IN RE: PETITION FOR VARIANCE

SW/S Jarrettsville Pike, 55' E of the c/l Richfield Road
(13640 Jarrettsville Pike)
10th Election District
3rd Council District

James M. Green, et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 05-509-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, James M. Green and his wife, Mildred G. Green ("Petitioners"), through their attorney, Jennifer R. Busse, Esquire. Petitioners request a variance from Section 1A07.8.5.b of the Baltimore County Zoning Regulations ("BCZR") to permit an existing dwelling with a 97-foot setback from adjacent agricultural uses in lieu of the minimum required 200 feet, and from Section 1A07.8.B.2 of the BCZR to permit a lot area of 2.86 acres in lieu of the maximum allowed 1.5 acres for proposed Lot 1, and a lot area of 9.81 acres in lieu of the maximum allowed 1.5 acres for proposed Lot 2. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the hearing in support of the request were James and Mildred Green, property owners; Jennifer R. Busse, Esquire, attorney for Petitioners, and Tobi Louise Kester of KCI Technologies, Inc., the consultants who prepared the site plan for the property. The zoning file indicates that the required posting and advertising of this hearing were done in accordance with County requirements. There were no Protestants or other interested persons present.

SERVICE PROPERTY OF THE SERVICE OF T

The subject property is a rectangular shaped parcel located on the west side of Jarrettsville Pike, just south of its intersection with Richfield Lane in the Jacksonville community of northern Baltimore County. The property contains a gross area of 13.514 acres, more or less, zoned R.C. 6 and is improved with a single-family dwelling, known as 13640 Jarrettsville Pike, and several outbuildings. The Petitioners are desirous of subdividing the property to create two lots consisting of 2.8642 acres and 9.8063, acres respectively. Proposed Lot 1 will contain all existing improvements, and proposed Lot 2 will be conveyed to a family member and developed with a single-family dwelling. Prior to the enactment of the 2004 Comprehensive Zoning Maps, the property was zoned R.C.4; however, is now zoned R.C.6. One-family detached dwellings and farms are permitted by right in the R.C. 6 zone. (Section 1A07.3.A, BCZR) On May 3, 2005, the Baltimore County Office of Planning recommended approval of the variances subject to submission of architectural elevation drawings and conformance with the requirements of Section 1A07.10 of the BCZR, which requires among other things, the granting of a permanent preservation easement within the conservancy area. Given that the conservancy area on the property is located within proposed Lot 2, 2.91 acres will be utilized for the proposed residential building lot and the balance (6.91 acres) will be dedicated as the secondary conservancy area. Variance relief is necessary given existing conditions on the property.

Variances may be granted from height and area regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the regulations would result in practical difficulty or unreasonable hardship. Pursuant to Section 307 of the BCZR, variances shall be granted only if in strict harmony with the spirit and intent of the height and area regulations, and only in such

manner as to grant relief without injury to public health, safety and general welfare. This case presents an exceptional circumstance warranting the grant of the requested variance.

Petitioners presented evidence as to the property's uniqueness and the practical difficulties that would arise without the variance relief. There is an existing house and septic reserve area on proposed Lot 1. Because of the proposed subdivision, the required area of the septic reserve area must be upgraded to 10,000 square feet. This area is shown immediately behind the existing dwelling and structures on proposed Lot 1. It is desirable to have a septic reserve area on the same property as the dwelling it serves. Consequently, in order for proposed Lot 1 to include the existing improvements and upgraded septic reserve area, proposed Lot 1 must exceed the 1.5-acre limit imposed by Section 1A07.8.B.2 of the BCZR. Moreover, pursuant to the regulations governing development in the R.C.6 zone, at least 50% of the property must be set aside into a secondary conservancy area. Petitioners only propose, and are only permitted, two lots on their 13.514 acre property. Obviously, in such a situation, at least one of the lots will exceed the 1.5 acre maximum.

The area identified as the secondary conservancy area on this property has traditionally been farmed in cultivated crops. All of this area is shown on proposed Lot 2. It is desirable to keep the agricultural area within one single ownership and thus one lot. Accordingly, proposed Lot 2, which contains the conservancy area, also must exceed the 1.5 acre maximum.

The property's uniqueness is further evidenced by the fact that the existing dwelling on proposed Lot 1 is located within 200 feet of an adjacent, existing agricultural use. This agricultural use is located on the other side of Jarrettsville Pike, across from the property. Petitioners do not propose to construct any structure within 200 feet of adjacent agricultural uses.

There is no indication that the proposal will result in any adverse impact upon the surrounding properties. In the absence of evidence to the contrary and based on the representations of counsel and Ms. Kester, I find that the subject property is peculiar and disproportionately affected by the area regulations contained in Section 1A07 of the BCZR. I further find that strict compliance with Sections 1A07.8.B.5.b and 1A07.8.B.2 of the BCZR would result in a practical difficulty upon the Petitioners and that the granting of the variances in this case is in strict harmony with the spirit and intent of the regulations. Moreover, there will be no injury to the public health, safety or general welfare. As noted above, there were no adverse comments submitted by any County reviewing agency and the Office of Planning and the Department of Environmental Protection and Resource Management favor the proposal.

Pursuant to the advertisement, 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 June 2005, that the Petition for Variance seeking relief from Section 1A07.8.B.5.b of the Baltimore County Zoning Regulations (BCZR) to permit an existing dwelling with a 97-foot setback from adjacent agricultural uses in lieu of the minimum required 200 feet, and from Section 1A07.8.B.2 of the BCZR to permit a lot area of 2.86 acres in lieu of the maximum allowed 1.5 acres for proposed Lot 1, and a lot area of 9.81 acres in lieu of the maximum allowed 1.5 acres for proposed Lot 2, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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 for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.

- 2) Compliance with the recommendations made by the Office of Planning within its revised Zoning Advisory Committee comment dated May 3, 2005 a copy of which is attached hereto and made a part hereof.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

IT IS FURTHER ORDERED that any appeal of this decision must be entered within thirty

(30) days of the date hereof.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

Zoning Commissioner

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



Baltimore County

James T. Smith, Jr., County Executive William J. Wiseman III, Zoning Commissioner

June 10, 2005

Jennifer R. Busse, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE

SW/S Jarrettsville Pike, 55' E of the c/l Richfield Road

(13640 Jarrettsville Pike)

10th Election District – 3rd Council District

James M. Green, et ux - Petitioners

Case No. 05-509-A

Dear Ms. Busse:

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. James M. Green

36 Sunnyview Drive, Phoenix, Md. 21131

Ms. Tobi Kester & Mr. Richard L. Butt, KCI Technologies, Inc.

10 North Park Drive, Hunt Valley, Md. 21030

Office of Planning; DEPRM; People's Counsel; Case File



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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13640 Jarrettsville Pike which is presently zoned __RC-6

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) 1A07.8.B.5(b), 1A07.8.B.2.

To allow a 97' setback of an existing dwelling to adjacent agricultural use and an existing lot area of 2.86 acres in lieu of the mimimum required 200' and maximum allowed 1.5 acres respectively for proposed lot #1 and

To allow a lot area of 9.81 acres in lieu of the maximum allowed 1.5 acres for lot #2.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship of the Zoning Regulations of Baltimore County, to the Zoning law of Dailing or Baltimore County, to the Zoning Regulations of Baltimore County, to the Zoning law of Dailing on Interesting and cannot practically be relocated. The total property area is 13.514 acres and the allowed density 15 2 lots, 13.514 acres cannot be subdivided into 2 lots with each lot having less than 1.5 acres. The existing lot cannot be configured as less than 1.5 acres due the existing lot cannot be configured as less than 1.5 acres due the existing layout.

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

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

Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print	Name - Type or Print 2
Signature	Agnature au- Lion
Address Telephone No.	Name - Type or Print
State Zip Code	Mildred G. Green
Attorney For Petitioner:	Milded H. Heen 40.666-1886
lame - Type or Print	Phoenix MD 71131 City State Zip Code
ignatu(#)	Representative to be Contacted:
ompa	Tobi Louise Kester, PLA AICP CA Name 10 N. Park Dr.
ddress Telephone No.	Address 410,316-7993 Telephone No.
State Zip Code	City Valley MD 21030 State Zip Code
	OFFICE USE ONLY
as No. 05-509 A	ESTIMATED LENGTH OF HEARING
EV 07602 Reviewe	UNAVAILABLE FOR HEARING





10 NORTH PARK DRIVE . HUNE VALLEY, MD 21030-1846 . 410-316-7800 . FAX 410-316-7817

LEGAL DESCRIPTION

LOT 1 2.8642 ACRES MINOR SUBDIVISION OF GREEN PROPERTY 10TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point located 41.16 feet from the beginning of the twelfth or South 74 degrees 19 minutes West 766.05 feet line of the second parcel of land conveyed from James M. Green and Mildred G. Green, his wife, to James M. Green and Mildred G. Green, Trustees of the James M. Green Revocable Living Trust by deed dated March 8th, 1995 and recorded among the Lane Records of Baltimore County, Maryland in Liber 10979, folio 604, said point also being located on the west side of Jarrettsville Road, ultimate eighty feet wide Right of Way. Thence leaving said point so fixed and binding on said west side of Jarrettsville Road, as now surveyed by KCI Technologies, Inc, referring all courses to the Maryland State Grid Meridian, (NAD 83/91),

- 1. Southerly by a line curving to the right having a radius of 8900.93 feet and an arc length of 131.73 feet, subtended by a chord South 09 degrees 36 minutes 58 seconds East 131.73 feet; thence
- 2. South 09 degrees 11 minutes 32 seconds East 126.10 feet; thence leaving said west side of Jarrettsville Road and passing through the second parcel of land described in the aforementioned Liber 10979, folio 604,
- 3. South 75 degrees 49 minutes 42 seconds West 251.62 feet; thence
- 4. South 83 degrees 33 minutes 52 seconds West 450.39 feet to intersect the first or South 00 degrees 45 minutes West 296.89 feet line of the second parcel of the aforementioned Liber 10979, folio 604. Thence binding reversely on said first line,
- 5. North 06 degrees 26 minutes 08 seconds West 77.93 feet to the end of the twelfth or South 74 degrees 19 minutes West 766.05 feet line of the second parcel of the aforementioned Liber 10979, folio 604. Thence binding reversely thereon,
- 6. North 66 degrees 17 minutes 26 seconds East 718.77 feet to the point of beginning.

509

Containing 124,766 square feet or 2.8642 acres of land more or less.

SUBJECT TO a 10 feet wide Revertible Slope Easement running parallel to the west side of Jarrettsville Road, ultimate eighty feet wide Right of Way.

SUBJECT TO a 10 feet wide Use in Common Access Easement centered on the third or South 75 degrees 49 minutes 42 seconds West 251.62 feet line as described above.

BEING a portion of the second parcel of land conveyed from James M. Green and Mildred G. Green, his wife, to James M. Green and Mildred G. Green, Trustees of the James M. Green Revocable Living Trust by deed dated March 8th, 1995 and recorded among the Lane Records of Baltimore County, Maryland in Liber 10979, folio 604.





ENGINIERS • PLANNERS • SCIENIISIS • CONSTRUCTION MANAGERS

10 North Park Drive • Hunt Valley, MD 21030-1846 • 410-316-7800 • FAX 410-316-7817

LEGAL DESCRIPTION

LOT 2 **9.8063 ACRES** MINOR SUBDIVISION OF **GREEN PROPERTY** 10TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point located 40.08 feet from the end of the ninth or South 85 degrees 54 minutes 10 seconds East 800.44 feet line of the land conveyed by T. Albert Andersen, Doris A. Shure and John D. Shure to Jonas H. Whaley and June T. Whaley, his wife, by deed dated February 1st, 1965, and recorded among the Land Records of Baltimore County, Maryland in Liber 4418, folio 593. Said point also being located on the west side of Jarrettsville Road, ultimate eighty feet wide Right of Way, as now surveyed by KCI Technologies, Inc. Thence leaving said point so fixed and binding reversly on said ninth line of the aforementioned Liber 4418, folio 593, referring all courses to the Maryland State Grid Meridian (NAD 83/91)

- 1. South 86 degrees 53 minutes 21 seconds West 763.25 feet to the beginning of said ninth line; thence
- 2. North 05 degrees 21 minutes 08 seconds East 221.40 feet to a Disc found at the end of the second or South 02 degrees 45 minutes West 129.40 feet line of the second parcel of land conveyed from James M. Green and Mildred G. Green, his wife, to James M. Green and Mildred G. Green, Trustees of the James M. Green Revocable Living Trust by deed dated March 8th, 1995 and recorded among the aforementioned Lane Records in Liber 10979, folio 604. Thence binding reversely on said second line,
- 3. North 02 degrees 56 minutes 43 seconds West 129.21 feet to a pipe found at the end of the first or South 00 degrees 41 minutes West 296.89 feet line of the second parcel of land described in the aforementioned Liber 10979, folio 604. Thence binding reversely thereon a portion of said first line,
- 4. North 06 degrees 26 minutes 08 seconds West 218.74 feet. Thence leaving said first line and passing through the land described in the second parcel of the aforementioned Liber 10979, folio 604,
- 5. North 83 degrees 33 minutes 52 seconds East 450.39 feet; thence

- 6. North 75 degrees 49 minutes 42 seconds East 251.52 feet to a point located on the west side of Jarrettsville Road, ultimate eighty feet wide Right of Way, as now surveyed by KCI Technologies, Inc. Thence binding on said west side of Jarrettsville Road,
- 7. South 09 degrees 11 minutes 32 seconds East 67.75 feet; thence
- 8. Southerly by a line curving to the right having a radius of 3294.09 feet and an arc length of 142.36 feet, subtended by a chord South 07 degrees 57 minutes 15 seconds East 142.34 feet; thence
- 9. South 06 degrees 42 minutes 58 seconds East 432.61 feet to the point of beginning.

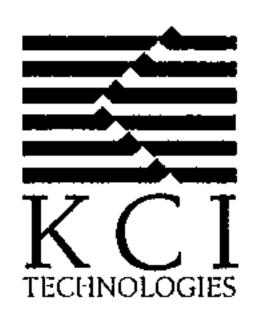
Containing 427,163 square feet or 9.8063 acres of land more or less.

SUBJECT TO a 10 feet wide Revertible Slope Easement running parallel to the west side of Jarrettsville Road, ultimate eighty feet wide Right of Way.

SUBJECT TO a 10 feet wide Use in Common Access Easement centered on the sixth or North 75 degrees 49 minutes 42 seconds East 251.52 feet line as described above.

BEING a portion of the second parcel of land conveyed from James M. Green and Mildred G. Green, his wife, to James M. Green and Mildred G. Green, Trustees of the James M. Green Revocable Living Trust by deed dated March 8th, 1995 and recorded among the Lane Records of Baltimore County, Maryland in Liber 10979, folio 604.





ENGINEERS · PLANNERS · SCIENTISTS · CONSTRUCTION MANAGERS

10 North Park Drive · Hunt Valley, MD 21030-1846 · Phone (410) 316-7800 · Fax (410) 316-7817 · www.kci.com

ZONING DESCRIPTION

PORTION OF MILDRED G. AND JAMES M. GREEN PROPERTY 13.4737 ACRE PARCEL 10TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME in the center of Jarrettsville Pike, being easterly approximately fifty-five feet from the centerline intersection of Jarrettsville Pike and Richfield Road, thence binding on the centerline of said Jarrettsville Pike, as now surveyed by KCI Technologies, Inc, referring all courses to the Maryland State Grid Meridian, (NAD 83/91),

- 1) South 09 degrees 24 minutes 45 seconds East 293.46 feet,
- 2) South 07 degrees 10 minutes 19 seconds East 621.60 feet, thence leaving said road,
- 3) South 86 degrees 53 minutes 21 seconds West 803.33 feet,
- 4) North 05 degrees 21 minutes 08 seconds East 221.40 feet,
- 5) North 02 degrees 56 minutes 43 seconds West 129.21 feet,
- 6) North 06 degrees 26 minutes 08 seconds West 296.67 feet,
- 7) North 66 degrees 17 minutes 26 seconds East 759.93 feet to the point of beginning.

Containing 586,914 square feet or 13.4737 acres of land, more or less.

BEING the same land as described as the second parcel of land conveyed from James M. Green and Mildred G. Green, his wife, to James M. Green and Mildred G. Green, Trustees of the James M. Green Revocable Living Trust by deed dated March 8th, 1995 and recorded among the Lane Records of Baltimore County, Maryland in Liber 10979, folio 604 and located in the 10th Election District.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE



KCI TECHNOLOGIES, INC.

www.kci.com

DATE

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NOTICE OF ZONING HEARING

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

Case: #05-609-A - 13640 Jarrettsville Pike
S/west side of Jarrettsville Pike, 55 feet east of centerline of Richfield Road
10th Election District — 3rd Councilmanic District
Legal Owner(s): James M. & Mildred G. Green
Variance: to allow a 97 foot setback of an existing dwelling to be adjacent agricultrual use and an existing lot area of 2.86 acres in lieu of the minimum required 220 feet and a maximum allowed 1.5 acres respectively for proposed Lot #1, and to allow a lot area of 9.81 acres in lieu of the maximum allowed 1.5 acres for Lot #2. Hearing: Wednesday, May 18, 2008 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

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 5/610 May 3 JT 5/610 May 3

CERTIFICATE OF PUBLICATION

<u>5</u> 5,20 <u>0</u> 5
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 5 3 ,2005.
The Jeffersonian Arbutus Times
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

J. WULLING LEGAL ADVERTISING

CERTIFICATE OF POSTING

•	RE: Case No.: 05 507-7
, of	Petitioner/Developer: JAMES M
	EMILDRED G. GREEN
	Date of Hearing/Closing: MAY 18,20
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 operated conspicuously on the property locat	of perjury that the necessary sign(s) required by law were ed at:
	RETTSUILLE PIKE
,	**************************************
The sign(s) were posted on	APID L 30, 2005 (Monta, Day, Year)
	Sincerely,
	: Dobert Black 5/2/05
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland, 21222
	(City, State, Zip Code)
	. (410) 282-7940
2	(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 3, 2005 Issue - Jeffersonian

Please forward billing to:

James Green 36 Sunnyview Drive Phoenix, MD 21131 410-666-1886

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: 05-509-A

13640 Jarrettsville Pike

S/west side of Jarrettsville Pike, 55 feet east of centerline of Richfield Road

10th Election District – 3rd Councilmanic District

Legal Owners: James M. & Mildred G. Green

<u>Variance</u> to allow a 97 foot setback of an existing dwelling to be adjacent agricultural use and an existing lot area of 2.86 acres in lieu of the minimum required 200 feet and a maximum allowed 1.5 acres respectively for proposed Lot #1, and to allow a lot area of 9.81 acres in lieu of the maximum allowed 1.5 acres for Lot #2.

Hearing: Wednesday, May 18, 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

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

April 12, 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: 05-509-A

13640 Jarrettsville Pike

S/west side of Jarrettsville Pike, 55 feet east of centerline of Richfield Road

10th Election District – 3rd Councilmanic District

Legal Owners: James M. & Mildred G. Green

<u>Variance</u> to allow a 97 foot setback of an existing dwelling to be adjacent agricultural use and an existing lot area of 2.86 acres in lieu of the minimum required 200 feet and a maximum allowed 1.5 acres respectively for proposed Lot #1, and to allow a lot area of 9.81 acres in lieu of the maximum allowed 1.5 acres for Lot #2.

Hearing: Wednesday, May 18, 2005 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: James & Mildred Green, 36 Sunnyview Drive, Phoenix 21131 Tobi Louise Kester, 10 N. Park Drive, Hunt Valley 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 3, 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 <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:
Item Number or Case Number: 05-5094
Petitioner: James Green
Petitioner: <u>James Green</u> Address or Location: <u>13640 Jannetts ville Prke</u>
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address:Same
36 Sunnyview DR
— Phoenix md, 21/31 Telephone Number: 410-666-1886
Telephone Number: 410-664-1884

Department of Permits and Development Management

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





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

May 9, 2005

James M. Green Mildred G. Green 36 Sunnyview Drive Phoenix, Maryland 21030

Dear Mr. and Mrs. Green:

RE: Case Number: 05-509-A, 13640 Jarrettsville Pike

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 7, 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.

U. Call Rill Of

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Tobi Louise Kester KCl Tech, Inc. 10 N. Park Drive Hunt Valley 21030



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

Fire Department

t

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

April 12, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: April 18, 2005

Item No.: 506, 507, 508, (509,)510, 513, 514, 515, 516.

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.

Acting Lieutenant Don W. Muddiman Lieutenant Franklin J. Cook Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 21, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 25, 2005 Item No. 506, 507, 509, 510, 511,

512, 513, 515, 516,

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

DAK:CEN:clw cc: file

ZAC-NO COMMENTS-04212005.doc

BUJA

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: April 22, 2005

APR 2 2 2005

ZONING COMMISSIC

SUBJECT:

13640 Jarrettsville Pike

INFORMATION:

Item Number:

5-509

Petitioner:

James M. Green

Zoning:

RC 6

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning and the Department of Environmental Protection and Resource Management met with the petitioner on several occasions to determine the location of the secondary conservancy area and building envelopes. This office finds that the development is in conformance with the RC 6 performance standards and recommends approval subject to the review of final architectural elevations prior to the issuance of building permits.

Prepared by:

Division Chief:

AFK/LL:MAC:

RECEIVED

DATE: May 3,

BALTIMORE COUNTY, MARYMAND

INTER-OFFICE CORRESPONDE TO COMMISSIONED

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

13640 Jarrettsville Pike – REVISED COMMENTS

INFORMATION:

Item Number:

5-509

Petitioner:

James M. Green

Zoning:

RC 6

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning and the Department of Environmental Protection and Resource Management met with the petitioner on several occasions to determine the location of the secondary conservancy area and building envelopes. This office recommends approval subject to the following:

- 1. Submit final architectural elevations of the proposed structure(s) to this office for review and approval prior to the issuance of building permits.
- 2. Final approval of the proposed plan is contingent upon it conforming with the requirements of Section 1A07.10 of the BCZR (Covenant and Easements in the RC 6 zone).

Prepared by:

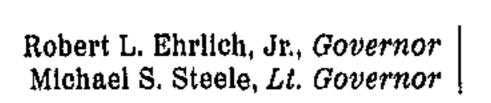
Division Chief:

AFK/LL:MAC:

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ANOSSINO ONO







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

Maryland Department of Transportation

Date: 4 · /2 · 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. 509

772

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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

f. f. Godh

Engineering Access Permits Division

RE: PETITION FOR VARIANCE

13640 Jarrettsville Pike; SW/side Jarrettsville

Pike, 55' E c/line Richfield Road

10th Election & 3rd Councilmanic Districts

Legal Owner(s):James & Mildred Green

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

LOK

BALTIMORE COUNTY

05-509-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 and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel

Old Courthouse, Room 47 400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of April, 2005, a copy of the foregoing Entry of Appearance was mailed to, Tobi Louise Kester, RLA, AICP, CA, c/o KCI Tech., Inc, 10 North Park Drive, Hunt Valley, MD 21030, Representative for Petitioner(s).

RECEIVED

PETE

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

DATE	CASE NUMBER	CASE NAME

PELLICIER'S SIGN-IN SHEET

								Tobolowise Rester	t	Mildred G. GREEN	James M. GREEN	NAME
								10 s. Part Driver	TO NORTH PARK DRIVE	36 SUNNYUNCUS DR	36 SONNY CREWS DP	ADDRESS
								that helper my 2"	HONT VALLEY MD 21030	Procury MD 21131	TROGUNX MD, 2(13)	CITY, STATE, ZIP
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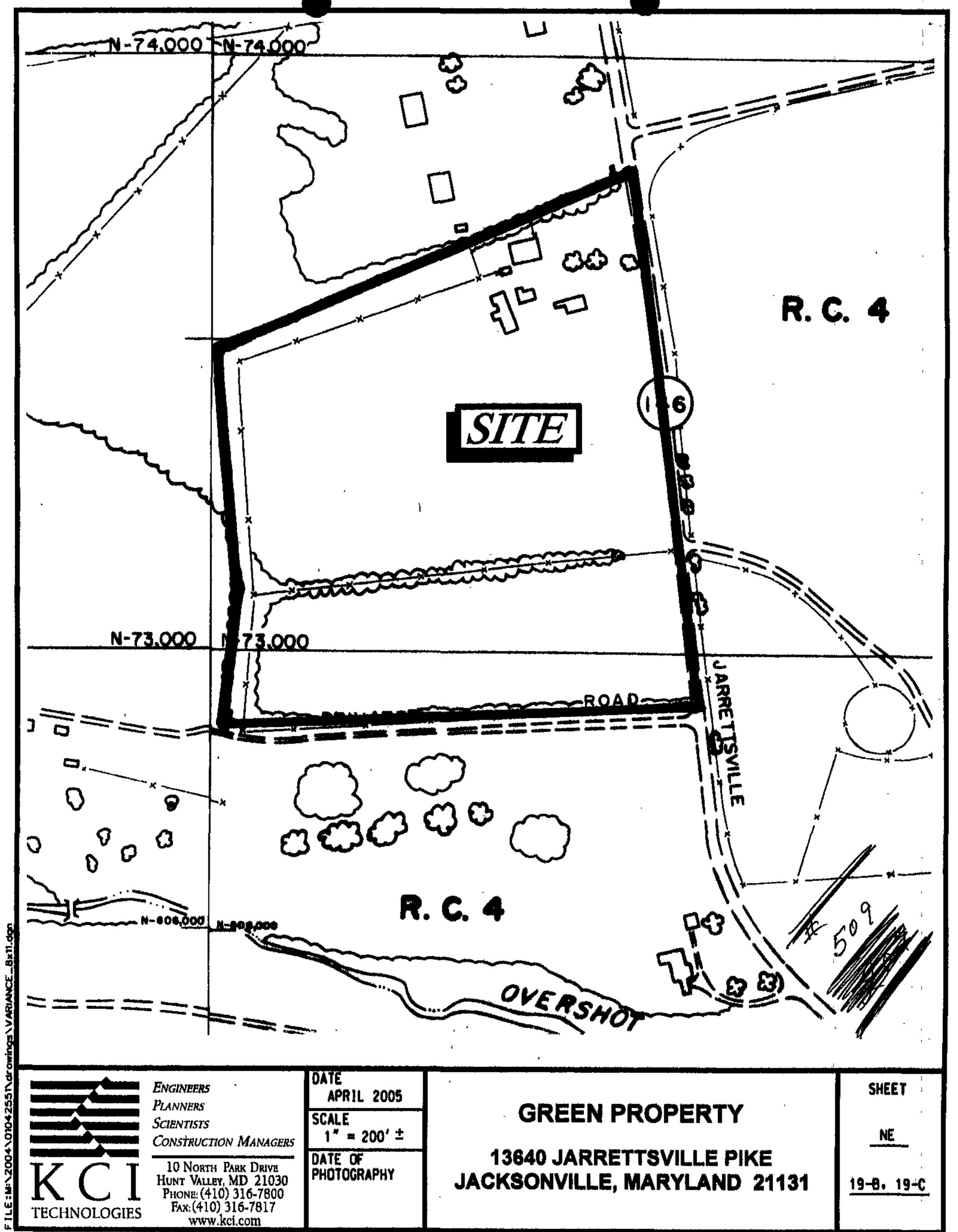
Caga Na	05-509	A
Case No.:		

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		, , , , , , , , , , , , , , , , , , ,
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



TECHNOLOGIES

