

IN RE: PETITION FOR ADMIN. VARIANCE
SW/S of Wilson Avenue, 750 ft. NW
of Putty Hill Avenue
14th Election District
6th Councilmanic District
(8834, 8836, 8838 Wilson Avenue)

FDP, LLC,
By: Dante Betro, Authorized Member
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-336-SA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Variance filed by the legal owners of the subject property, FDP, LLC, by Dante Betro an authorized member. The variance request is for properties located at 8834, 8836 and 8838 Wilson Avenue in Baltimore County. The special variance is requested from Section 4A02.4.D of the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Section 4A02.4.G of the B.C.Z.R., to permit construction on three lots in a transportation deficient area. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The property was posted with Notice of Hearing on January 21, 2005, 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 January 25, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

4A02.1 Purpose and intent. The County Council finds that important public facilities in certain predominantly urban areas of the county are inadequate to serve all of the development that would be permitted under the regulations of the zones or commercial districts within which those areas lie. Basic Services Maps are hereby established to regulate non-industrial development in those under-served areas to a degree commensurate with the availability of these

ORDER RECEIVED FOR FILING
2/16/05
By: [Signature]

facilities. Basic Services Maps are not permanent and will be reviewed annually with reports to the County Council.

b. Correction of deficiency. In the case of a deficiency which has been corrected by actual construction of adequate facilities, the maps may be amended, at any time, to reflect the correction, by resolution of the County Council after certification by the Department of Public Works, in the case of a water or sewer deficiency, or the Department of Traffic Engineering, in the case of a traffic deficiency, that the needed facility has been constructed and is performing so that the area no longer suffers a service deficiency. Where correction of the deficiency has been accomplished by means of private funding, the developer or developers paying the cost of correction shall have a preferred claim to any increase in the reserve capacity resulting from the correction irrespective of the requirements of Section 4A02.3.G.2.b. Absent a contrary agreement between the developers contributing to the cost of correction, the developers shall share in any increase in reserve capacity on a prorated basis in accordance with their percentage of contribution to the entire cost of correction.

F. Basic Services Maps are not intended to permanently establish either areas of service deficiencies or areas of service availability and adequacy. Such maps will be reviewed annually, as it is the intent of the County Council that existing service deficiencies will be corrected in accordance with the Master Plan and capital improvements program. The County Council also recognizes that continuing development in certain areas may create service deficiencies in areas that presently have adequate levels of service. In some cases, changes in underlying zoning classifications may have to be made to better correlate development potential.

Transportation. Intent. The transportation standards and maps are intended to regulate non-industrial development where it has been determined that the capacity of arterial and arterial collector intersections is less than the capacity necessary to accommodate traffic both from established uses and from uses likely to be built pursuant to this article. Such development is not intended to be restricted unless there is a substantial probability that an arterial and arterial collector intersection situated within the mapped area will, on the date the map becomes effective, be rated at level-of-service E or F under standards established by the Highway Capacity Manual, 1965, published by the Highway Research Board of the Division of Engineering and Industrial Research, National Academy of Sciences National Research Council.

E. General exceptions to basic services mapping standards.

1. The provisions of Section 4A02.4.A, B, C and D do not apply to any of the following:
 - a. Any development of three or fewer single-family detached dwellings, or establishment of their accessory uses, on a lot of record as of November 19, 1979 (see Section 101).

Petitions for special variance from provisions of this subsection.

1. The Zoning Commissioner may, after a public hearing, grant a petition for a special variance from a provision of this subsection, only to an extent that will not violate that provision's purpose, pursuant to a finding:
 - a. That the demand or impact of the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal; and

07/16/05
K. Ray

b. That the granting of the petition will not adversely affect a person whose application was filed prior to the petitioner's application in accordance with Section 4A02.3.G.2.b.

2. The Office of Planning shall give a report on the petition to the Zoning Commissioner prior to his consideration of the petition.

3. The Zoning Commissioner may grant or deny the petition, or grant it subject to any conditions or limitations consistent with the criteria set forth in Paragraph 1 above.

4. An appeal may be filed with the County Board of Appeals within 30 days of the decision of the Zoning Commissioner.

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 were Dante and Flora Betro, Petitioners. Donald E. Hicks appeared on behalf of Hicks Engineering, the engineering firm that prepared the site plan of the property and Benjamin Bronstein, Esquire, represented the Petitioners. Walter Smith and Steven Weber, county employees, appeared at the hearing at the request of the Petitioner. Appearing at the hearing as protestants or citizens were Janet & Donald Keplinger, Albert & Rachel Diegel, Arthur & Margaret Dietsch, Jerome Beck, Fred Altman and Ruth Baisden. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony proffered by the Petitioner indicated that the Petitioner bought six lots fronting on Wilson Avenue. These six were part of a ten lot subdivision which was recorded in the Land Records of Baltimore County on March 11, 1997. The County Council passed the transportation portion of the Basic Services Map in January 6, 1997 which designated the intersection of Harford Road and Putty Hill Avenue as a failing intersection. The transportation shed

RECEIVED FOR FILING
2/16/05
Ray

surrounding this intersection included these ten lots. All agreed that the subdivision should not have been allowed to be recorded under the circumstances, but as Walter Smith, project manager for the Department of Permits & Development Management testified, it often takes 5 to 6 months for the final subdivision plat to be recorded. Apparently in that time the intersection was declared to have become failing (F level).

History aside, the Petitioner applied for and received a three lot exemption under Section 4A02.E.1.a and has or is building three homes on lots 4, 5, and 6. The question in this case is whether or not a special variance should be granted to allow homes on lots 1, 2, and 3. Apparently lots 7, 8, 9 and 10 are vacant and are not owned by the Petitioner.

Steven Weber, Chief of the Traffic Engineering Division of the Department of Public Works, testified that the County studies show the peak time for the Harford Road/Putty Hill intersection is 7:15 AM to 8:15 AM. and that the number of vehicles using the intersection at that hour is approximately 3,100. He next testified that during this hour, the trips generated by the proposed three lots were 2.55 trips. From this data, he concluded that the impact of these three additional homes on the intersection was imperceptible. In fact, he indicated that daily fluctuations of traffic using the intersection were greater than the added trips from the three homes. He also noted that generally special variances are granted in failing traffic sheds when the number of lots is less than 10.

A great deal of the time for cross-examination of Mr. Weber was taken by residents of Wilson Avenue who complained vehemently about traffic on Sunday mornings going to and from St. Ursula's Church via a curb cut in the cul-de-sac in which Wilson Avenue terminates. Apparently, this issue had been raised and debated for several years before the hearing on the subject case without adequate resolution as far as the residents along Wilson Avenue were

2/16/05

R. J. [Signature]

concerned. Given Mr. Weber's position in the County, he became the focus of much questioning about this continuing problem as seen from the residents' standpoint. Ms. Keplinger, one of the residents, supplemented her complaints about church traffic given at the hearing by a long and detailed recount of her efforts to stop the church traffic and her frustration at not being successful thus far.

Mr. Weber mentioned that Putty Hill Avenue was the subject of an ongoing County capital improvement program to widen Putty Hill at its intersection with Harford Road. However, neither Wilson Avenue or the part of Putty Hill not near the intersection were scheduled for improvement according to Mr. Weber. He indicated that at peak hours, traffic backs up from the intersection of Harford Road and Putty Hill east to Wilson Avenue. Finally, he mentioned that the Department interprets the transportation portion of the Basic Services Legislation to exempt three lots for each subdivided tract of land recorded before 1979.

Mr. Smith, from the Department of Permits and Development Management, testified that the ten lot subdivision was recorded in the Land Records for Baltimore County on March 11, 1997. He indicated that the County Council passed the transportation portion of the Basic Services Map in January 6, 1997 which designated the intersection of Harford Road and Putty Hill Avenue as a *failing intersection*. The transportation shed surrounding this intersection included these ten lots. He indicated the subdivision should not have been allowed to be recorded under the circumstances, but it often takes 5 or 6 months for the final subdivision plat to be recorded. Apparently in that time, the rating of the intersection at Putty Hill and Harford Road changed to level "failing F" and the plat reviewers failed to detect the problem. He also noted that there was no reserve capacity use certificate in the subdivision file.

The protestants who live along Wilson Avenue testified at length regarding the traffic generated by the Church on Sunday morning, the difficulty this traffic causes for elderly residents, and their opposition to even the small traffic that would be generated by the proposed three homes. Ruth Baisden, President of the Greater Parkville Community Council, described the efforts made by the community. She testified that they worked to delete a general widening of Putty Hill Avenue from the Master Plan, and to reduce the high number of traffic accidents on Harford Road. In general she noted that her organization does not support in-fill development, but rather seeks to preserve open space such as the subject lots. She also indicated that there was no hardship in this case other than economic return for the developer. Finally, she noted that this subdivision involved 10 lots of which the Petitioner bought 6 at a later time. She expressed concern that the remaining lots could also be granted a three lot exemption.

Finally, Mr. Bronstein pointed out that the County has to correct failing intersections. He stated that the impact on the failing intersection of these three lots would be insignificant, and that the problem of church generated traffic did not occur at the same time (Sunday morning) as the peak traffic in the failing intersection. He also noted that there is no reserve capacity use certificate for this subdivision. Finally, he argued that since the Planning Office did not comment on this request, this indicated Planning's approval.

The Planning Office submitted a comment after the hearing on the case which indicated that they did not oppose the Petitioner's request and the development of three lots would not negatively affect the district.

Findings of fact and conclusions of law

As I explained at the hearing, the issue of church traffic on Wilson Avenue is not before me. I do not have the power to order the church to stop using Wilson Avenue on Sunday

mornings. That said, I want to recognize the problem articulated so well by Ms. Keplinger's post hearing letter.

In addition, the issue of whether or not the Petitioner was entitled to a three lot exemption under the regulations is not before me. I will only note that the law allowing these exemption seems to require that the development involve 3 lots or less (this development involved 10 lots) and was recorded before 1979 (this subdivision was recorded in 1997). It appears that the County reviewers grant a blanket three lot exemption to all proposed developments in failing traffic sheds.

As Mr. Bronstein points out, this is a case for special variance and not a typical variance case under Section 307 of the B.C.Z.R. Consequently, the usual suspects of uniqueness, hardship, practical difficulty and impact are not factors to be considered. In order to grant a special variance, the special variance law requires:

1. that it will not violate that purpose of the legislation,
2. that the demand or impact of the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or
3. that the standard is not relevant to the development proposal; and
4. That the granting of the petition will not adversely affect a person whose application was filed prior to the petitioner's application in accordance with Section 4A02.3.G.2.b.

Regarding criteria #4, from the testimony in this case, I have no evidence that granting the petition will adversely affect some other developer with a reserve capacity use certificate already in place. Apparently, this subdivision was not issued such a certificate. Whether there are any other developments pending in this traffic shed, I do not know, but have to trust that if such were the case the planning and traffic engineering groups would know and object. They have not.

Regarding criteria # 2 and #3, Mr. Weber testified that the impact of these three homes on the failing intersection of Putty Hill and Harford Road is "imperceptible". In fact, the additional

ADEN RECEIVED FOR FILING

2/16/05

Raj

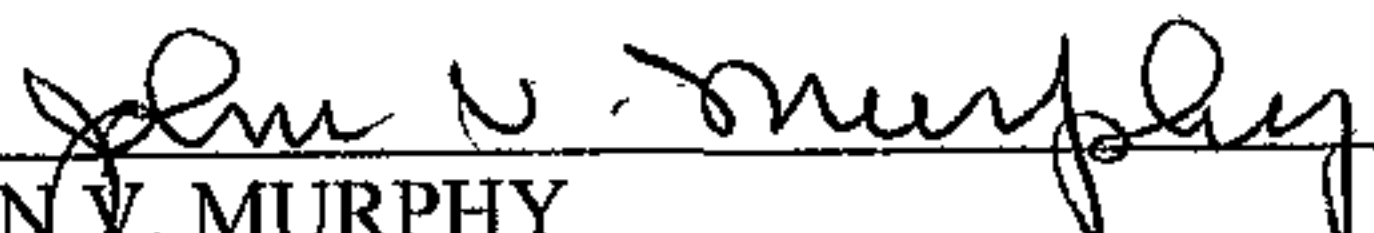
traffic at peak hour is lower than the daily variations of traffic in that intersection at the peak time. Consequently, I find that criteria #2 and #3 are satisfied.

Finally, in regard to #1, again the impact of these three homes is so small that it becomes lost in the noise of data variations and so, I find that it does not violate that purpose of the legislation which is to limit development while facilities improvement are being designed and constructed. I note also the Planning Office comment that development of these three lots will not adversely affect the neighborhood. Consequently I will grant the special variance.

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' special variance request should be granted.

THEREFORE, IT IS ORDERED, this 16 day of February, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for special variance requested from Section 4A02.4.D of the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Section 4A02.4.G of the B.C.Z.R., to permit construction on three lots in a transportation deficient area, be and is hereby GRANTED.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

ORDER RECEIVED FOR FILING
2/16/05
slay

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

February 16, 2005

Benjamin Bronstein, Esquire
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

Re: Petition for Special Variance
Case No. 05-336-A
Property: 8834, 8836 & 8838 Wilson Avenue

Dear Mr. Bronstein:

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

A handwritten signature in cursive script that reads "John V. Murphy, Jr.".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Dante & Flora Betro, 8738 Stonehouse Dr., Ellicott City, MD 21043
Donald E. Hicks, P.E., Hicks Engineering, 200 E. Joppa Rd., Towson, MD 21286
Donald & Janet Keplinger, 8842 Wilson Ave., Baltimore, MD 21234
Albert & Rachel Diegel, 8833 Wilson Ave., Baltimore, MD 21234
Jerome Beck, 8831 Wilson Ave., Baltimore, MD 21234
Fred Altman, 8843 Wilson Ave., Baltimore, MD 21234
Margaret & Anthony Dietsch, 8841 Wilson Ave., Baltimore, MD 21234
Ruth Baisden, Greater Parkville Comm. Council, 7706 Oak Ave., Baltimore, MD 21234
Walt Smith, PDM, Baltimore County
Steve Weber, Traffic Engineering, Baltimore County

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





SPECIAL

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8834, 8836 and 8838 Wilson Avenue

which is presently zoned DR 5.5

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)

special

4A02.4.D pursuant to Section
4A02.4.G of the BCZR for 8834, 8836 and 8838 Wilson Avenue. to permit construction on three lots in a
transportation deficient area.

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

1. The demand or impact of the development will be less than that assumed by the district standard that would otherwise restrict the development.
2. Standard is not relevant to the proposed development.
3. And for such other reasons as may be demonstrated at the time of hearing.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Benjamin Bronstein

Name - Type or Print

Signature

Company

West Susquehanna Avenue, Suite 205 410-296-0200

Address Telephone No.

Towson Maryland 21204

City State Zip Code

Legal Owner(s):

FDP, LLC

Name - Type or Print

Signature

BY: Dante Betro, Authorized Member

Name - Type or Print

Signature

8738 Stonehouse Drive

410-750-7681

Address

Telephone No.

Ellicott City

Maryland

21043

City

State

Zip Code

Representative to be Contacted:

Paul Naldrett, P.E.

Hicks Engineering Associates, Inc.

Name

200 East Joppa Road

Suite 402

410-494-0001

Address

Telephone No.

Towson

Maryland

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

JNP

Date

1/5/05

ORDER RECEIVED FOR FILING
Case No. 05-336-SA
FILED
JAN 11 2005
CLERK OF BALTIMORE COUNTY

ZONING DESCRIPTION
NO. 8834 THRU NO. 8838
WILSON AVENUE
ELECTION DISTRICT 14
BALTIMORE COUNTY, MARYLAND

NO. 8834 WILSON AVENUE -

THE property being known and identified as Lot No. 3 as shown on the plat of "Subdivision of No. 3034 Putty Hill Avenue" recorded among the Land Records of Baltimore County, Maryland in Plat Book SM 69 at Folio 45.

CONTAINING 0.1918 acres of land, more or less.

NO. 8836 WILSON AVENUE -

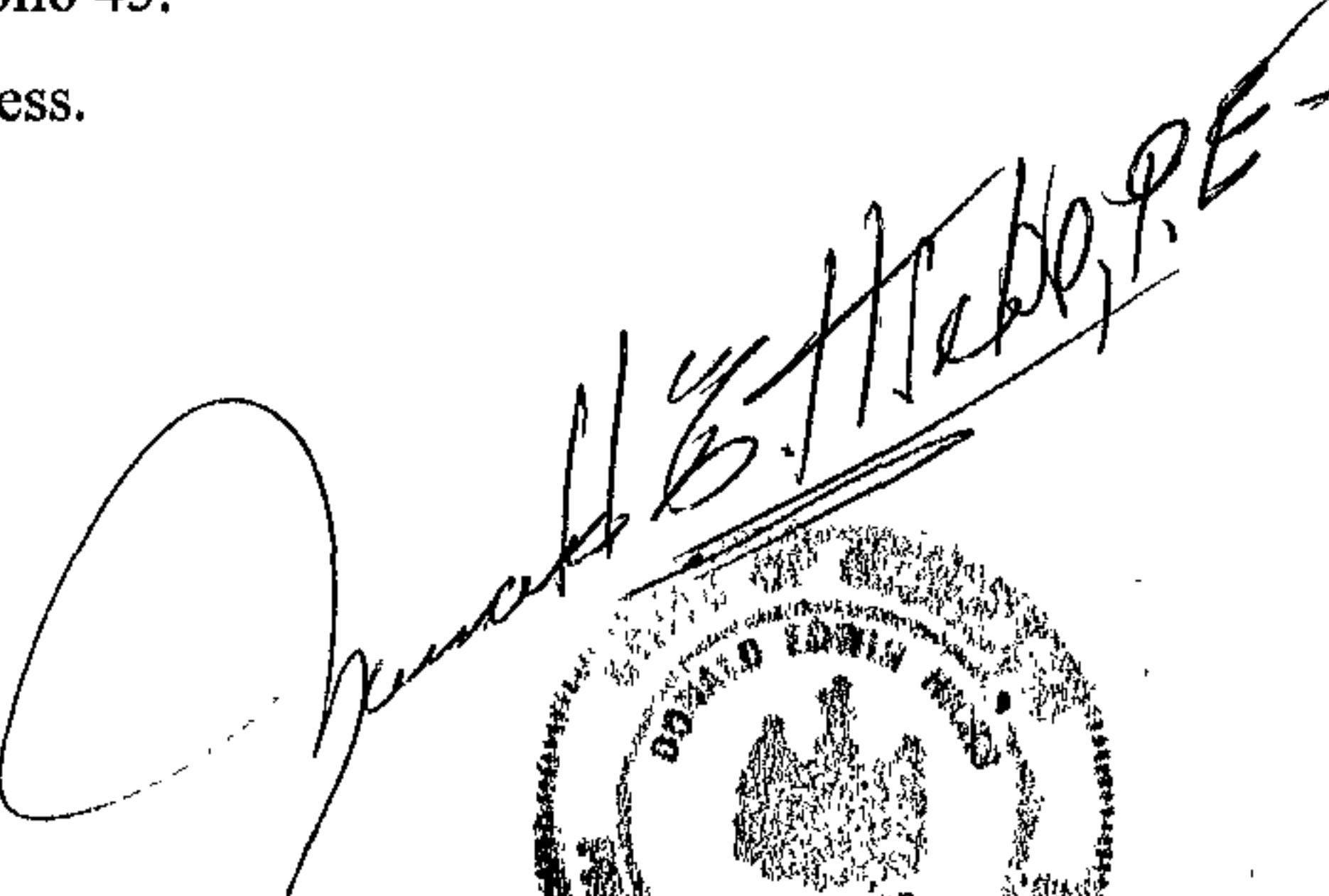
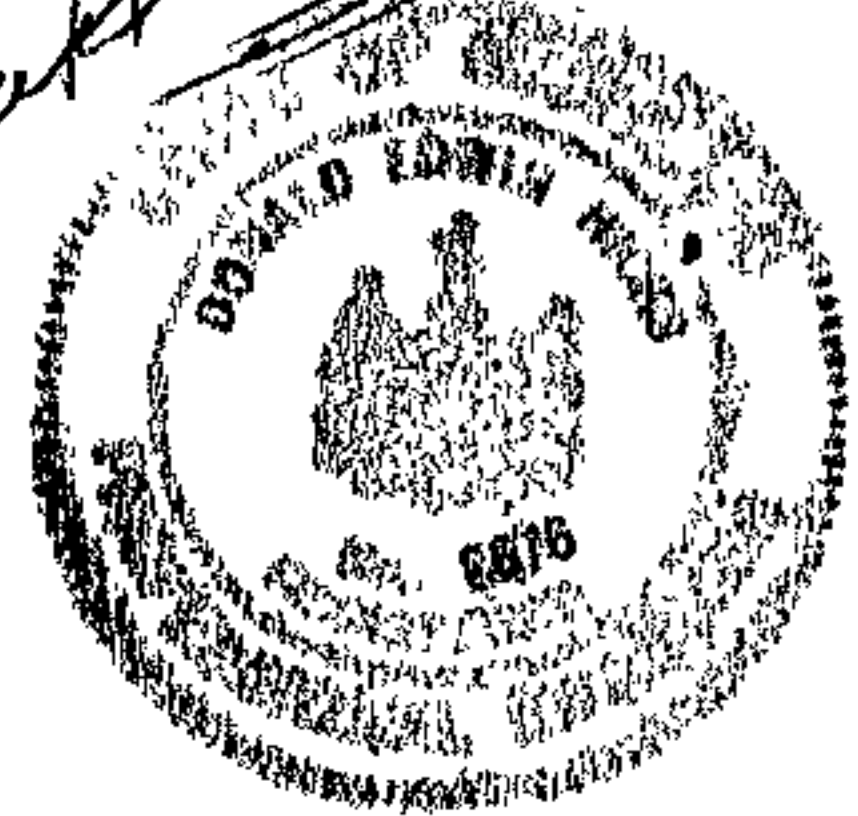
THE property being known and identified as Lot No. 2 as shown on the plat of "Subdivision of No. 3034 Putty Hill Avenue" recorded among the Land Records of Baltimore County, Maryland in Plat Book SM 69 at Folio 45.

CONTAINING 0.1918 acres of land, more or less.

NO. 8838 WILSON AVENUE -

THE property being known and identified as Lot No. 1 as shown on the plat of "Subdivision of No. 3034 Putty Hill Avenue" recorded among the Land Records of Baltimore County, Maryland in Plat Book SM 69 at Folio 45.

CONTAINING 0.2193 acres of land, more or less.

HICKS ENGINEERING ASSOCIATES, INC.
200 EAST JOPPA ROAD, SUITE 402
TOWSON, MARYLAND 21286
(410) 494-0001

JANUARY 4, 2005

PAGE 1 OF 1

05-336-SA

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: #05-336-SA

8834, 8836 & 8838 Wilson Avenue

S/west side of Wilson Avenue, 750 feet n/west of Putty Hill Avenue

14th Election District — 6th Councilmanic District

Legal Owner(s): FDP, LLC, Dante Betro, Authorized Member

Special Variance: to permit construction on three lots in a transportation deficient area.

Hearing: Friday, February 4, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN

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 1/782 Jan. 25. 37108

CERTIFICATE OF PUBLICATION

1/26/, 2005

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 1/25/, 2005.

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

JAN 3 2005

ZONING COMMISSIONER

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-336-SA

Petitioner/Developer: FDP, LLC

DANTE BETRO

Date of Hearing/Closing: 2/4/05

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:

8834, 8836 & 8838 WILSON AVENUE

The sign(s) were posted on 1/21/05
(Month, Day, Year)

Sincerely,

Robert Black 1/22/05
(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)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 25, 2005 Issue - Jeffersonian

Please forward billing to:
Ben Bronstein
29 W. Susquehanna Ave.
Towson, MD 21204

410-296-0200

NOTICE OF ZONING HEARING

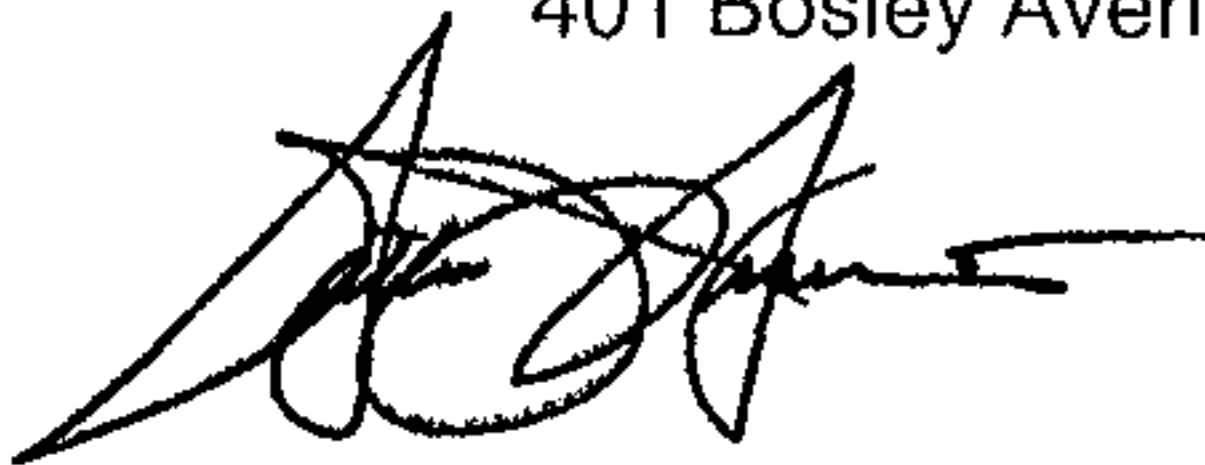
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-336-SA

8834, 8836 & 8838 Wilson Avenue
S/west side of Wilson Avenue, 750 feet n/west of Putty Hill Avenue
14th Election District – 6th Councilmanic District
Legal Owner: FDP, LLC, Dante Betro, Authorized Member

Special Variance to permit construction on three lots in a transportation deficient area.

Hearing: Friday, February 4, 2005 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley 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**



Baltimore County

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

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

January 18, 2005

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: 05-336-SA

8834, 8836 & 8838 Wilson Avenue
S/west side of Wilson Avenue, 750 feet n/west of Putty Hill Avenue
14th Election District -- 6th Councilmanic District
Legal Owner: FDP, LLC, Dante Betro, Authorized Member

Special Variance to permit construction on three lots in a transportation deficient area.

Hearing: Friday, February 4, 2005 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Benjamin Bronstein, 29 West Susquehanna Ave., Ste. 205, Towson 21204
Dante Betro, 8738 Stonehouse Dr., Ellicott City 21043
Paul Naldrett, 200 E. Joppa Rd., Ste. 402, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 21, 2005.**
- (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 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 05-336-SA
Petitioner FDP, LLC
Address or Location 8834, 8836 and 8838 Wilson Avenue

PLEASE FORWARD ADVERTISING BILL TO

Name BEN BRONSTEIN
Address 29 W. Susquehanna Ave
Powder 21204
Telephone Number 410 296 0200

**Department of Permits and
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

January 26, 2005

Benjamin Bronstein
29 West Susquehanna Avenue, Ste. 205
Towson, Maryland 21204

Dear Mr. Bronstein:

RE: Case Number: 05-336-SA, 8834, 8836, 8838 Wilson Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 5, 2005.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
FDP, LLC. Dante Betto 8738 Stonehouse Drive Ellicott City 21043
Paul Naldrett, P.E. 200 E. Joppa Road Towson 21286

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

January 16, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 24, 2005

Item No.: 334-~~336~~, 338-344, 346

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 Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 24, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For January 24, 2005
Item Nos. 336, 337, 338, 339, 344,
346, and 347

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

RWB:CEN:jrb

cc: File

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr *JDO*
DEPRM

DATE: February 3, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 18, 2005.

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

05-335

05-336

05-338

05-339

05-344

05-345

05-347

Reviewers: Sue Farinetti, Dave Lykens

Jm
2/4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 2, 2005

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

RECEIVED

FEB - 3 2005

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-336

ZONING COMMISSIONER

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

Prepared By:

Mark A. Cunningham

Division Chief:

[Signature]

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 11, 2005

RECEIVED

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

FEB 11 2005

SUBJECT: 8834, 8836, 8838 Wilson Avenue
Amended Comments

ZONING COMMISSIONER

INFORMATION:

Item Number: 5-336

Petitioner: Benjamin Bronstein

Zoning: DR 5.5

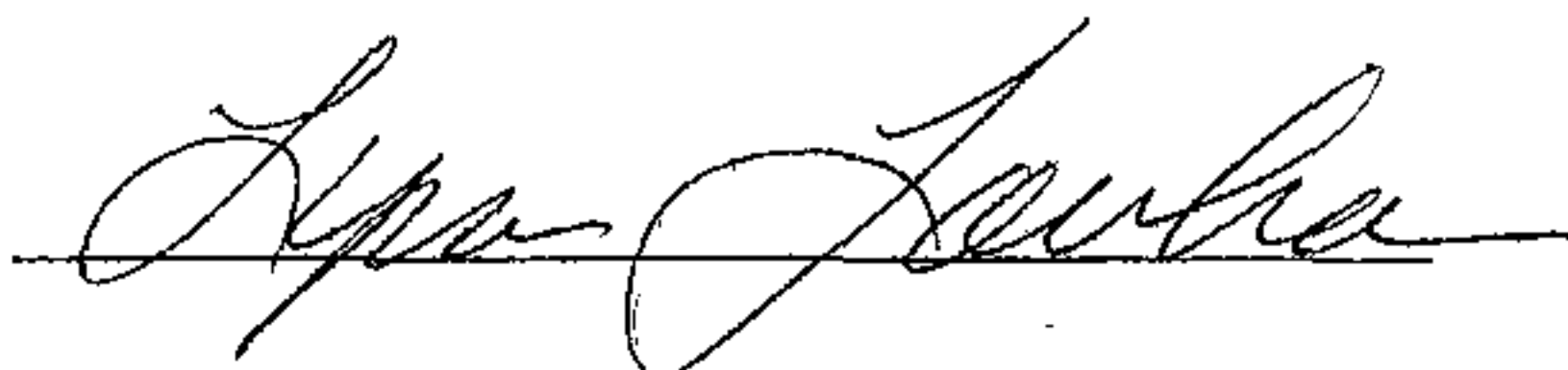
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and does not oppose the petitioner's request to permit construction of three lots in a transportation deficient area. The traffic shed area for the Harford and Putty Hill Road is a well-developed older community and has limited capacity or available land for additional new residential development. Development of three lots at this location should not negatively affect the district.

For further questions or additional information concerning the matters stated herein, please contact David Pinning in the Office of Planning at 410-887-3480.

Division Chief:



LL

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



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

Maryland Department of Transportation

Date: 1.17.05

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

RE: Baltimore County
Item No. 336

JMP

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
Engineering Access Permits Division

RE: PETITION FOR SPECIAL VARIANCE * BEFORE THE
8834, 8836, 8838 Wilson Avenue; SW/side ZONING COMMISSIONER
Wilson Avenue, 750' NW Putty Hill Avenue*
14th Election & 6th Councilmanic Districts
Legal Owner(s): Dante Detro, Authorized * FOR
Member FDP, LLC
Petitioner(s) * BALTIMORE COUNTY
* 05-336-SA

* * * * *

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.

RECEIVED

Per.....

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 21st day of January, 2005, a copy of the foregoing Entry of Appearance was mailed to, Paul M. Naldrett, Hicks Engineering, Associates, 200 E. Joppa Road, Suite 402, Towson, MD 21286 and to Benjamin Bronstein, Esquire, 29 W Susquehanna Avenue, Suite 205, Towson, MD 21204, Attorney for Petitioner(s).

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

RE: 8834, 8836 & 8838 Wilson Avenue
S/West Side of Wilson Avenue
750 ft n/west of Putty Hill Avenue

* BEFORE THE
* ZONING COMMISSIONER
*
* FOR BALTIMORE COUNTY
*
* CASE NO.: 05-336-SA

14th Election District
6th Councilmanic District

Legal Owner: FDP, LLC, Dante Betro, Authorized Member

* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Zoning Commissioner for Baltimore County at the hearing for the matter captioned above **on Friday, February 4, 2005, at 2:00 p.m.** in Room 407, County Courts Building, 402 Bosley Avenue, Towson, Maryland 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Zoning Commissioner.

WITNESS: Stephen E. Weber, Chief

ADDRESS: Traffic Engineering Division
111 West Chesapeake Avenue
Room 326
Towson, Maryland 21204

RECEIVED

JAN 28 2005

REQUESTED BY:

NAME: Benjamin Bronstein, Esquire
ADDRESS: 205 Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204

ZONING COMMISSIONER

The witness named above is hereby ordered to so appear before the Zoning Commissioner for Baltimore County.



Zoning Commissioner for Baltimore County

BENJAMIN BRONSTEIN

ATTORNEY AT LAW
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
Benbronstein@terralaw.net

January 5, 2005

Hand Delivered

Mr. Jeffrey Perlow
Dept of Permits & Development Mgt
Zoning Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 8834, 8836 and 8838 Wilson Avenue

Dear Mr. Perlow:

In reference to the above-entitled properties I am hereby enclosing the following:

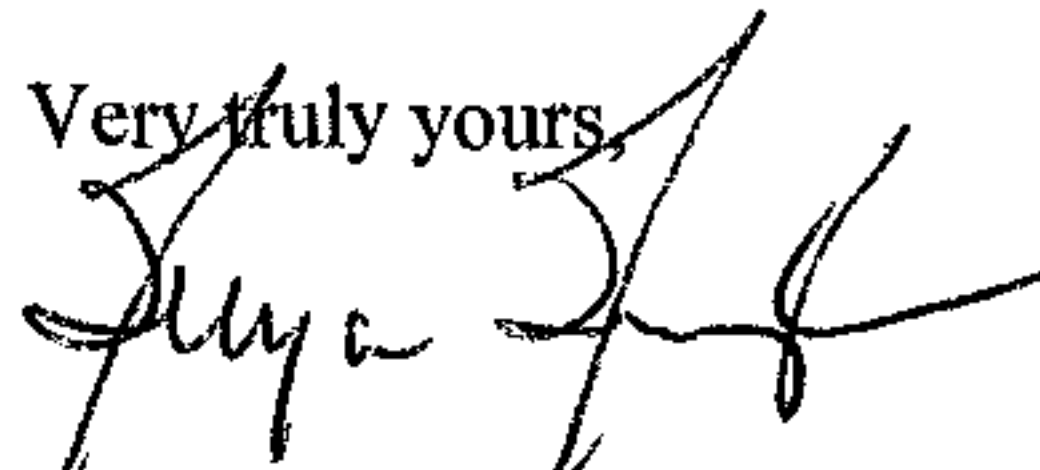
1. Petition for Special Variance in triplicate;
2. Twelve (12) copies of the Plan to Accompany Petition for Special Variance;
3. Three copies of the description under seal; and
4. Copy of the 200 Scale Zoning Map;

Mr. Kotroco has advised that no fee will be charged by the county for processing this Special Variance. You may confirm this with Walt Smith or Mr. Kotroco.

There are no violations. Please enter my appearance on behalf of the Petitioner and kindly set this matter in for an expedited hearing.

Thank you for your kind attention and cooperation.

Very truly yours,



Benjamin Bronstein

BB/mlh
Enclosures
cc: Mr. Walt Smith
Dept. of Permits and Development Management

Mr. Dante Betro
Paul Naldrett, P.E.

05-336-SA

February 7, 2005

Janet Keplinger
8842 Wilson Ave.
Baltimore Md. 21234
410-668-6673

John Murphy, Deputy Zoning Commissioner
401 Bosley Ave..
Baltimore Md. 21204

RECEIVED

FEB - 9 2005

ZONING COMMISSIONER

Re: Zoning meeting held 2/4/05, 8800 block of Wilson Ave.

Dear Mr. Murphy:

All who appeared at this meeting would like to thank you for hearing our complaints concerning the very serious situation we have here on Wilson Ave.

There was much more to be said, but time was getting away from us nearing 4:00p.m. At this time I want to exercise my freedom of speech, (freedom of speech seems to be the only freedom any of us have here on Wilson Ave.) I feel sure what ever I have to say will not be of any impact to your decision in making Dante Betro happy so he can place his houses on said parcel of land in question.

Our main concern is the constant influx of traffic that should not be using a cul-de-sac as a commercial bypass for the likes of St. Ursula Church and School. As far as the new homes on this street, if the plat is properly spaced and is not encroaching in any way on the property known as 8840 Wilson Ave. I have no problem with this. None of us are overwhelmed to the fact that the open space is being utilized, that was a good thing, there was extra parking spaces available for the neighbors and their company. Another good thing about the new homes, is the fact that St. Ursula's school children will not be able to play ball on the lot with numbers of 20 kids and then trashing the lot when there was a trash container near by. In the 40 years we have lived here, raised our children, not once did we ever have to call down our children for destroying some one else's property. This episode happened just last May of 2004. Yes, our kids did play on the lot but only in numbers of 6 or 8 boys, not 20. Also, lot was being used for organized soft ball practice, again from St. Ursula's.

I want to put this on record, the way I have been treated throughout the county system, when I started this crusade to have freedom and to regain our rights. I have been ignored, lied to, refused telephone contact with persons in the Executive office, and have in my possession a traffic count that was conducted in 2002 by Darrell Wiles, of the DPW that was misconstrued and to this day has refused to rectify the wrong that was introduced at a meeting at the VFW hall on Harford Rd. in November of 2002. I have been ignored by our County Attorney and when I did pay an Attorney for satisfaction, he also, was ignored by Jim Smith, and Jay Liner. Jay Liner, Attorney for the County has been made aware of a case that settled in Anne Arundel Co. of a similar situation, that was in favor of the residents, has yet to acknowledge the fact, that Wilson Ave. is legally a cul-de-sac and that the case in Anne Arundel Co. was in favor of the residents.

Whatever happened to ethics from one attorney to another. With all this in mind, where is the trust that, we the residents of Baltimore Co. are suppose to have in our County Government. With all of the aggravation I have been through, there is nothing but mistrust. I was always under the impression that the county worked for the people not against them, as it is in this case. What's the saying (MONEY FOLLOWS MONEY). This is a middle class working and retired people community and this is how we are treated. (MIDDLE CLASS)! All we want is to live in peace and have access to our home place, a legally recorded cul-de-sac and asking for this is definitely not being unreasonable but as Monsignor puts it, his view in asking for such a thing as having access to our home street is totally unreasonable.

From day one, this complaint has been one sided, all for St. Ursula's and no consideration or respect for the his neighbors, Wilson Ave. I will quote you from a letter from Monsignor Baumgartner dated

May 31, 2001, "**this gate will be open for church services in the morning, on Saturdays, and Sundays as well as school afternoons for our parents**". Would you say this is the workings of a friendly neighbor or a dictator? I opt to go for the later, Dictator? Mr. Murphy, do you remember as a kid we all played the game, "**May I**", in a sense, this is what we the homeowners of Wilson Ave. play daily, "**May I use the street now or do we have to wait**". This convenience is not only open for services, but also, for bus trips, flea market attendees, wedding attendees, funeral attendees, third Friday club, choir practice, scout meetings, school dismissals and this could go on and on. I am still waiting for the day that Monsignor Baumgartner directs a funeral procession down our street.

Monsignor, in another one of his letters to me, accusing my husband and me of wrong doings, other letters where he has made threats. This is the kind of person the county is catering to and always going with his wishes, a person who cares nothing about the welfare of his neighbors and who cares nothing about whether or not we have a street that is accessible to us, the people who are paying there property taxes to live on this cul-de-sac.. Yes, I am very angry, as are so many of the other neighbors, to think that our county government does not have the initiative to do what is right. Monsignor and his staff, are laughing at all of us, they are and have been getting away with this illegal flow of traffic all because our county government will not enforce the law. I think it's about time we see some enforcement of the law, do what is right and and put some trust back into our County Government.

I think we all agreed that Wilson Ave. is a legal cul-de-sac, something that cannot be disputed when the legal maps of Wilson Ave are recorded in the zoning dept. for any ones eyes. Whether the church has to right to use our cul-de-sac still remains a big question., but common sense will tell you, blocking an entire street with commercial traffic in a residential area known has a cul-de-sac is not legal. We all agreed to the fact that going through private property to gain access to a state road or county commercial road is illegal. It is also illegal to enter a street from a driveway without first stopping. This again, must be allowed by these people, not one person stops before entering our cul-de-sac, it is a steady stream of cars of 100 at each mass on Sunday without a slow down, not a stop until the street is completely inundated with cars waiting to exit onto Putty Hill. Wilson Ave. being a 3 lane road, cars parked on both sides belonging to the homeowners, and at this time Wilson Ave. is now a one-way street instead of being the legal two way cul-de-sac.

Mrs. Dietsch mentions hours of the week that we are not allowed or have the privilege to access our street but it was never mentioned the near one hour times that this street is totally utilized during masses on major holidays at one dismissal, yes, this can be as long as 45 min. to one hour before we can access our street. These people who use the convenience must always be under the impression there is never anyone coming in the other direction, that this street is a continuation of the church lot, and "it's get out of my way" time, I coming through.

If there is a next time, possibly on a non school day, maybe I will be able to bring my granddaughter, who I took to school for a period of 5 years, and in the 5 years, every morning we came from being hit head -on by inches by these people who think Wilson Ave. belongs to St. Ursula's. When asked why such a hurry and why can't you slow down, "**IT'S I AM LATE FOR CHURCH OR PUTTY HILL IS BACKED UP**". There are times when I wish someone would hit me, this would then be the end of the traffic and the injustice that has been dealt to this community, without getting seriously hurt, of course, but to put a scare in them and also in the county and the St. Ursula's church charges for being negligent and all because they think they need the convenience. By this street being legally zoned a cul-de-sac and a residential street that is now used as a commercial bypass, I feel sure the county could be held totally responsible for not upholding the law, as well as the Archdiocese

Yes, the church was donated the property on either side of the cul-de-sac, but the information that I found in the land records, which is only the deeds of trust, show no specifics for the donated property. Since, there was no permit, no hearing for variance, this is totally illegal. If the county will not inform the Monsignor to close down this driveway, than the county can use the 10ft easement on the county side of Wilson Ave. to close down the driveway. This can either be done by bump out poles, or orange

cones with a chain going through them and then anchored in the street. I can assure you, that Monsignor will not do anything unless this is by way of a court order.

Steve Weber, of the DPW, wrote to Monsignor on June 26, 2001, informing him, that the width of the Harford Rd. driveway was 32ft wide, wide enough to make 3 lanes, one lane in and two out, one left and one right. He also states in this letter, for the Monsignor to inform his parishioners to utilize the existing entrances/exits from the church parking lot onto either Harford Rd. or Putty Hill. Nothing was ever done to help the situation.

A letter dated Oct. 4, 2001, from Steve Weber: I will quote, "a property owner is allowed at least one access point onto every roadway to which the property has frontage. By copy of this letter I will reiterate my request to Monsignor Baumgartner at St. Ursula Church that they agree to permit their Harford Rd. access to be changed to a two way access. We feel that this would not only help the Wilson Ave. residents but also the parishioners wishing to go north or to the beltway. Locking the gate would assist in preventing what is clearly illegal trespassing on the church property between Harford Rd. and Wilson Ave. which then only introduces such illegal traffic onto Wilson Ave. During non-peak hours, the church has adequate access to Putty Hill by the use of their own driveway and the use of Wilson Ave. is only a convenience and not a necessity. However, by the church providing such a convenience to their parishioners, they only serve to aggravate many of their neighbors." How true, again nothing has been done to help the situation.

To make this clearly understood, they do use the Harford Rd. driveway both ways, the one-way signs are on the church property and are not enforceable, the same for the Putty Hill exit. You see in all they have 3 other driveways to access without using Wilson Ave, a single driveway as well. It's all for the convenience. Another thing I would like to mention, during the snow periods, the driveway in question is usually not available, so all use the Putty Hill and Harford Rd. accesses. In the 40 years we have lived here, we have had one 7 day continuous period when the driveway was closed down for repairs, in 2001. We all can say these were the best, no speeders, no traffic, and calm, the way it should always be.

Another letter from Steve Weber dated Oct. 18, 2001, and I quote "regarding Wilson Ave. being a "DEAD END" street, a road is classified as being a "Dead End" street if there is only one public entrance/exit point to another public street. That is, the general public upon entering the dead end street has to come back to the same point when leaving the dead end street. This portion of Wilson Ave. fits that definition." True! Where has this got us? Still being harassed and denied access to our home street. Been posted for 50 years.

With this in mind from the letters from Steve Weber, why has nothing been done to fix this illegal situation. I will tell you why, everyone is afraid of Monsignor Baumgartner. Anyone having this information and we still are being dictated by the church charges, one might entertain the thought just how does the Archdiocese fit into this equation. I am not implying, but only asking, is there any large donations? Could this be the reason why no one in the county takes the right steps to stop this injustice being bestowed upon this neighborhood? One is very clear "POLITICS".

As I stated at the meeting we have approximately 1000 cars a week going through our cul-de-sac, all belonging to St. Ursula's along with cut through people to avoid the traffic light. You can ask anyone of these people why do they use Wilson Ave., they all will say, it's easier and more convenient than waiting on Putty Hill or Harford Rd. to enter the church lot. So, who is harassed and abused, who is being denied access to their home place, who lives on a time schedule, when we can leave and when we can reenter our home place, when and when not to get sick, so we do not interrupt the church people from using the convenience. This only refers to the homeowners, who are being denied their rights to access the street where they reside.

The County has failed to perform their jobs in providing this neighborhood, the 8800 block of Wilson Ave. with the proper access to their home place at all times. The County has let this community down, big time.

We are suppose to have trust in our County Government from the elected officials, the appointed and down to the hired employees by the way they conduct themselves and the way the people in their district or community are treated. I can say from experience, the conduct of our county government needs a lot to be desired. When we have the elected and appointed officials ignore the complaint, the hired employees who have falsified traffic studies, only to make it appear that all of the traffic on said street, Wilson Ave. belongs to the homeowners, when in fact it does not, other employees who have lied, have not made any effort to help our situation, only to do everything possible to break the law instead of abiding by the law by making things right. We have the person or secretary to the Executive, who refused to connect me to anyone in this office, as well as the DPW office. The Counties jobs are to perform business in the best interest of their county residents and to work with their communities or districts not to work against them.

We have these people exceeding the speed limit, the automatically noted speed for residential of 25mph. We try slowing them down, but they keep that foot to the medal like they are driving on the beltway. Our Parkville police are just as unconcerned as the rest of the county government. They refuse to hear our complaint concerning the speeding, the cut through traffic, and to top it all off, the Captain of the Parkville station had the audacity to tell my husband and me at one of the community meeting to call "911" if we could not leave or enter our street.

The purpose of this information is to inform as many agencies in the Baltimore Co. Government just how this neighborhood has been treated, that we have had enough and we plan to fight back for our rights and freedom hopefully without the legal fees and that your decision will include us by having this street put back to the way it was intended, a cul-de-sac, no more commercial traffic.

Mr. Murphy, the answer to my question: Who is in charge of the county road, especially Wilson Ave., the county or Monsignor Baumgartner of St. Ursula's Church? You should have said, the County, of course, without hesitating. Although the church seems to use our residential street more than the homeowners, I still feel sure that the name Wilson Ave. has not been changed to St. Ursula's lane. With this all straight, Wilson Ave. is legally a cul-de-sac, a residential street with no exceptions, agreed.

I feel sure all who attended this meeting were appalled hearing the statement from Walt Smith concerning the recording of such a subdivision plat that he says should have never been recorded. We might want to find out who initiated this wrong, and why. This brings up a lot of questions. How could this have happened and was there possibly any payoff. As I mentioned before leaving, this zoning hearing should have been scheduled before the first house was on its location, but waited until the first house was in place and occupied in hopes that since one house was there, there would be no problem with putting the other homes on this parcel of land. Here's a good example of putting the cart before the horse.

The neighbors who attended a meeting in 1996 at the Parkville Middle School, made it clear that they only wanted houses that were comparable to the existing homes so we would not have a hodge podge downing our community. Dante Betro, has placed a bi-level on the first lot and now tells me at the meeting the next homes will be 25ft. wide by 40ft. long, again another style. What we have here in the existing homes are: 3 two stories, 2 ranchers, 3 cape cods, and the remaining are bungalows, we were asking for something on the same style as these. I know the input of the homeowners has no baring whatsoever on what is placed on these lots, but we like to think that someone will listen to our wants and in hopes we get what we want for a change. With the zoning map and the fact that this is a residential street with no exceptions, I feel there is no other choice than to have this driveway in question that filters commercial traffic through a cul-de-sac, closed down permanently.

Sincerely,


Janet Keplinger

CASE NAME Petty HILL AVE
CASE NUMBER OS-366 SA
DATE 2/4/05

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME PURITY HILL AVE
CASE NUMBER 05-336 SA
DATE 2/4/05

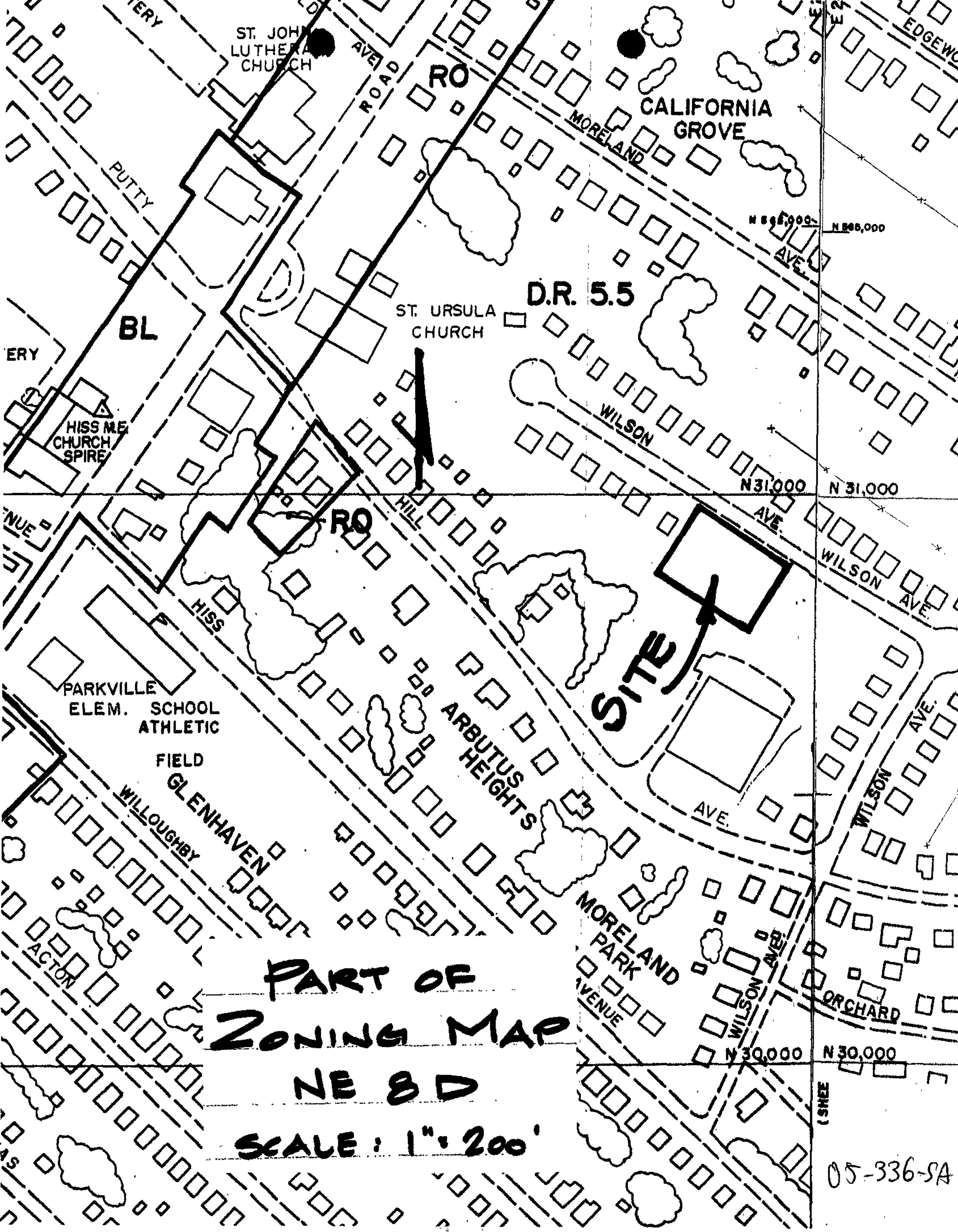
CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME Patty Hill Ave
CASE NUMBER 105-336-SA
DATE 2/4/05

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

[illegible]



ST. JOHN
LUTHERAN
CHURCH

CALIFORNIA
GROVE

D.R. 5.5

ST. URSULA
CHURCH

BL

HISS MC
CHURCH
SPIRE

WILSON

RO

SITE

PARKVILLE
ELEM. SCHOOL
ATHLETIC

FIELD

GLENHAVEN

ARBUTUS
HEIGHTS

PART OF
ZONING MAP

NE 8 D

SCALE: 1" = 200'

05-336-SA

- (1) Every 100 dwelling units, other than for the elderly, shall be considered to result in the generation of 85 peak-hour vehicle trips daily.
- (2) Every 100 dwelling units in housing for the elderly shall be considered to result in the generation of 25 peak-hour vehicle trips daily.
- (3) Every 1,000 square feet of gross floor area of a building or a part of a building devoted principally to retail use shall be considered to result in the generation of 14.70 peak-hour vehicle trips daily.
- (4) Every 1,000 square feet of gross floor area of a building or a part of a building devoted principally to office use shall be considered to result in the generation of 2.34 peak-hour vehicle trips daily.

- b. The number of daily peak-hour vehicle trips generated by a building or a part of a building to be devoted principally to uses other than dwellings or retail or office uses shall be determined by the Department of Traffic Engineering.¹

E. General exceptions to basic services mapping standards.

1. The provisions of Section 4A02.4.A, B, C and D do not apply to any of the following:
 - a. Any development of three or fewer single-family detached dwellings, or establishment of their accessory uses, on a lot of record as of November 19, 1979 (see Section 101).
 - b. To any development in a C.C.C. District for which, prior to January 21, 1980, a subdivision plan was finally approved or for which, prior to January 21, 1980, an application for a building permit had been made.
 - c. To any development in a C.S.A. District for which, prior to January 21, 1980, a subdivision plan was finally approved or for which, prior to January 21, 1980, an application for a building permit has been made.²
 - d. To any development in an R.A.E. Zone for which, prior to January 21, 1980, a subdivision plan was finally approved or for which, prior to January 21, 1980, an application for a building permit had been made.
 - e. To any development in a town center or community center for which an official detailed plan was approved by the Planning Board as of the effective date of Bill No. 178-1979. For purposes of this exception, an "official detailed plan" includes an official "revitalization" plan or

¹ Editor's Note: Under Bill No. 36-1987, the Department of Traffic Engineering was abolished and its duties and responsibilities were transferred to the Bureau of Traffic Engineering of the Department of Public Works. See Section 2-78 of the Baltimore County Code, 1988 Edition, as revised.

² Editor's Note: The former C.N.S., C.S.A., C.S.-1 and C.S.-2 Districts were consolidated into the A.S. District by Bill No. 172-1993, effective 1-27-1994. See Section 259.2.B.

- b. That the granting of the petition will not adversely affect a person whose application was filed prior to the petitioner's application in accordance with Section 4A02.3.G.2.b.
2. The Office of Planning shall give a report on the petition to the Zoning Commissioner prior to his consideration of the petition.
3. The Zoning Commissioner may grant or deny the petition, or grant it subject to any conditions or limitations consistent with the criteria set forth in Paragraph 1 above.
4. An appeal may be filed with the County Board of Appeals within 30 days of the decision of the Zoning Commissioner.

similar plan prepared by the Office of Planning or a consultant to the county, but does not include a subdivision plan or other developer's plan.

- f. On-site expansions of existing hospitals; any development of a "continuing care facility" as defined in § 7 of Article 70B of the Annotated Code of Maryland.
- g. Any development in an area for which an official detailed plan has been prepared that contains a recommendation that the area be exempted from basic services restrictions. For purposes of this exception, an "official detailed plan" includes an official "revitalization" plan or similar plan prepared by the Office of Planning or a consultant to the county and approved, subsequent to July 1, 1982, by the Planning Board and the County Council, but does not include a subdivision plan or other developer's plan.

F. **[Bill No. 35-2001³]** South Perry Hall – White Marsh Area. No grading permit or other building permit shall be issued for development pursuant to a development plan approved after February 1, 2001, for any development project that will be accessed from Bucks School House Road or White Marsh Road, until all of the following road projects have been contracted for construction:

- 1. Replace the box culvert under White Marsh Road that crosses the tributary of White Marsh Run located between Perry Ridge Court and Selwin Court.
- 2. Widen the paved section of White Marsh Road between Bucks School House Road and Selwin Court to 20 feet.
- 3. Widen the paved section of Bucks School House Road between Ridge Road and Perry Hall Boulevard to 20 feet.
- 4. Realign horizontal curves along Bucks School House Road so that the minimum radius of the center line for any horizontal curve is not less than 380 feet.

G. Petitions for special variance from provisions of this subsection.

- 1. The Zoning Commissioner may, after a public hearing, grant a petition for a special variance from a provision of this subsection, only to an extent that will not violate that provision's purpose, pursuant to a finding:
 - a. That the demand or impact of the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal; and

³ Editor's Note: This bill provided for the renumbering of former Subsection F as Subsection G. It also stated that the provisions of this subsection shall expire and be of no further effect when all of the road projects listed have been contracted for construction, or May 25, 2004, whichever shall first occur.

**Department of Permits and
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*

October 18, 2004

Ms. Janet Keplinger
8842 Wilson Avenue
Baltimore, Maryland 21234

RE: Zoning Verification for 8800 Block of Wilson Avenue
14th Election District

Dear Ms. Keplinger:

Your recent letters to Timothy Kotroco, Director of Permits and Development Management have been referred to me for reply. Unfortunately such response takes at least 7 to 10 business days and does require a fee of \$10.00. This office will waive the fee at this time due to such a delayed response.

The property known as the 8800 block of Wilson Avenue, Baltimore, Maryland 21234 is currently zoned D.R. 5.5 (Density Residential 5.5 – 5.5 units per acre) per the official Baltimore County Zoning Map NE 8 D (copy of a portion of map enclosed).

Should you have any other questions please do not hesitate calling this office at 410-887-3391.

Sincerely,

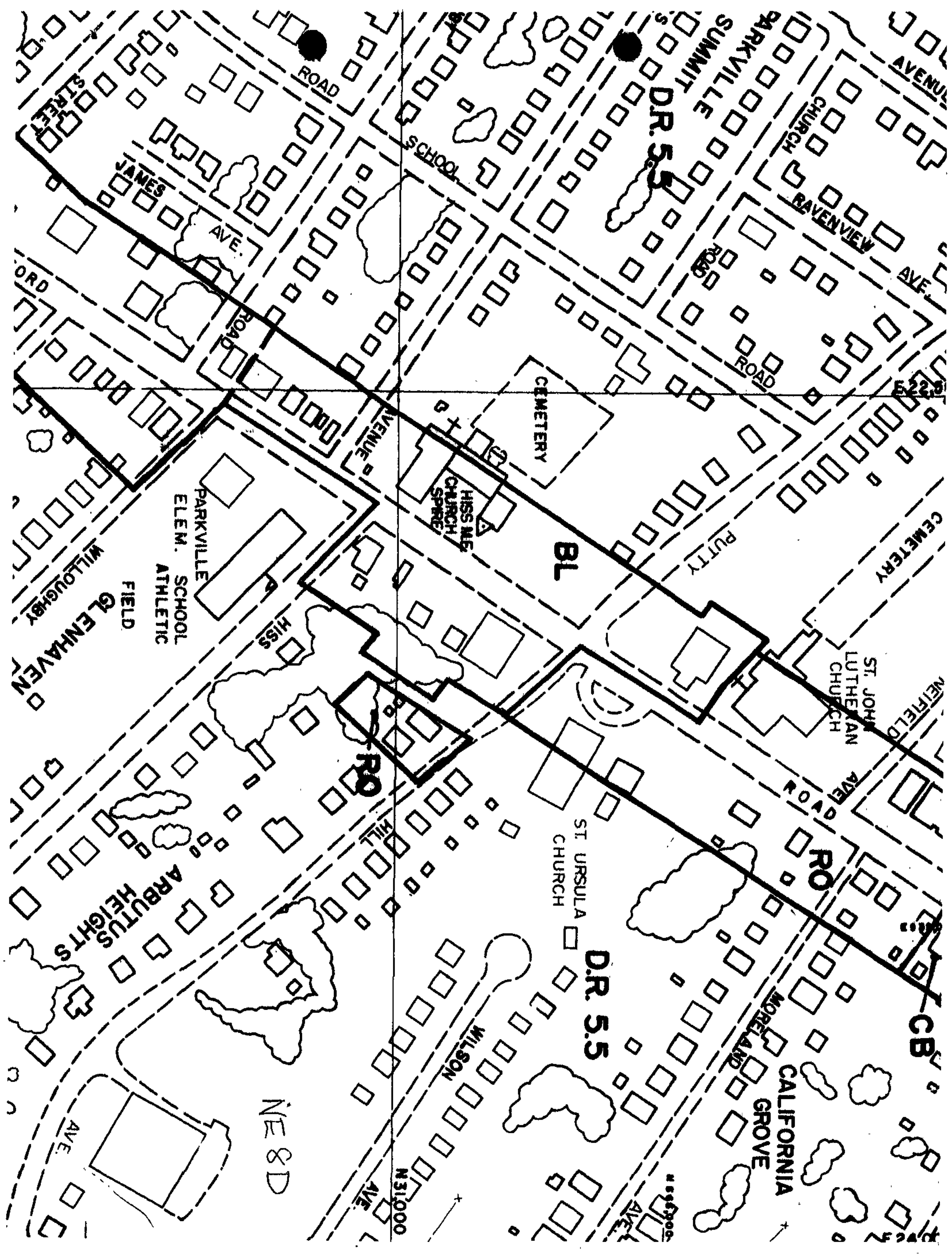
A handwritten signature in cursive script that reads "Donna Thompson".

Donna Thompson
Planner II
Zoning Review

DT

Enclosure

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



**ZONING COMMISSIONERS ORDER -
CASE NO. 96-357-SPH**

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of June, 1996 that the Petition for Special Hearing seeking approval of a reduction of the special exception area supporting an existing telephone company wire center building from 2.2169 acres to 1.441 acres, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their 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 relief granted herein shall be rescinded.

2) Prior to the issuance of any building permits for that area of the subject property to be developed for residential purposes, the Petitioner shall submit a landscape plan depicting a landscape buffer along the west side of the driveway leading into the area of the special exception, to buffer this use from the proposed residential use on the adjoining land.

3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy H. Koprucko
TIMOTHY H. KOPRUCKO
Deputy Zoning Commissioner
for Baltimore County

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 27th day of September, 1996 that the development plan for Putty Hill Avenue - 3014 Property, identified herein as Developer's Exhibit 1, be and is hereby APPROVED, subject to the following restrictions:

1) The Developer shall be required to widen and improve Putty Hill Avenue to the width dictated by Baltimore County along the entire length of their property, including the property in front of Lots 7 and 10, and the property in front of the telephone company wire center.

2) The Developer shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County. Said landscape plan shall include not only the landscaping requirements for this 10-lot residential subdivision, but also that property along the telephone company wire center. That is, there shall be one uniform landscape plan incorporating the 10-lot subdivision and the telephone company wire center property.

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

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

Timothy H. Koprucko
TIMOTHY H. KOPRUCKO
Hearing Officer
for Baltimore County

**ZONING SETBACK
REQUIREMENTS (DR. 5.5)**

From a front building face to a public street right-of-way or property line -- 25 feet

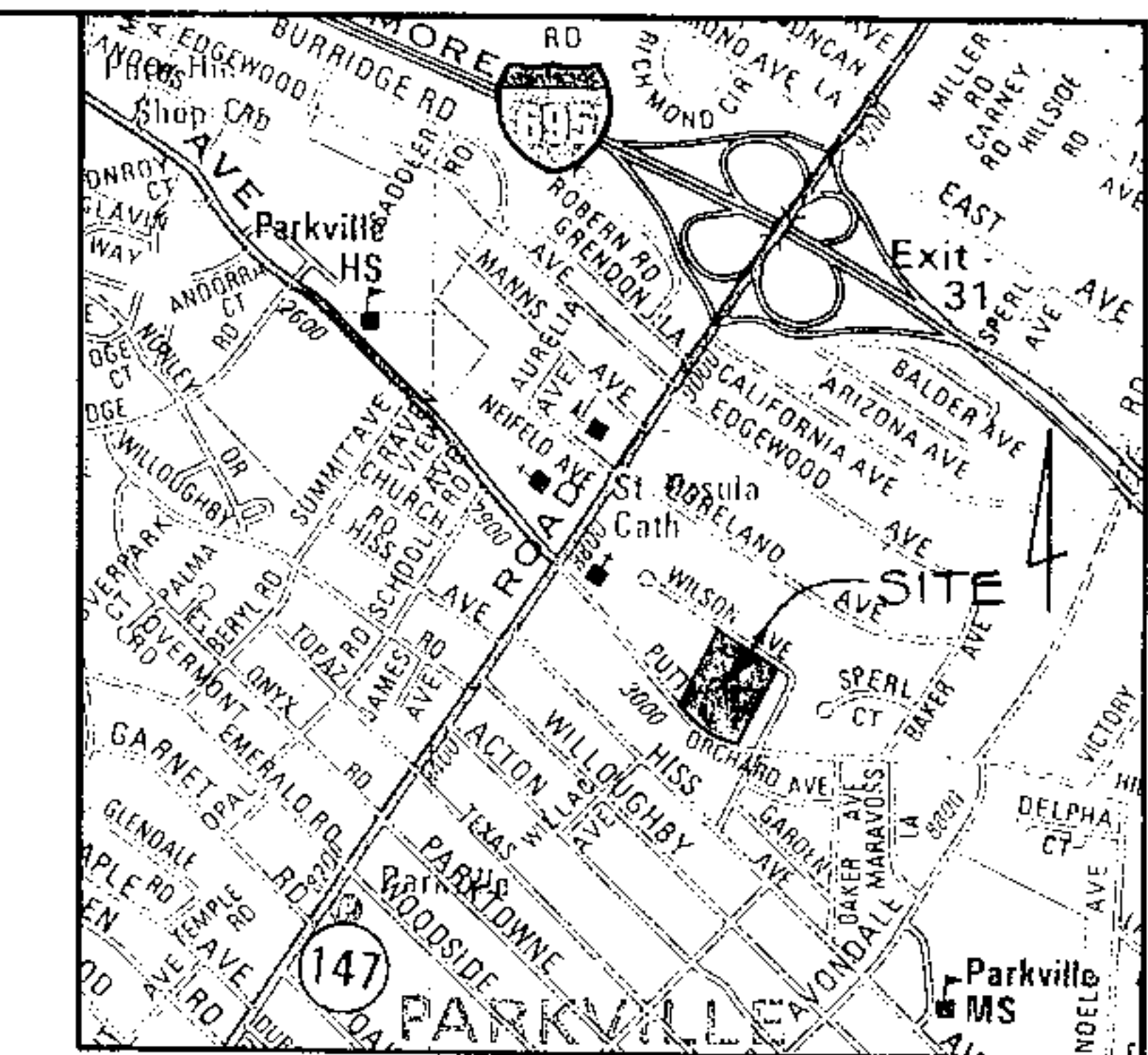
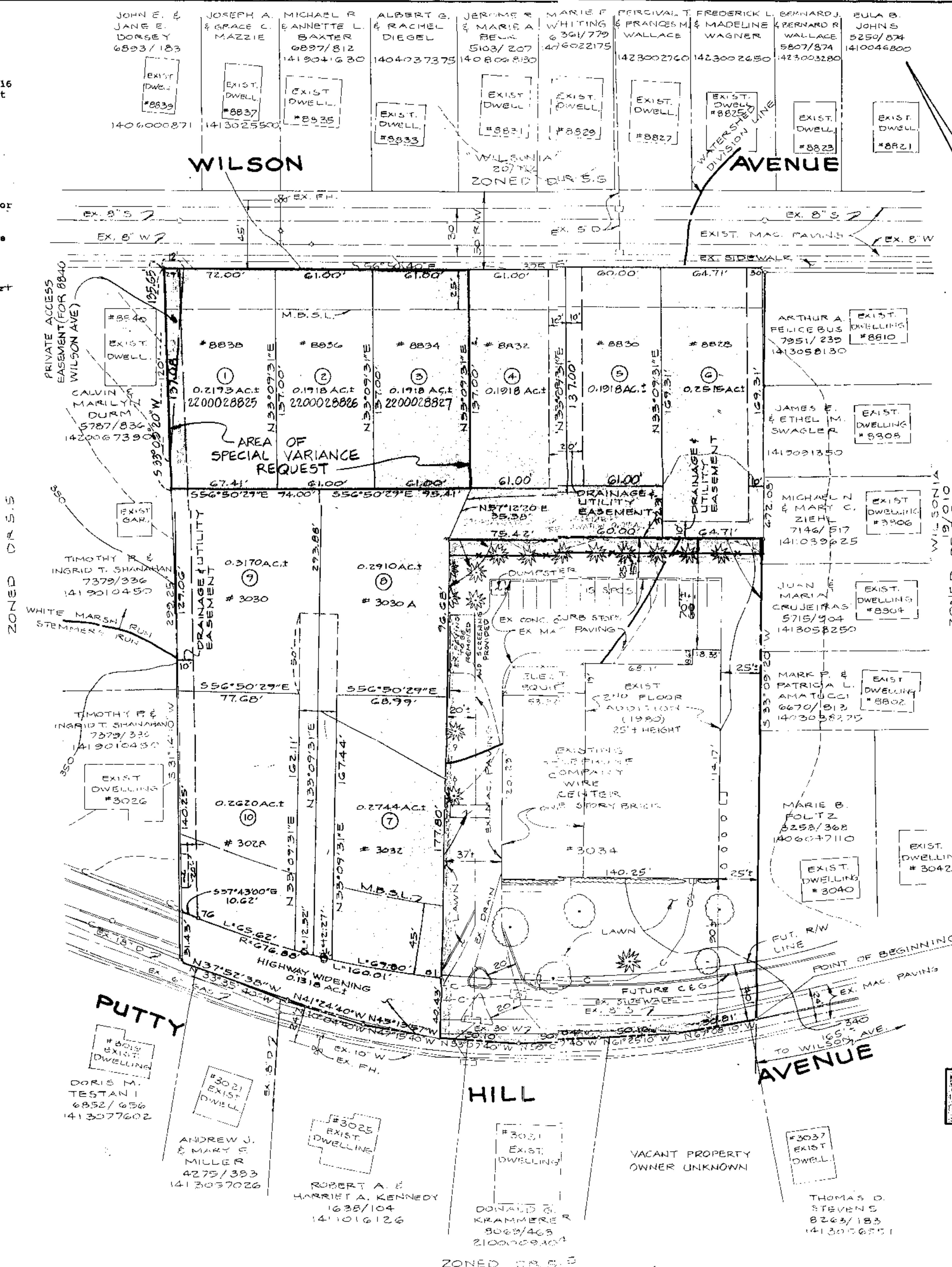
Between side building faces -- 16 feet for buildings up to 20 feet in height, and 20 feet for buildings with heights greater than 20 feet

From a rear building face to a rear property line or public street right-of-way -- 30 feet

From a side building face to a side property line and/or tract boundary -- 15 feet

From side or front building face to the edge of paving of a private road -- 25 feet

Front building setback to a minor arterial road -- 45 feet (Putty Hill Avenue)



VICINITY MAP
SCALE: 1" = 1000'

SITE DATA

GROSS AREA = 4.0393 AC.
EX. ZONING = D.R. 5.5 (MAPS NE 8-D & NE 8-E)
EX. USE = TELEPHONE COMPANY WIRE CENTER BUILDING
EX. NO. OF EMPLOYEES (LARGEST SHIFT) = 11
PARKING REQUIRED = 11
PARKING PROVIDED = 15

GENERAL NOTES

- TOPOGRAPHY SHOWN IS TAKEN FROM BALTIMORE COUNTY 200 SCALE TOPOGRAPHIC MAPS, AERIAL PHOTOS AND FIELD MEASUREMENTS.
- PROPERTY OUTLINE SHOWN IS TAKEN FROM DEED INFORMATION AND PLATS OF SURROUNDING PROPERTIES.
- THERE ARE NO KNOWN WETLANDS, STREAMS, FLOODPLAINS, ENDANGERED SPECIES HABITATS, ARCHEOLOGICAL OR HISTORICAL SITES OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.

ZONING CASE HISTORY

- CASE NO. 2430-S PETITION FOR SPECIAL PERMIT FOR A DIAL TELEPHONE CENTRAL OFFICE WAS APPROVED BY THE ZONING COMMISSIONER ON 12-17-92.
- CASE NO. 81-21-SPH PETITION FOR SPECIAL HEARING TO ALLOW AN AMENDMENT TO THE SITE PLAN OF CASE NO. 2430-S TO ALLOW AN ADDITION TO THE SECOND FLOOR OF THE EXISTING DIAL CENTER AND TO DECREASE THE AREA OF THE SITE THAT WAS PREVIOUSLY APPROVED WAS APPROVED BY THE DEPUTY ZONING COMMISSIONER ON 7-28-90.

GENERAL INFORMATION:

- ALL LOTS COMPLY WITH D.C. SEC. 10A-1.1, 10A-1.2, 10A-1.3.
- THERE ARE NO KNOWN WELL OR SEPTIC SYSTEMS ON SITE.
- NO SLOPES EXIST WHICH ARE GREATER THAN 20%.
- THERE IS NO EXISTING FOREST COVER ON SITE.
- THERE ARE NO KNOWN WETLANDS, STREAMS, FLOOD PLAINS, ENDANGERED SPECIES HABITATS, ARCHEOLOGICAL OR HISTORICAL SITES OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
- TOTAL AVERAGE DAILY TRIPS (A.D.T.) FOR THE SITE IS 100.
- STORMWATER MANAGEMENT QUANTITY CONTROL VARIANCE HAS BEEN APPROVED BY D.E.P.M. PER LETTER DATED 4-18-96. WATER QUALITY MANAGEMENT WILL BE PROVIDED.
- A WATER FLOW LOCAL OR IN PLACE WILL BE APPLIED FOR.
- EXISTING LAND USE WITHIN 100' OF SITE IS SINGLE FAMILY RESIDENTIAL.
- THERE ARE NO RESIDENTIAL TRANSITION AREAS ON THIS SITE.
- ACCESS DRIVES TO LOT 7 AND 10 SHOULD BE FROM THE PANHANDLE.
- THE AREA BETWEEN THE SIGHT LINE AND CURB SHALL BE CLEANED, GRASSED AND LEFT FREE OF ANY OBSTRUCTIONS SUCH THAT ADEQUATE SIGHT DISTANCE IS MAINTAINED.
- FOREST CONSERVATION REGULATIONS WILL BE MET BY PAYING THE INJURY FEE.
- THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON THE PROPOSED LOT AREAS.
- EXISTING TREES ON WIRE CENTER SITE WITHIN THE 400' SIGHT LINE MUST BE PRUNED 5 FEET ABOVE GRADE TO ALLOW FOR ADEQUATE SIGHT DISTANCES.

OWNER:
FDF LLC
8738 STONEHOUSE DRIVE
BALTIMORE, MD. 21043
DEED REF: 20344/51
20344/57
PLAT REFERENCE: 69/45

**DEPUTIES AREA OF
CURRENT SPECIAL
HEARING REQUEST**
0.6029 ACRES ±
26,262 SQ. FT. ±

NOTE:
THE PETITION IS FOR A SPECIAL
VARIANCE TO BALTIMORE COUNTY
ZONING REGULATIONS, SECTION 4A02.4.D

W. DUVALL & ASSOCIATES, INC.
ENGINEERS, SURVEYORS, LAND PLANNERS
430 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
TEL. (410) 583-9571
FAX (410) 583-1513

PLAT FOR SPECIAL VARIANCE
PLAT PREPARED BY:

**HICKS ENGINEERING
ASSOCIATES, INC.**
ENGINEERS, SURVEYORS & PLANNERS
200 EAST JOPPA ROAD - SUITE 402
TOWSON, MARYLAND 21286
TELEPHONE: (410) 484-0001

REVISION BLOCK
REV. 4-17-96 PER DEPT. OF PLANNING
COMMENTS DATED 4/8/96

**PLAN TO ACCOMPANY
PETITION FOR SPECIAL VARIANCE**
8834, 8836 & 8838 WILSON AVENUE
14th ELECT. DIST. BALTO. COUNTY, MD
6th COUNCIL DIST.
SCALE: 1" = 40'
DATE: DEC. 27, 2004
OWNER: ATLANTIC MARLAND INC
ONE EAST FRONT ST
BALTIMORE, MARYLAND 21202
ATTN: MR. R. DOUGLAS DALE 343.4058
DEED REFERENCE: 2593/379
TAX ACCT. NO.: 1403823973
MICROFILMED

05-336-SA