Case Number 05-164-A

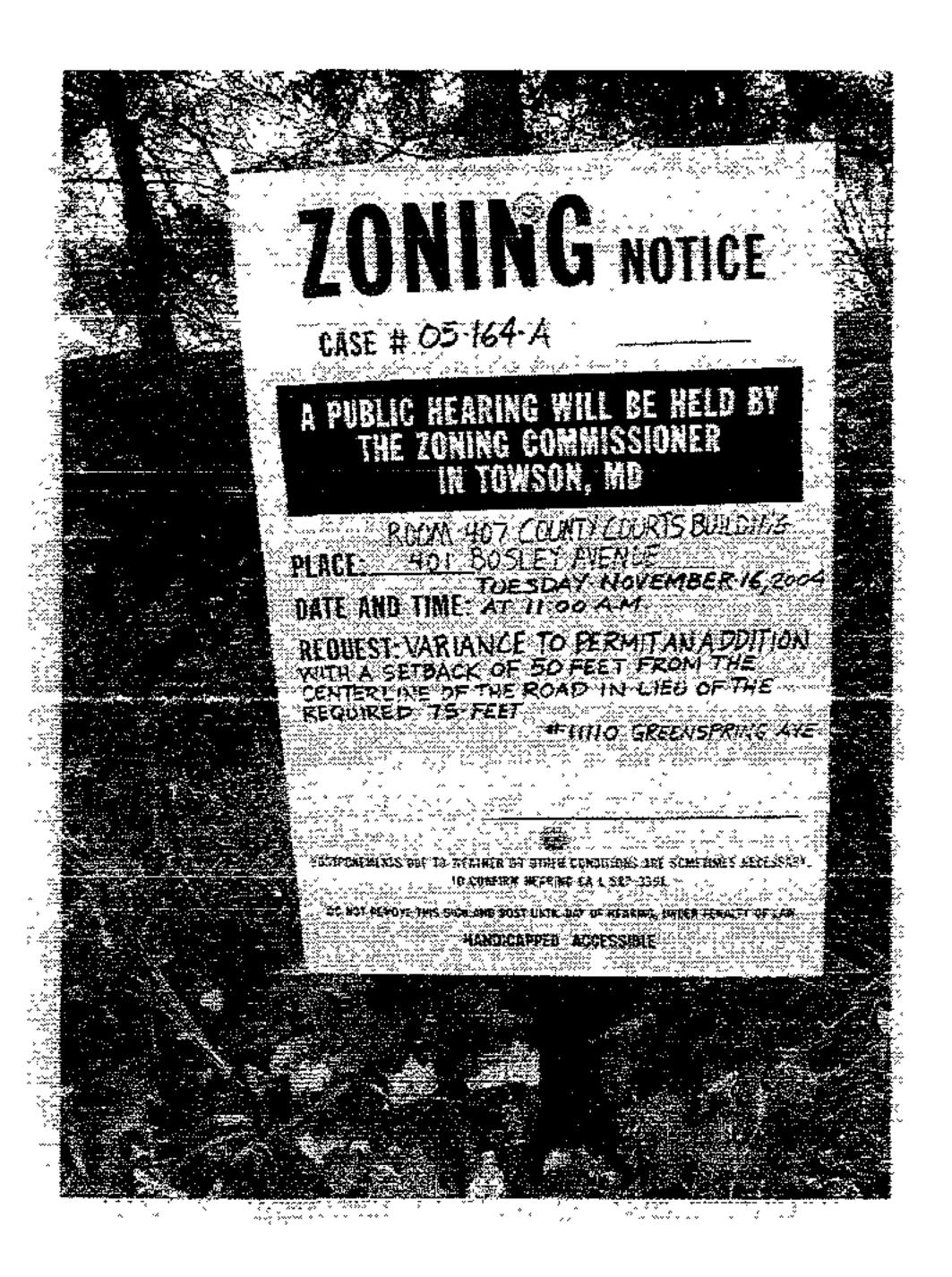
Petitioner/Developer JANE ROSE

Date of Hearing/Closing NOVEMBER 16, 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 11110 GREENSPRING AVE

The sign(s) were posted on

NOVEMBER 1, 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, November 4, 2004 Issue - Jeffersonian

Please forward billing to:

Duerbeck Building, Corp.

17 Dalebrook Drive Phoenix, MD 21131 410-628-4077

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: 05-171-A

21606 York Road

W/side of York Road at the distance of 510 ft. s/of centerline of Freeland Road

7th Election District – 3rd Councilmanic District

Legal Owners: James K. and Melinda S. Moore-Dyer

Variance to permit an enclosed addition with a front yard setback of 0 feet and 28 feet from the centerline of the road in lieu of the required 50 feet and 75 feet respectively.

Hearing: Friday, November 19, 2004 at 11:00 a.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue, Towson 21204

WILLIAM WISEMAN

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



Baltimore County

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

October 18, 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: 05-173-A

Lot 4, Hunt Valley Heights

N/side of Wetherbee Court, 1,070 feet n/west centerline of Summer Hill Drive

10th Election District – 3rd Councilmanic District

Legal Owners: George E. Lowe and Elizabeth S. Lowe

Contract Purchasers: Duerbeck Building Corp., Jeffrey Duerbeck, President

Variance to permit a proposed single family dwelling to have a property line setback of 37 feet in lieu of the required 50 feet and to approve a single lot amendment for Lot 4, Section 1, Hunt Valley Heights.

Hearing: Friday, November 19, 2004, at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: George E. Lowe, Elizabeth Lowe, 12 Wetherbee Court, Phoenix 21131 Jeffrey Duerbeck, 17 Dalebrook Drive, Phoenix 21131

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 4, 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 News	spaper Advertising:		
ltem Num	ber or Case Number	 	_
Petitioner:	GEORGE E. LOWE		
Address o	or Location: 12 WETHERBES CT.	,	•
PLEASE F	FORWARD ADVERTISING BILL TO		
Name:	DUERBECK BUILDING CORP.		
Address	17 DALGBROOK DR		<u> </u>
	PHOENIX NOW. 21131	 	
•		<u></u> -	- -
Telephone	e Number: 410-628 - 4077		

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

November 10, 2004

George E. Lowe Elizabeth Lowe 12 Wetherbee Court Phoenix, Maryland 21131

Dear Mr. and Mrs. Lowe:

RE: Case Number: 05-173-A, Lot 4 Hunt Valley Heights

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 6, 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. Callilally

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel Duerbeck Building Company 17 Dalebrook Drive Phoenix 21131



Fire Department



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



Saltimore 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

October 19, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: October 18, 2004

Item No.: 170, 171, (173) 175, 176, 178, 180-182

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.

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

DATE: November 3, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

SUBJECT:

Zoning Advisory Committee Meeting

For October 25, 2004 Item Nos. 170, 171, 173, 175, 176,

178, 179, 180, 181, and 182

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:

John D. Oltman, Jr

DATE:

November 16, 2004

NOV 1 & 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of October 18, 2004.

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

05-171

0**9**-173

05-176

04-178

0≸179

0≰-180

04-181

04-182

Reviewers: Sue Farinetti, Dave Lykens

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

RECEIVED

DATE: November 18, 2004

NOV 1 7 2004

ZONING COMMISSIONER

SUBJECT:

Lot 4 Hunt Valley Heights

INFORMATION:

Item Number:

5-173

Petitioner:

George E. Lowe

Zoning:

RC 4

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning is of the opinion that there is no practical difficulty or unnecessary hardship associated with the subject property. The subject lot is $3\pm$ acres in area with a building envelope that is approximately 70 feet wide at its narrowest point. The relief that is sought is due to the siting of the proposed dwelling.

The proposed dwelling should be relocated so that the rear building wall is not forward of the front building wall of the existing dwelling on lot 4.

Prepared by: Mart fluit

Division Chief:

AFK/LL:MAC:







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

Robert L Flanagan, Secretary Neil J Pedersen, Administrator

Maryland Department of Transportation

Date: 11.9.04

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

RE: Baltimore County

Item No. 173 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,

Steven D. Foster, Chief

1. A Gredh

Engineering Access Permits Division

RE: PETITION FOR VARIANCE

Lot 4, Hunt Valley Heights; N/side Wetherbee

Court, 1,070' NW c/line Summer Hill Drive *

10th Election & 3rd Councilmanic Districts

Legal Owner(s): George & Elizabeth Lowe *

Contract Purchaser(s): Duerbeck Building

Corporation by Jeffrey A Duerbeck

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-173-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 MÁX 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

RECEIVED

OCT 22 2004

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October, 2004, a copy of the foregoing Entry of Appearance was mailed to, Jeffrey A. Duerbeck, 17 Dalebrook Drive, Phoenix, MD 21131, Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECE/VED

NOV 1 8 2004

BALTIMORE COUNTY, MARYLAND.

Inter-Office Memorandum

TO:

Carole S. Demilio, Esquire

Peter Max Zimmerman, Esquire

Office of People's Counsel

FROM:

Lawrence E. Schmidt

Zoning Commissioner

SUBJECT: Case No. 03-593-A (8614 Saxon Circle)

Petitioners: Traci L. & James F. Ford Petition for Administrative Variance to amend Final Development Plan DATE: July 23, 2003

I recently received a telephone message from your office regarding the processing of administrative variance relief for petitions which also request the amendment of a final development plan. The substance of the message was that your office believes that administrative relief cannot be granted in that instance.

These cases arise when a property owner living within a recorded subdivision seeks zoning variance relief. By way of example, administrative variance relief is requested in Case No. 03-593-A for the property located at 8614 Saxon Circle, in the "Nottingham Woods" subdivision of Baltimore County. In that case, the petitioners seek relief for a proposed addition that will extend into the side yard greater than permitted. As worded, the petition in that case seeks variance relief not only for a reduced side yard setback, but also "to amend the Third Amended Final Development Plan of 'Nottingham Woods'."

Typically, the final development plan is not included in the case file. However, that plan would show a proposed building envelope for all of the lots within that subdivision. The property at 8614 Saxon Circle is shown as Lot No. 48. So, it is clear that this is a rather large subdivision with many homes. In any event, a technical amendment of the final development plan is required in that the proposed addition will be located outside of the building envelope for Lot No. 48.

03-2659

Re: Case 03-593-A (Amend Final Development Plan)
Office of People's Counsel
July 23, 2003
Page –Two-

Section 26-127 of the Baltimore County Code authorizes the Office of the Zoning Commissioner to grant administrative variance relief for owner occupied lots zoned residential. The petition filed in Case No. 93-593-A meets that criteria. I do not believe that the County Council in enacting Section 26-127 would distinguish between owner occupied lots zoned residential, that are part of a subdivision with a final development plan, and owner occupied lots zoned residential that are not within an established subdivision as recorded on a final development plan. The amendment to the final development plan in this case is limited in scope and is purely a technical matter.

Quite candidly, it appears the practice of the technicians in the Office of Permits & Development Management, that amendments to final development plans are not always requested when an administrative variance petition is filed. That is, there are some cases where language is added requesting an amendment to the final development plan and others where no such language appears, notwithstanding that the property is located within an established subdivision which, no doubt, has a final development plan.

An appropriate resolution of this matter would appear to require that the petition clearly indicate that the nature of the amendment to the final development plan is to a single lot only and only in conjunction with the administrative variance. Specifically, I will hereinafter indicate in any order approving administrate relief that the amendment to the final development plan is "for Lot No. 48 only". Obviously, any significant amendment to a final development plan would require a petition for special hearing. Typically, such petitions are filed when a final development plan is amended by the addition of more lots, the subdivision of an existing lot, the relocation of lot lines, public improvements, etc. I would agree that special hearing relief is requested in those instances and that relief cannot be granted administratively.

Please advise if this resolves your concerns. Also please note that I have discussed this matter with Deputy Commissioner Murphy and he concurs with the above.

LES:raj

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Account Identifier:

District - 10 Account Number - 1900013198

Owner Information

Owner Name:

LOWE GEORGE E

Use:

RESIDENTIAL

LOWE ELIZABETH S

Principal Residence:

Mailing Address:

8 WETHERBEE CT PHOENIX MD 21131

Sub District

Deed Reference:

Block

1) / 6596/ 283

Plat No:

Plat Ref:

NO

Location & Structure Information

Premises Address

12 WETHERBEE CT

Grid

Special Tax Areas

Map

Legal Description

3 AC

Lot

4

HUNT VALLEY HEIGHTS

Group

81

43 3 283 Town

Parcel

Ad Valorem

Subdivision

Tax Class **Primary Structure Built**

Enclosed Area Property Land Area 3.00 AC

Section

County Use 04

50/62

0000 **Stories**

Basement

Type

Exterior

Value Information

Value Phase-in Assessments Base **Value** As Of As Of As Of 01/01/2002 07/01/2004 07/01/2005 Land: 98,000 98,000 Improvements: O

Total: **Preferential Land:** 98,000 0

98,000

98,000 0

NOT AVAIL NOT AVAIL

Transfer Information

Seller: BRAMBLE FORREST F, JR, TRUSTEE 09/19/1983 Date: IMPROVED ARMS-LENGTH Type: **Deed1:** / 6596/ 283 Seller:

Date: Deed1: Price: \$53,500 Deed2:

Price: Deed2:

Date: Deed1: Price: Deed2:

Exemption Information

Partial Exempt Assessments 07/01/2004 Class 07/01/2005 000 County State 000 Municipal 000

Tax Exempt: **Exempt Class:**

Type:

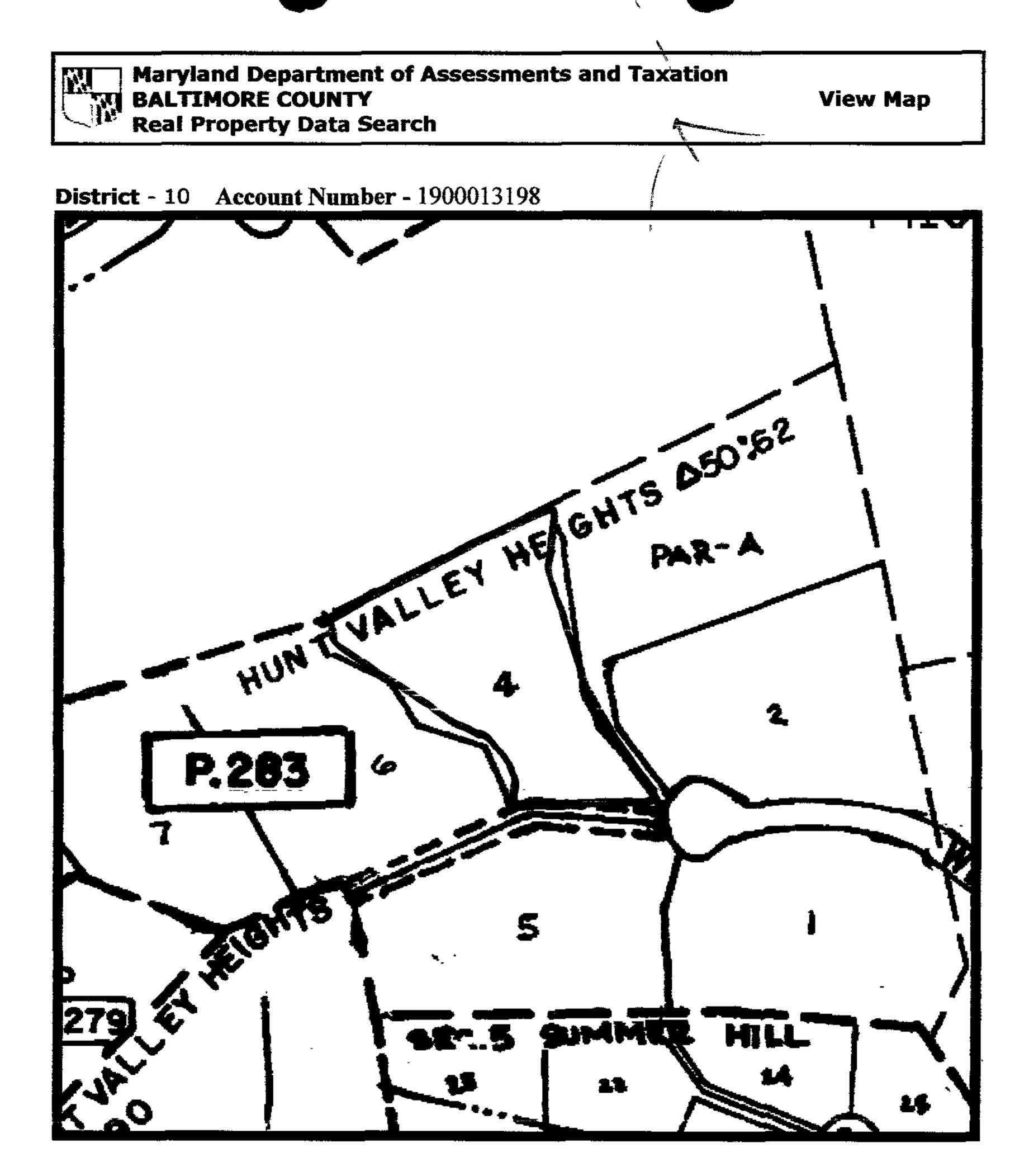
Seller:

Type:

NO

Special Tax Recapture:

* NONE *



Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation **BALTIMORE COUNTY Real Property Data Search**

Account Identifier:

District - 10 Account Number - 1900013197

Owner Information

Owner Name:

LOWE GEORGE E

LOWE ELIZABETH S

Use:

RESIDENTIAL

Principal Residence:

NO

Mailing Address:

8 WETHERBEE CT PHOENIX MD 21131 **Deed Reference:**

1) / 6571/ 719

2)

Location & Structure Information

Premises Address

10 WETHERBEE CT

Legal Description

3 AC PARCEL A

HUNT VALLEY HEIGHTS

Subdivision Group Plat No: Block **Sub District** Section Lot Grid **Parcel** Map Plat Ref: 81 43 3 283

50/62

Special Tax Areas

Ad Valorem

Town

Tax Class Primary Structure Built 0000

Enclosed Area

Property Land Area 3.00 AC

County Use 04

Exterior Stories Basement **Type**

Value Information

Phase-in Assessments Value Base Value As Of As Of As Of 01/01/2002 07/01/2004 07/01/2005 27,000 Land: 27,000 Improvements: Total: 27,000 27,000 27,000 **NOT AVAIL Preferential Land:** NOT AVAIL 0 0 0

Transfer Information

BRAMBLE FORREST F, JR, TRUSTEE 08/11/1983 Price: \$0 Seller: Date: NOT ARMS-LENGTH **Deed1:** / 6571/719 Deed2: Type: Price: Seller: Date: Deed2: Deed1: Type: Seller: Price: Date:

Type:

Deed1:

Deed2:

Exemption Information

07/01/2004 07/01/2005 Partial Exempt Assessments Class 000 County 000 State Municipal 000

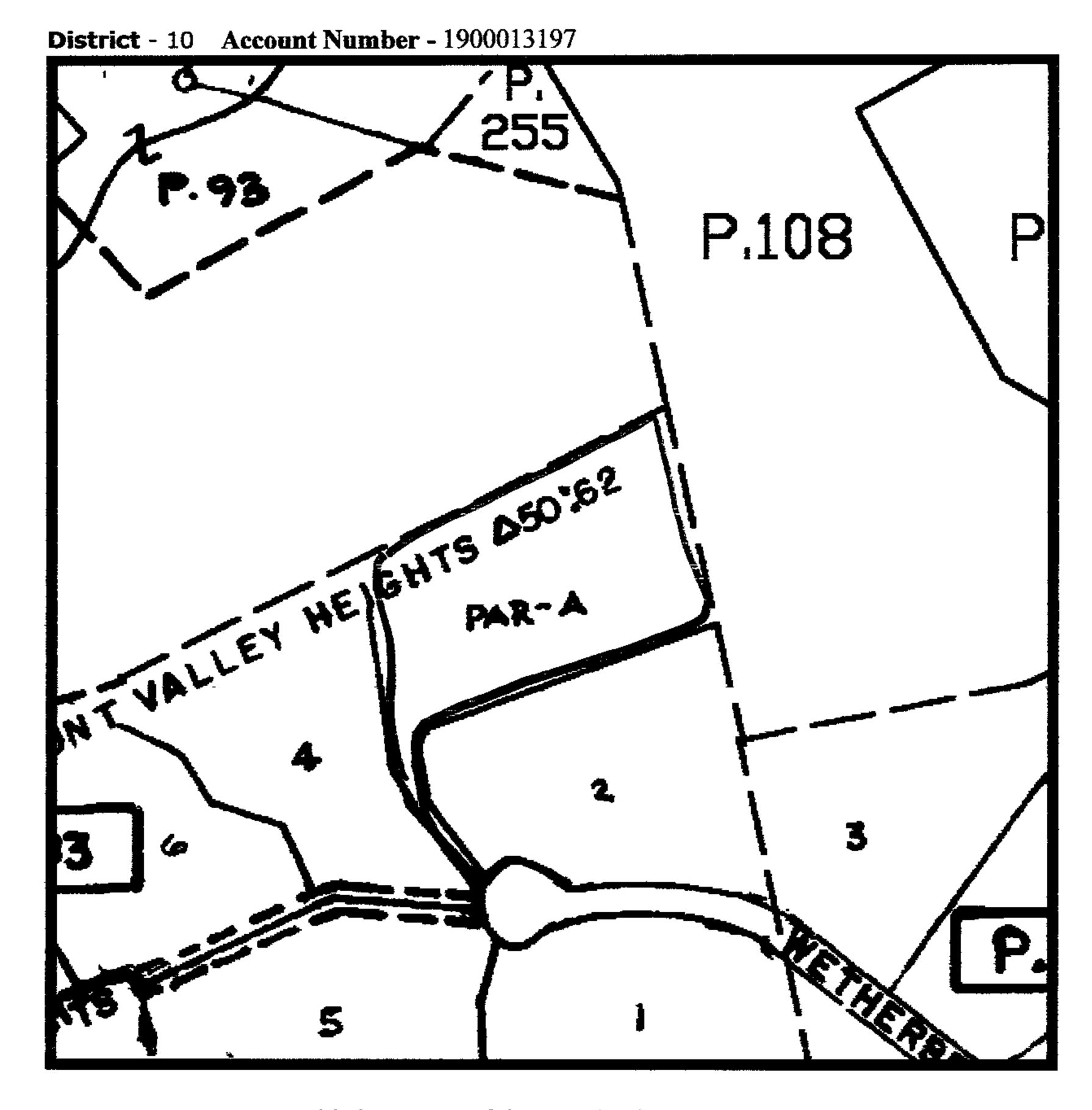
Tax Exempt: **Exempt Class:** NO

Special Tax Recapture:

* NONE *



View Map



Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at

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CASE NAME CASE NUMBER DATE

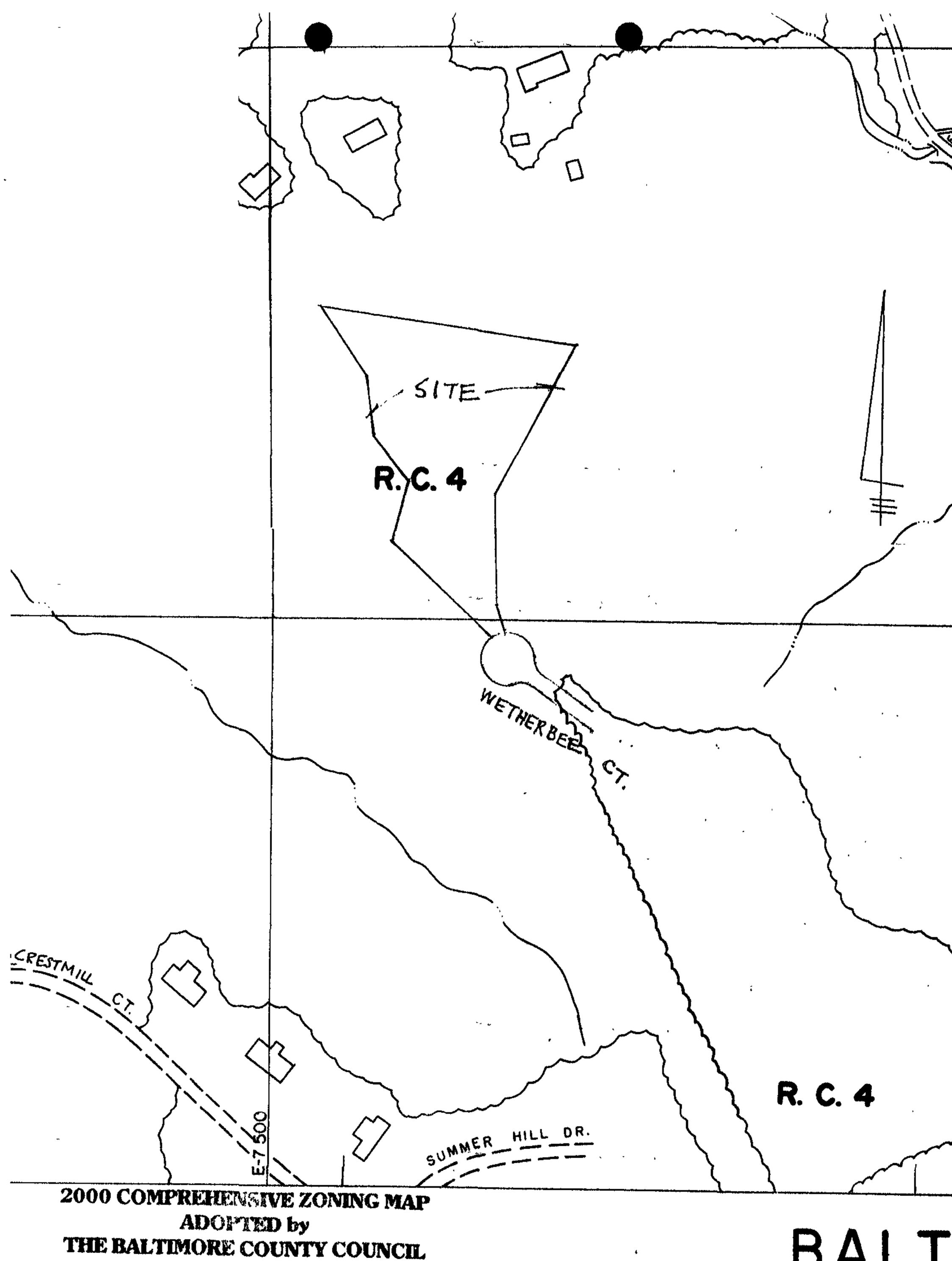
PETITIONER'S SIGN-IN SHEET

E- MAIL	JOWERZEKI@MOL.COM	, , , , , , , , , , , , , , , , , , ,										
S	AHOENIX, MD 21131	-										
ADDRESS	17 DALERROOK DR.		Gord.									
NAME	RUTH DRERBORK	1H	JURBARK BOOC									

CASE NAME OF 193-A CASE NUMBER 05-193-A DATE

CITIZEN'S SIGN-IN SHEET

E-MAIL	escannellaconcast. net											
CITY, STATE, ZIP	Phoenix MD 21131											
ADDRESS	4 Wetherbee Ct											
NAME	Dr. Edward P. Scannell					4						



OCTOBER 10, 2000

Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Chairman, County Council

OFFICEOF

OFFICIA

Site Rite Surveying, Inc. 200 E. Joppa Road Shell Building, Room 101 Towson, MD 21286 (410)828-9060 MAP NE 20 B
* 12 WETAERBEE CT

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