| IN RE: DEVELOPMENT PLAN HEARING and                                | * | BEFORE THE                    |
|--|---|-------------------------------|
| PETITION FOR VARIANCE – N/S<br>Chalfonte Drive at W/end Geipe Road | * | ZONING COMMISSIONER           |
| N/end of Neepier Road (Westchester Oaks)                           | * | FOR                           |
| (Westchester Oaks)  Ist Election District  Ist Council District    | * | BALTIMORE COUNTY              |
| Mueller Homes, Inc.<br>Owner/Developer/Petitioner                  | * | Cases Nos. I-521 and 05-561-A |
| Owner/Developer/a chiloner   |   |                               |

### HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a combined hearing pursuant to Section 32-4-230 of the Baltimore County Code (B.C.C.). That Section permits an applicant to request development plan approval and zoning relief through a single public hearing. Pursuant to the development regulations codified in Article 32, Title 4 thereof, the Developer seeks approval of a redlined development plan prepared by KCI Technologies for the proposed residential development of the subject property with 8 single-family detached dwelling units (7 proposed and 1 existing). In addition, variance relief is requested from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an existing accessory building in the front yard, and in the third of the lot closest to a potential street for the property known as 502 Chalfonte Drive (proposed Lot 1). The proposed subdivision and requested relief are more particularly described on the three-page, redlined development plan which was submitted into evidence and marked as Developer's Exhibit 1.

This proposal has been reviewed in accordance with the development review regulations codified in Article 32 of the Baltimore County Code. The process described therein is initiated by the filing of a concept plan, which is a schematic representation of the proposed development. The concept plan is submitted for review at a conference held by and between representatives of

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the Developer and the County at a Concept Plan Conference (CPC). In this case, a concept plan of the proposed development was prepared and a conference held thereon on October 18, 2004. As the name suggests, the concept plan is a schematic representation of the proposed subdivision and is reviewed by and between representatives of the Developer and the reviewing County agencies at the Concept Plan Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the CIM was held on December 7, 2004 at the White Marsh Library. Subsequently, a development plan is prepared, based upon the comments received at the CPC and CIM, and submitted for further review at a Development Plan Conference (DPC) which is again held between the Developer's consultants and reviewing County agencies. In this case, the DPC was held on June 29, 2005. Following the DPC, comments are submitted by the appropriate County reviewing agencies and a revised development plan ("the redlined plan") incorporating these comments is submitted at the Hearing Officer's Hearing, which in this case was held on July 22, 2005. By agreement of all parties, the record of the case was held open for a period of approximately 6-7 weeks for the Department of Environmental Protection and Resource Management (DEPRM) to review and comment on the storm water management proposed for this site and to study hydrology computations. On September 2, 2005, Mr. Seeley of that department advised that all DEPRM and storm water management issues had been satisfactorily addressed. As required, this decision follows.

Appearing at the public hearing in support of the plan was Paul Mueller, Owner/Developer; Tobi Kester, Richard Butt and Ray Hopkins, from KCI Technologies (KCI), the consultants who prepared the development plan; and G. Scott Barhight, Esquire, attorney for

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Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management: Chris Rorke, Project Manager; Dennis Kennedy, Development Plans Review; Eric Rockel and Joe Happel, both from Land Acquisition; and Donna Thompson, Office of Zoning Review. Also appearing on behalf of the County were Curtis Murray, Office of Planning (OP), Jan Cook, Department of Recreation and Parks, and R. Bruce Seeley, Department of Environmental Protection and Resource Management (DEPRM). A few interested citizens appeared, including Michael Pagliore, Barbara Stricker, Holly Ambrose, Rick Ambrose and Steven Jeremenko. Although she did not appear, Carol Erdman requested she be provided with a copy of this Opinion and Order.

The subject property under consideration is a roughly square-shaped parcel located on the northwest corner of Chalfonte Drive and Hahn Avenue in Catonsville. The property contains a gross area of 3.1 acres, zoned D.R.5.5 and is improved with a single-family dwelling known as 501 Chalfonte Drive. As noted above, the Developer proposes a residential subdivision of the property to create 8 single-family dwelling lots. Lot 1 will contain the existing improvements, and the remaining 7 lots will be developed with single-family detached dwellings. As shown on Developer's Exhibit 1, most of the development will occur on the eastern portion of the tract, with access thereto provided by way of the extension of two public roads, Neepier Road and West Geipe Road, which will connect within the interior of the property. These two roads currently dead-end south and east of the subject site. The property will be served by public water and sewer and a water quality facility will be built on the western portion of the property, to the rear of proposed Lots 5 and 6 to serve this proposed development. Other specifics of the

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development plan, including the forest conservation areas, are more particularly described on the plan.

The redlined development plan shows a 60' Highway Widening Area, identified as Parcels C & D, which will be dedicated to Baltimore County to allow for a potential future extension of West Geipe Road running west through the development. Notes 33, 38 and 39 on the plan provide details regarding the fact that this 60' area will bisect the area identified as Parcel A, the Forest Buffer and Forest Conservation Reservation, which will be conveyed to DEPRM. The redlined plan also calls out two areas identified as Parcel B as being conveyed to DEPRM but not being part of the Forest Buffer and Forest Conservation Reservation. Ms. Kester explained that the areas along the west and north boundaries of the property fall within paper roads which, per the Office of Land Acquisition cannot be closed due to rights of others to access open space not located within this property. Therefore, as requested by the County agencies, the areas within Parcel B will be conveyed to the County but will not fall within the Forest Buffer/Forest Conservation Easement. Note 37 on the redlined plan evidences this information, which was confirmed at the hearing by representatives from Land Acquisition.

Pursuant to Sections 32-4-227 and 32-4-228 of the B.C.C., which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, G. Scott Barhight, Esquire, indicated on behalf of the Developer that there were no unresolved issues. There were no open issues identified by any of the representatives from the County agencies.

With regard to meeting the Open Space requirements and as noted on the plan, the Department of Recreation and Parks has approved the payment of a fee in lieu to be paid by the Developer since the plan proposes only 8 single-family detached dwellings. This approval by

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the Department of Recreation and Parks is documented in their letter dated June 29, 2005, which was accepted into evidence as County's Exhibit 1.

Finally, the Developer's Pattern Book, which provides elevations for the proposed single-family detached dwellings and was originally submitted along with the development plan, was amended and thereafter approved by the Office of Planning and accepted into evidence as Developer's Exhibit 2.

The proposed development depicting the extension of the existing dead-end Neepier Road was contested. The opponents are generally residents of the adjacent neighborhoods and reside on Chalfonte Drive and Neepier Road. Written petitions were obtained by Carol Erdman and submitted into evidence as Protestant's Exhibit 1. These petitions contain 92 signatures from the residents who oppose the physical connection between Neepier Road and West Geipe Road. Additionally, and as shown on the plan, the western portion of the tract towards the Durango property contains wetlands, forest buffer and forest easement areas. As for the citizens who appeared, namely Michael Pagliore, Barbara Stricker, Rick and Holly Ambrose and Steven Jeremenko, they generally allege that storm water runoff from the property would further exacerbate an already existing flooding and drainage problem on their properties located south and east of the proposed development. These concerns were thoroughly addressed by Bruce Seeley and Toby Kester.

I do not find any of these issues compelling to warrant a denial of the plan. It cannot be seriously contended that the introduction of in and out traffic movements, interspersed throughout a 24-hour day from 7 new single family homes will create congestion or overburden Neepier Road or Chalfonte Drive. Furthermore, the site is not positioned such that it would be courage the traveling public to use the connection in the Westchester Oak development as a

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shortcut between other arterial roadways. I am appreciative of the fact that the neighbors actually reside in the area and are no doubt familiar with their own properties and conditions in the area. It is clear that the County Council and Department of Public Works recognized the importance of connecting communities with full knowledge of how unpopular this would be among residents and developers. In the larger picture, if every community is at the end of the road, emergency access would be severely limited and traffic circulation non-existent.

The Baltimore County Code is clear regarding the standards that must be applied when the Hearing Officer considers a development plan. The Hearing Officer must approve any plan that satisfies the rules, regulations and policies adopted by Baltimore County regarding development. Based upon the testimony and evidence presented, I find that the Redlined Development Plan as submitted at the hearing and accepted as Developer's Exhibit 1 meets all County rules, regulations and standards for development in Baltimore County and therefore must be approved.

Turning to the Petition for Variance, relief is requested as set forth above, from Section 400.1 of the B.C.Z.R. to permit an existing accessory building to be located in the front yard and in the third of the lot closest to a potential street. Ms. Kester testified that the garage has existed as part of the community since 1940 and is located in the extreme northeast corner of proposed Lot 1, which contains the existing improvements known as 502 Chalfonte Drive. A photograph of this garage was accepted into evidence as Developer's Exhibit 6. Section 400.1 of the B.C.Z.R. requires accessory structures to be located in the rear yard and also requires that for corner lots, accessory structures be located in the third of the lot farthest removed from any street. Ms. Kester further explained that there is an existing potential street (identified on the plan as Hahn Avenue) adjacent to Lot 1 and the subject accessory structure. It is not anticipated

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that Hahn Avenue will ever be a paved street. Thus, in reality, the house orientation will now face West Geipe Road, placing the garage in its proper location.

Finally, the Office of Planning is not opposed to the Developer's request for variance relief. Based upon these factors, I find that the requirements of Section 307 of the B.C.Z.R. have been met for variance relief to be granted. The uniqueness associated with the property includes its unusual features, both the existence of the subject structure, its location on the property, and the fact that Lot 1 lies adjacent to an existing potential street. I find that the Developer would suffer a practical difficulty and unreasonable hardship if relief were denied. Moreover, relief can be granted without incurring a detrimental impact to adjacent properties or the surrounding locale. Thus, I am easily persuaded to grant the requested relief.

Pursuant to the zoning and development regulations of Baltimore County as contained with the B.C.Z.R. and Article 32, Section 4 of the Code, the redlined development plan (Developer's Exhibit 1) shall be approved consistent with the comments contained herein and the Petition for Variance relief, also as shown on Developer's Exhibit 1, shall be granted subject to the restrictions set forth below.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County, this day of September, 2005, that the three-page, redlined development plan for Westchester Oaks, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory building (garage) in the front yard and in the third of the lot closest to a potential street (for proposed Lot 1), in accordance with Developer's Exhibit 1, be and is hereby GRANTED.

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Any appeal of this Order shall be taken in accordance with Baltimore County Code Section 32-3-401 and Section 32-4-281.

WIŁLIAM J. WISEMAN/III

Zoning Commissioner/Hearing Officer for

**Baltimore County** 

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WHLIAM J. WISEMAN/III

Zoning Commissioner/Hearing Officer 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

September 13, 2005

G. Scott Barhight, Esquire Whiteford Taylor & Preston 210 Allegheny Avenue Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING & PETITION FOR VARIANCE NW/S Chalfonte Drive, W/end Geipe Road, N/end Neepier Road (Westchester Oaks)

1<sup>st</sup> Election District – 1<sup>st</sup> Council District Mueller Homes, Inc. – Owner/Developer Case No. I-521 & 05-561-A

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved and the Petition for Variance 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.

WILLIAM J. WISEMAN, III

Zoning Commissioner/Hearing Officer

for Baltimore County

Very truly yours,

WJW:bjs

cc: Mr. Paul Mueller, P.O. Box 115, West Friendship Maryland, 21794 Messrs. Raymond Hopkins and Richard Butt and Ms. Tobi Kester KCI Technologies, Inc., 10 N. Park Drive, Hunt Valley, Md. 21030

Ms. Carol Erdman, 448 Chalfonte Drive, Baltimore, Md. 21228

Mr. & Mrs. Rick Ambrose, 1792 Westchester Avenue, Catonsville, Md. 21228

Ms. Barbara Stricker, 1788 Westchester Avenue, Catonsville, Md. 21228

Mr. Steven Jeremenko, 1790 Westchester Avenue, Catonsville, Md. 21228

Mr. Michael Pagliore, 1928 Oak Lodge Road, Baltimore, Md. 21228

Ms. Chris Rorke, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case/File



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



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THE PARTY

REV 9/15/98

10 No. 05-561-A

### Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 502 Chalforte Drie, Las

\* which is presently zoned DR 5.5 Not West Geipe Rd @ Neepier Rd 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) Please see attached of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Reasons to be presented at 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: Legal Owner(s): Name - Type or Pr Name - Type or Print Signature Name - Type or Print Telephone No. Address Signature City Zip Code State Attorney For Petitioner: Telephone No. Address City Name - Type or Print Representative to be Contacted: Company 410832 2077 Zio Address Telephone No. Telephone No. Zip Code City State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_

Reviewed By \_

UNAVAILABLE FOR HEARING

### ATTACHMENT TO PETITION FOR VARIANCE

Pursuant to BCZR § 400.1, a Variance to permit an existing accessory building in the front yard, and in the third of the lot closest to a potential streetine lieu of the in the required rear yard and in the one-third furthest required from the street.



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**

WESTCHESTER OAKS (FORMERLY TACKS PROPERTY) 3.1015 ACRE PARCEL 1<sup>ST</sup> ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point located at the end of the centerline of Neepier Road, 50 feet wide, being northeasterly approximately 145 feet from the centerline intersection of Neepier Road and Chalfonte Drive, thence leaving said centerline of Neepier Road as now surveyed by KCI Technologies, Inc, referring all courses to the Maryland State Grid Meridian, (NAD 83/91),

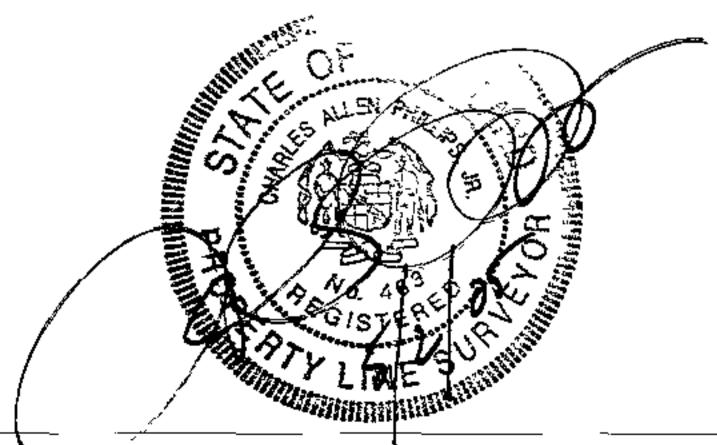
- North 71 degrees 02 minutes 13 seconds West 315.28 feet to the centerline of an existing road, 30 feet wide; thence binding thereon
- 2) North 18 degrees 20 minutes 08 seconds East 303.84 feet to the centerline intersection of said 30 foot wide road and an existing road, 18 feet wide; thence binding on the centerline of said 18 foot wide road
- 3) South 71 degrees 50 minutes 39 seconds East 440.05 feet; thence leaving said centerline of road
- 4) South 18 degrees 17 minutes 51 seconds West 301.04 feet; thence
- 5) North 71 degrees 02 minutes 13 seconds West 125.00 feet to the point of beginning.

**CONTAINING** 135,101 square feet or 3.1015 acres of land, more or less.

**BEING** all of the land conveyed from Wallace L. Treiber and Carol Treiber to Timothy W. Tacks by Deed dated June 5, 1996 and recorded among the Land Records of Baltimore County, Maryland in Liber 11672, folio 711 and a portion of the 30 foot road and 18 foot road as referred to therein, and located in the 1<sup>st</sup> Election District.

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

BE USED FOR CONVEYANCE





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### **ZONING DESCRIPTION**

LOT 1 - WESTCHESTER OAKS (FORMERLY TACKS PROPERTY) 0.3798 ACRE PARCEL 1<sup>ST</sup> ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point located on the northwest side of Hahn Avenue, 30 feet wide, said point being offset 30 feet north of the existing centerline of West Geipe Road, 60 feet wide, at a distance of approximately 249 feet from the centerline intersection of West Geipe Road and Oak Lodge Road. Thence leaving said point so fixed and passing through the tract of land described in a Deed Liber 11672, folio 711, as now surveyed by KCI Technologies, Inc, referring all courses to the Maryland State Grid Meridian, (NAD 83/91),

- 1) North 71 degrees 50 minutes 39 seconds West 73.73 feet; thence
- 2) Northwesterly by a line curving to the right having a radius of 9970.00 feet and an arc length of 66.38 feet, subtended by a chord North 71 degrees 39 minutes 12 seconds West 66.38 feet; thence
- 3) North 18 degrees 09 minutes 21 seconds East 117.78 feet to the centerline of an existing road, 18 feet wide; thence binding thereon
- 4) South 71 degrees 50 minutes 39 seconds East 140.41 feet to intersect the aforementioned northwest side of Hahn Avenue; thence binding thereon
- 5) South 18 degrees 17 minutes 51 seconds West 118.00 feet to the point of beginning.

Containing 16,546 square feet or 0.3798 acres of land, more or less.

**BEING** a portion of the land conveyed from Wallace L. Treiber and Carol Treiber to Timothy W. Tacks by Deed dated June 5, 1996 and recorded among the Land Records of Baltimore County, Maryland in Liber 11672, folio 711 and a portion of the 18 foot road as referred to therein, and located in the 1<sup>st</sup> Election District

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

BE USED FOR CONVEYANCE

KCI TECHNOLOGIES, INC.

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authority of the Zoning Act and Regulations of Hallimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows.

Case: #05-561-A

502 Chalfonte Drive

N/west comer of Hahn Avenue and West Geipe Road 1st Election District — 1st Councilmanic District Legal Owner(s): Mueller Homes, Inc., Paul Mueller, President

Paul Mueller, President
Variance: to permit an existing accessory building in the front yard and in the third of the lot closest to a potential street in lieu of the required rear yard and in the one third of the furthest removed from the street.

Hearing: Friday, July 22, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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.

### CERTIFICATE OF PUBLICATION

| 7/7/,2005   |
|---|
| 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 $\frac{7}{7}$ _,2005. |
| The Jeffersonian  |
| ☐ Arbutus Times   |
| ☐ Catonsville Times   |
| ☐ Towson Times  |
| ☐ Owings Mills Times  |
| ☐ NE Booster/Reporter   |
| ☐ North County News   |
| Phillipa  |

LEGAL ADVERTISING

### CERTIFICATE OF POSTING

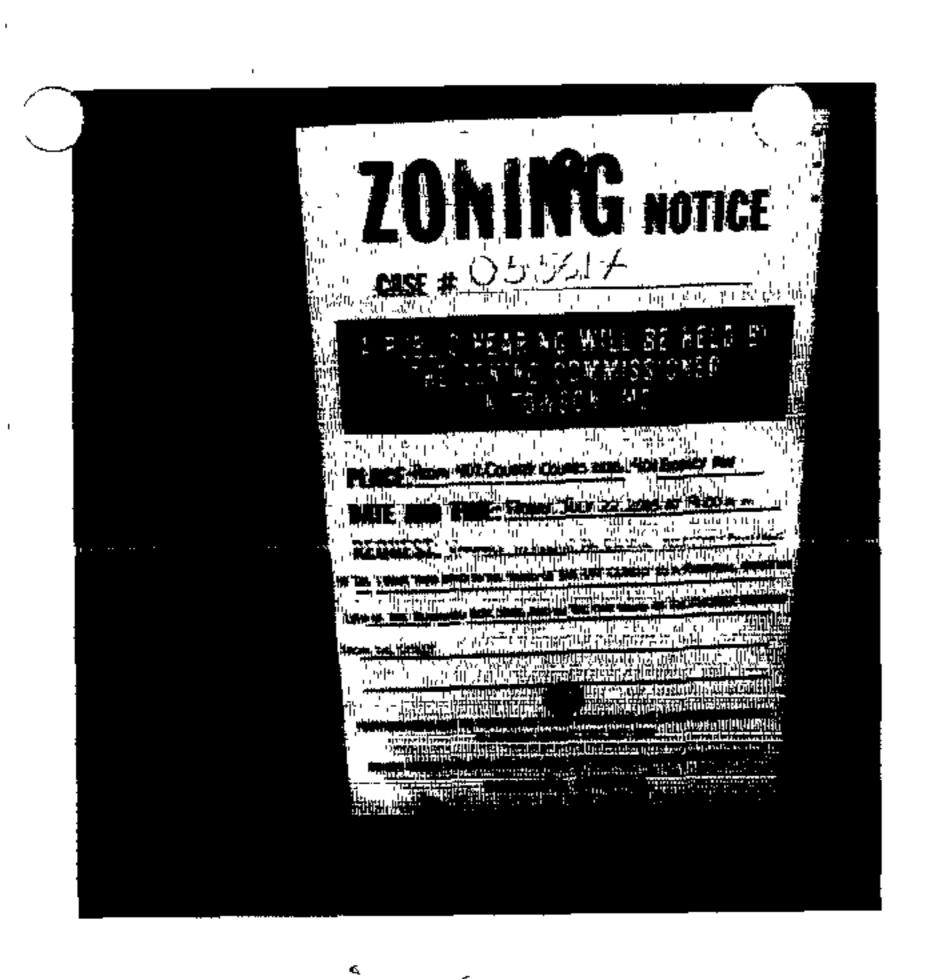
|  | RE: Case No.: 05-561-A                 |
|--|--|
|  | Petitioner/Developer: MUEU.ER          |
| ±  | Homes                                  |
|  | Date of Hearing/Closing: JUGY 22, 2005 |
| Baltimore County Department of<br>Permits and Development Management<br>County Office Building, Room 111<br>111 West Chesapeake Avenue<br>Towson, Maryland 21204 |  |
| ATTN: Kristen Matthews {(410) 887-3394}  |  |

Sincerely,

(Month, Day, Year)

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were

502 CHALFONTEDR - 7 SIGNS POSTED N/W CORNER OF HAHN AVE + WEST GEIPE RD



Ladies and Gentlemen:

posted conspicuously on the property located at:

| (Signature of Sign Poster) 7-6-05 (Date) |
|--|
| SSG Robert Black                         |
| (Print Name)                             |
| 1508 Leslie Road                         |
| (Address)                                |
| Dundalk, Maryland 21222                  |
| (City, State, Zip Code)                  |
| (410) 282-7940                           |
| (Telephone Number)_                      |

### Department of Permits Development Management

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





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

May 25, 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: 05-561-A

502 Chalfonte Drive

N/west corner of Hahn Avenue and West Geipe Road

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Mueller Homes, Inc., Paul Mueller, President

<u>Variance</u> to permit an existing accessory building in the front yard and in the third of the lot closest to a potential street in lieu of the required rear yard and in the one third of the furthest removed from the street.

Hearing: Friday, July 22, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Dino LaFiandra/Jennifer Busse, 210 W. Pennsylvania Ave., Towson 21204 Paul Mueller, 12800 Frederick Rd., Ste. 201, West Friendship 21794

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 7, 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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, July 7, 2005 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse, Esq. Whiteford, Taylor & Preston, LLP 210 West Pennsylvania Avenue Towson, MD 21204 410-832-2077

### **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: 05-561-A

502 Chalfonte Drive

N/west corner of Hahn Avenue and West Geipe Road

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Mueller Homes, Inc., Paul Mueller, President

<u>Variance</u> to permit an existing accessory building in the front yard and in the third of the lot closest to a potential street in lieu of the required rear yard and in the one third of the furthest removed from the street.

Hearing: Friday, July 22, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WHILIAM Y WISEMAN III

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 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: 05-561-A   |       |
| Petitioner: Paul Muelle  |       |
| Address or Location: 502 Charfout CLOT 1) West-chester                                     | - O   |
| PLEASE FORWARD ADVERTISING BILL TO:  Name: <u>Jermy Per R. Busse</u> , Usquire, Preston, a | Taylo |
| Name: <u>Jeronoffer fr. 1300s</u> 05000 1 1051011 1  | -6/   |
| Address: 10 West Pennsylvialia Ave. Swife 400  |       |
| Towson, Mary Land 21204  |       |
|  |       |
| Telephone Number: (410) - 232 - 2077   |       |

### 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

July 11, 2005

Dino C. LaFiandra Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204

Dear Mr. LaFiandra:

RE: Case Number: 05-561-A, 502 Chalfonte Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 2, 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.

W. Calling yours

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

**Enclosures** 

c: People's Counsel
Mueller Homes, Inc. Paul Mueller 12800 Frederick Road Ste. 201 West Friendship 21794
Jennifer Busse 210 W. Pennsylvania Avenue Towson 21204



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

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

**DATE:** May 20, 2005

TO: Timothy M. Kotroco, Director

Department of Permits & Development

Management

Dennis A. Kennedy, Acting Supervisor FROM:

Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting

For May 23, 2005 Item No: 558, 559, 561) 563, 565, 566, 569,

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

DAK:CEN:clw 5 そ !~!

cc: File

ZAC-NO COMMENTS-05202005.doc

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

June 3, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 16, 2005

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

05-557

05-558

05<u>-559</u>

(05-561

05-564

05-566

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

7/20

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-561

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:

VIVED

JUN 2 2005

**DATE:** May 27, 2005

**Division Chief:** 

MAC/LL



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

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

### Maryland Department of Transportation

5.13-05 Date:

RE:

Baltimore County

Item No. 561 JRF

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

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

1. 1. Gued

Engineering Access Permits Division

PETITION FOR VARIANCE RE:

BEFORE THE

N of W Geipe Road and Neepier Road;

NW corner of Hahn Avenue and W Geipe Rd\*

1<sup>st</sup> Election & 1<sup>st</sup> Councilmanic Districts

L.O.: Meuller Homes, Inc by

**FOR** 

Paul Meuller, President

Petitioner(s)

\*

BALTIMORE COUNTY

ZONING COMMISSIONER

05-561-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 12<sup>th</sup> day of May, 2005, a copy of the foregoing Entry of Appearance was mailed to, Dino LaFiandra, Esquire, Whiteford, Taylor & Preston, LLP, 210 West Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

DH

Case No.: PDM: I-521 Westchester CAKE

05-56/A EXH.B.T-6

Exhibit Sheet

SEE POM FILE FOR EXHIBITS

Petitioner/Developer

Protestant

| No. 1  | RED LINE DEVELOPMENT            | Neighbortbood ROAD Connector |
|--------|---------------------------------|------------------------------|
| No. 2  | PAHERN BOOK                     |                              |
| No. 3  | TOBI KESTER - RESUME            |                              |
| No. 4  | LEHER OF 5/24/04                |                              |
| No. 5  | LEHER OF 5/18/04                |                              |
| No. 6  | PHOTO OF ACCESSARY<br>STRUCTURE |                              |
| No. 7  |                                 |                              |
| No. 8  |                                 |                              |
| No. 9  |                                 |                              |
| No. 10 |                                 |                              |
| No. 11 |                                 |                              |
| No. 12 |                                 |                              |

T - 521

Case No.:

### County Exhibits

| No. 1  | RECHARKS WAIVER |
|--------|-----------------|
| No. 2  |                 |
| No. 3  |                 |
| No. 4  |                 |
| No. 5  |                 |
| No. 6  |                 |
| No. 7  |                 |
| No. 8  |                 |
| No. 9  |                 |
| No. 10 |                 |
| No. 11 |                 |
| No. 12 |                 |
|        |                 |

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER I -521 DATE

## PETITIONER'S SIGN-IN SHEET

| E-MAIL           |           |                          |                     |  |  |  |  |  |  |  |  |
|------------------|-----------|--------------------------|---------------------|--|--|--|--|--|--|--|--|
| CITY, STATE, ZIP | my of     | HUNTY VALLEY NOT 2 10 30 | Z<br>A              |  |  |  |  |  |  |  |  |
|                  | SII XOSIG | 10 N PROLZE              | 16 NORTH PRRK DRIVE |  |  |  |  |  |  |  |  |
| NAME             | MUELLER   | TOPS KESTER LEGITAS      | 1 art               |  |  |  |  |  |  |  |  |

PLEASE PRINT CLEARLY

CASE NAME (UCSTCHESTER CASE NUMBER

### CITIZEN'S SIGN-IN

| E-MAIL  |                    |
|---|--------------------|
| CATTY, STATE, ZIP  CATTOWSVILLE, WID 21228  COTOWSVILLE, WID 21228                | BALTIMORE MD 21228 |
| 1928 Che Ledge Ro<br>1783 Westchegter Ave<br>1793 WESTENESTER AVE                 | 448 CHALEONTE DR   |
| Michael Factorier  * BARBARA STRICKER FILLY AMBROSE RICH AMBROSE STEVEN JEREMEWED | CAROL EPAMAN       |

PLEASE PRINT CLEARLY

CASE NAME (L) EST CHEST CRON CASE NUMBER DATE 1/22/05

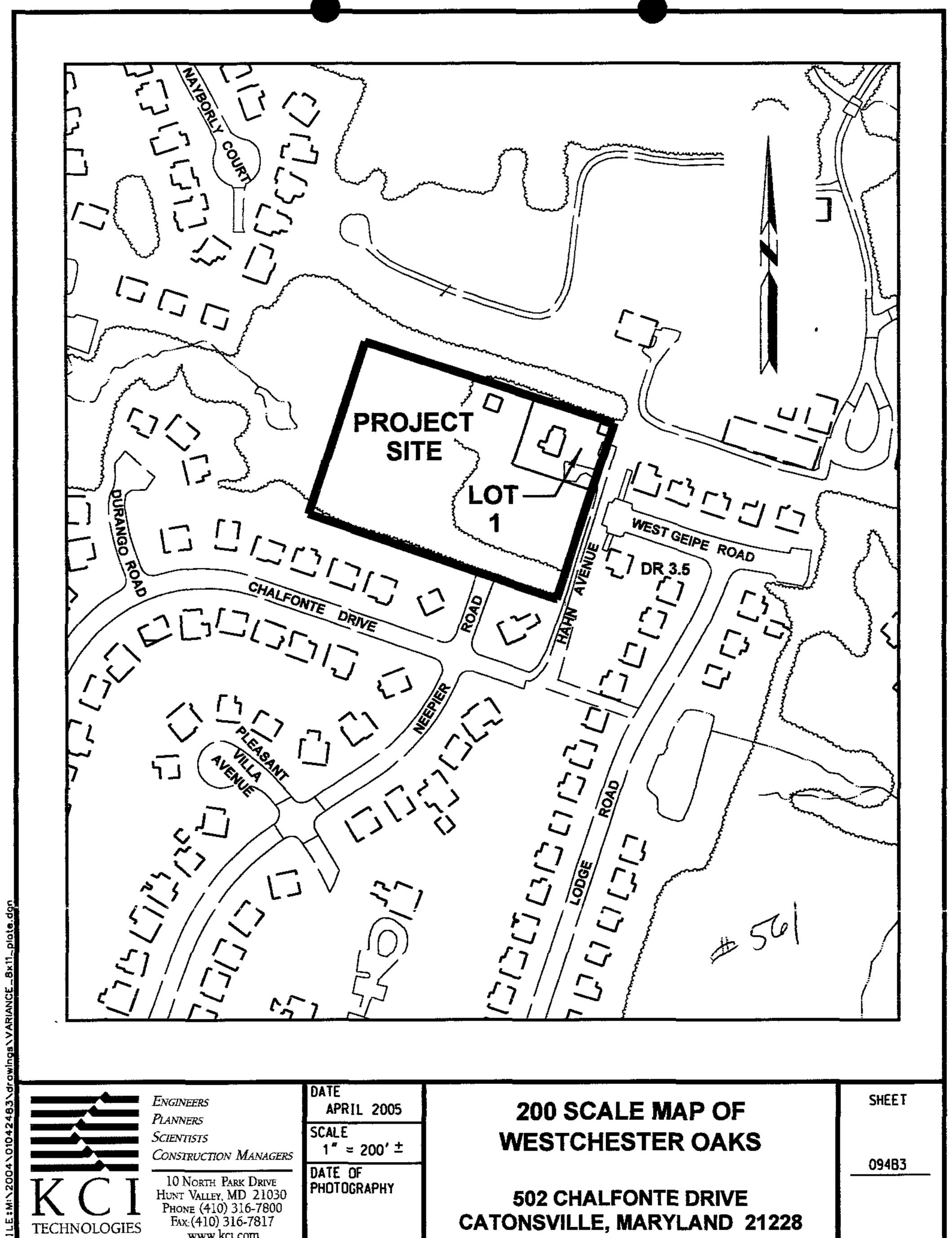
# COUNTY REPRESENTATIVE'S SIGN-IN SHEE

| E-MAIL   |  |  |
|--|--|--|
| CITY, STATE, ZIP   |  |  |
| ADDRESS Land Acausinois Der. Plan Review Land Acavisition Rese & Fones DEMM.   |  |  |
| Dennis Kennedy  Eac Rockel  San Cook  Raye Soeley  Raye Soeley  Donnis Thankon |  |  |



DEVELOPER'S

EXHIBIT NO.





**ENGINEERS PLANNERS** 

**SCIENTISTS** CONSTRUCTION MANAGERS

10 North Park Drive Hunt Valley, MD 21030 Phone (410) 316-7800 Fax-(410) 316-7817 www.kci.com DATE APRIL 2005

SCALE 1" = 200' ±

DATE OF PHOTOGRAPHY

200 SCALE MAP OF **WESTCHESTER OAKS** 

**502 CHALFONTE DRIVE** CATONSVILLE, MARYLAND 21228 SHEET

094B3

