NOTER RECEIVED FOR FILING

IN RE: PETITION FOR VARIANCE S/S of Jerusalem Road, 1,960 ft. NE c/l of Glenbauer Road 11th Election District 3rd Councilmanic District

(12439 & 12443 Jerusalem Road)

Samuel Hammaker Petitioner

*BEFORE THE

DEPUTY ZONING COMMISSIONER *

OF BALTIMORE COUNTY

ж CASE NO. 06-015-A

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by Michael Trush, President of the Greater Kingsville Civic Association.

The Petitioner originally filed a request for variance for property located at 12439 & 12443 Jerusalem Road in the Nottingham area of Baltimore County. The relief was requested from Section 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit detached accessory structures (2) exceeding 15 ft. in height to be located in the front yard in lieu of the maximum 15 ft. height and rear yard location.

On October 21, 2005 the variance request was granted with conditions that the Petitioner comply with the revised comments from the Office of Planning dated October 19, 2005.

On November 18, 2005, the Greater Kingsville Civic Association (GKCA) has filed a timely Motion for Reconsideration of the Order dated October 21, 2005. Within their Motion, the GKCA has raised concerns about the RC 5 setback still being listed and shown on the building envelope as 75' instead of the 150' setback that is required for a collector road or a Scenic Route, and that the plan should also state that Jerusalem Road is a Scenic Route, as their Board has observed on other plans. They were also concerned about the second proposed driveway, which violates not only the letter but also the spirit and intent of the Comprehensive Manual of Development Policy Development Guidelines for Scenic Routes.

Thereafter the Petitioner and the Association entered into extensive negotiations which resulted in an agreement in principle as indicated by the letter dated March 22, 2006 and clarification letter dated March 30 2006 from The Greater Kingsville Civic Association.

An issue was raised by the Association that Petitioner's exhibit 3, the amended site plan, shows the existing dwelling which will be converted to a garage is 56 feet to the centerline of Jerusalem Road. They were concerned that the proper distance to the center of the road in RC 5 zones is 150 feet on collector or scenic roadways. The question then is whether or not another variance is needed?

The dimension "150 feet" is specified as the distance from a collector road or scenic route to any "principal building" in Section 104.3B2b. The proposed use is for a garage so that no additional variances are needed.

The primary issue is how to properly mitigate the impact on scenic Jerusalem Road of the two driveway connections proposed by the Petitioner. Apparently the Parties entered into protracted negotiations during which the Community Association designed and the Petitioner accepted a landscape plan as shown on Joint exhibit 1. From the correspondence the Petitioner had some additional concerns thereafter that the County would hold him to planting the exact choice of plantings shown on the exhibit. The Association agreed that he could substitute equivalent plantings within the spirit and intent of the agreement as indicated in their March 30, 2006 letter in the file.

After due consideration of the arguments raised by the GKCA, the agreements between the parties and a further review of my Opinion and Order, I am hereby convinced that the landscape plan now included in the file as Joint Exhibit 1, will sufficiently mitigate the impact of the two driveways on Jerusalem Road. Therefore I will continue to grant the variances requested but add conditions.

WHEREFORE IT IS ORDERED this __3_ day of April 2006 that the protestant's Motion for Reconsideration is hereby GRANTED to the extent that this Commission's Order of October 21, 2006 is hereby modified by adding the following conditions;

- 1. The Petitioner shall comply with the landscape plan attached and marked a Joint exhibit 1 and may substitute plantings of equivalent character and size within the spirit and intent of the parties' agreements.
- 2. The Petitioner shall comply with the Revised ZAC comment dated October 19, 2005 by the Office of Planning.

IT IS FURTHER ORDERED that all other terms and conditions of this Commission's October 21, 2005 Order not modified in this Order shall continue in full force and effect

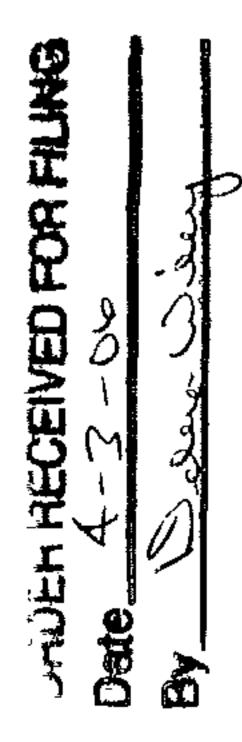
Any appeal of this decision shall be made within thirty days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:dlw





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

Samuel Hammaker 4021 Putty Hill Avenue Nottingham, Maryland 21236

Re: Motion for Reconsideration and

Petition for Variance Case No. 06-015-A

Property: 12439-12443 Jerusalem Road

Dear Mr. Hammaker:

Enclosed please find the decision rendered in the protestants' Motion for Reconsideration. The Motion has been granted to the extent of additional conditions in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:dlw Enclosure

c: Bruce E. Doak, Esq., Gerhold, Cross & Etzel, Ltd., Ste. 100, 320 E. Towsontown, Blvd., Towson, MD 21286

Robin Beers, Greater Kingsville Comm. Assoc., 12442 Jerusalem Rd., Kingsville, MD 21087

Leigh Keller, P.O. Box 174, 12233 Jerusalem Road, Kingsville, MD 21087 Case File

CHOCH RECEIVED FOR FILE

IN RE: PETITION FOR VARIANCE
S/S of Jerusalem Road, 1,960 ft. NE
Centerline of Glenbauer Road
11th Election District
3rd Councilmanic District
(12420 & 12442 Jerusalem Boad)

(12439 & 12443 Jerusalem Road)

Samuel Hammaker Petitioner BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-015-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Samuel Hammaker. The variance request is for property located at 12439 and 12443 Jerusalem Road in Baltimore County. The variances requested are from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit detached accessory structures (2) exceeding 15 ft. in height to be located in the front yard in lieu of the maximum 15 ft. height and rear yard location. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The property was posted with Notice of Hearing on August 11, 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 August 16, 2005, to notify any interested persons of the scheduled hearing date.

Amended Variance

The Petitioner clarified his requests for a variance for the height of the existing structures. He indicated that these would not to exceed 18 feet. Fifteen feet is the maximum allowed under the regulations. No limit was specified in the initial petition. In addition the Petitioner revised the Plat to Accompany, Petitioner's exhibit 1, during the hearing to incorporate a dual entrance on Jerusalem Road and horseshoe driveway configuration. This change had not been reviewed by the

CENTROLL DOLLING

County agencies at the time of the hearing and because of the potential impact of the change on Jerusalem Road, a designated scenic roadway, the revised plan was circulated among the reviewing County agencies. Revised comments from the Office of Planning were subsequently received as below.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated August 30, 2005, a copy of which is attached hereto and made a part hereof. In addition after the hearing, the Petitioner reconfigured the proposed driveway as shown by Petitioner's exhibit 3. In response thereto the Office of Planning submitted revised comments dated October 19, 2005 recommending to retain existing vegetation along Jerusalem Road and provide additional screening, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request was Samuel Hammaker, Petitioner. Bruce Doak of Gerhold, Cross & Etzel, Ltd. appeared on behalf of the Petitioner and prepared the plat to accompany. Robin Beers, representing the Greater Kingsville Civic Association, attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Applicable Law

Section 307 of the B.C.Z.R. – Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign 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 Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such

variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 1.51 acres and is zoned RC 5. The property is presently improved by three existing dwellings and a garage. The lot is approximately 156 ft. wide by 417 ft. long. All present improvements are located near Jerusalem Road.

The Petitioner would like to build a new home on the rear of the property as shown in Exhibit 3. The front of the new home would then face Jerusalem Road making all existing structures located in the front yard. Thus the need for one variance.

The Petitioner plans to raze the main dwelling and garage, convert one dwelling to a garage, and convert the other dwelling to a storage shed. The converted garage and storage shed already exist and exceed the 15 ft. maximum height limitation for accessory structures. Thus the need for the second variance. However, the Petitioner would also like to modify the roofline to make the structures more attractive, but in any case the new roof line will not exceed 18 ft. The Petitioner indicated that he agreed to follow the recommendations of the Office of Planning and would work with the community association on architectural features.

Ms. Beers first indicated several technical changes that needed to be made to the Plat to Accompany, which the Petitioner agreed and changed the plan accordingly. She raised a question regarding two entrances on Jerusalem Road. The Petitioner would like to continue to use part of the existing driveway as well as design and build a new driveway from Jerusalem Road to the new home at the rear of the property. The existing driveway is shown in red on Exhibit 1. This would

result in a horseshoe driveway configuration with two entrances on Jerusalem Road and a spur to the new home in the rear. The Petitioner explained that not only would it be costly to remove the existing driveway but he was concerned that he would not be able to readily enter the garage (converted dwelling) from a straight driveway between Jerusalem Road and the new structure. He noted, as shown in photograph 2M, that the land rises steeply from Jerusalem Road. Garage doors on the reconstructed dwelling are practical only on the east side. Thus a vehicle must enter the garage from the east which only the circular drive would allow. The straight driveway from Jerusalem Road will have to come very close to the garage making turning into the garage difficult.

Ms. Beers indicated that her organization generally supports the Petitioner's efforts. In addition, she would like the Petitioner to preserve the most vegetation possible along scenic Jerusalem Road. The Petitioner agreed. In addition, she indicated that her organization opposes curbs and lighting on the roadway. Again the Petitioner agreed.

Subsequent to the hearing the Petitioner refined the horseshoe configuration of the driveway as shown on Petitioner's exhibit 3. This configuration shows the side entrance to the proposed garage and two entrances on Jerusalem Road.

Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request in that three dwellings already exist on this property. Clearly, these structures are nonconforming and perhaps could be shown to have been built before the zoning regulations were imposed allowing them to continue. However, rather than pursue the nonconforming approach, the Petitioner would like to replace all three dwellings and bring the property into conformance except where variances are requested. Consequently, I find the property unique from a zoning standpoint.

SECRIVED FOR FLEE

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The converted structures already exceed the height limit and are located in the front yard instead of the rear yard. If the regulations were strictly enforced, the Petitioner would have to raze all the buildings, which I find would be a hardship. There is no reason he cannot retain some use of these structures. Fortunately this will not be as dwellings.

There will be no increase in residential density beyond that otherwise allowable by the Zoning Regulations. In fact, three dwellings are replaced with one. Finally, I find these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The proposed use is a net improvement to the neighborhood.

The only controversy in this case is whether or not to allow two entrances on Jerusalem Road. This request was made at the hearing and not reviewed by the cognizant agencies. This is particularly important as Jerusalem Road had been designated as a scenic highway. The Petitioner submitted a revised and refined configuration for the driveway as shown on Petitioner's exhibit 3. The Planning Office reviewed the new exhibit and recommended retaining existing vegetation and additional plantings on the road because of the possible impact of two entrances on this scenic roadway. I find that this will minimize any adverse impact on the scenic roadway.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this Alay of October, 2005, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow detached accessory structures (2) to be

18 feet in height in lieu of the required 15 ft. and to allow these structures to be located in the front yard in lieu of the required rear yard location, be and it are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

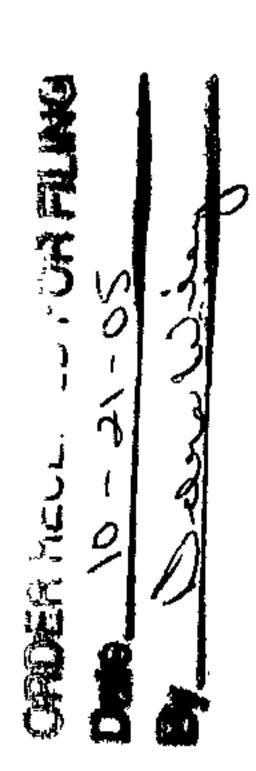
- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;
- 2. Compliance with the Revised ZAC comments made by the Office of Planning dated October 19, 2005, a copy of which is attached hereto and made a part hereof.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



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

OCT 1 9 2005

ZONING COMMISSIONER

DATE: October 19, 2005

SUBJECT: 12439-12443 Jerusalem Road

INFORMATION:

Item Number: 6-015 (revised comment)

Petitioner: Samuel Hammaker

Zoning: RC 5

Requested Action: Variance

The property is located along Jerusalem Road, which is a Baltimore County *Master Plan 2010* designated scenic route. The petitioner is requesting the above referenced height variance to permit two existing dwellings to be converted into a storage shed and the other into a garage. In addition to the aforementioned there are two additional existing structures (dwelling and garage) on the subject property that the petitioner proposes to raze.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit two existing structures (to be converted to accessory) with a height exceeding 15 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities. Any existing sleeping quarters, living area, kitchen or bathroom facilities shall be removed as structures are converted to accessory.
- 2. The accessory structure shall not be used for commercial purposes.
- 3. Any modification or alterations to the exterior of the existing structures shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permits. The modifications or alterations shall not compromise the scenic views and character of Jerusalem Road.

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The Office of Planning recommends the said comments imposed on the original site plan accompanying the above referenced variance be imposed on the redlined plan submitted on October 19, 2005 (see attachment) in addition the following:

- 1. Retain existing vegetation along Jerusalem Road.
- 2. In areas where internal impervious surfaces are visible from Jerusalem Road, provide additional screening to mitigate such impact on the scenic character of Jerusalem Road.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-

887-3480.

Prepared by:/

Division Chief:

AFK/LL: CM

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

October 20, 2005

Samuel Hammaker 4021 Putty Hill Avenue Nottingham, Maryland 21236

> Re: Petition for Variance Case No. 06-015-A

Property: 12439-12443 Jerusalem Road

Dear Mr. Hammaker:

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

John V. Murphy

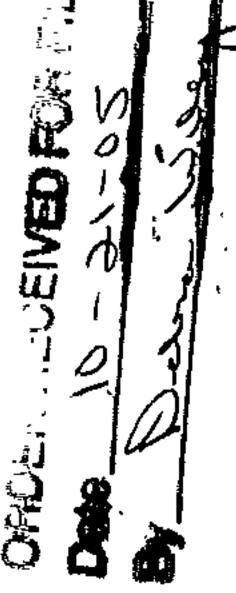
Deputy Zoning Commissioner

JVM:dlw Enclosure

Bruce E. Doak, Esq., Gerhold, Cross & Etzel, Ltd., Ste. 100, 320 E. Towsontown, Blvd., Towson, MD 21286

Robin Beers, Greater Kingsville Comm. Assoc., 12442 Jerusalem Rd., Kingsville, MD 21087

Leigh Keller, P.O. Box 174, 12233 Jerusalem Road, Kingsville, MD 21087







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Petition for Variance

to the Zoning Commissioner of Baltimore County

	•
for the property located at 2439 - 12443 Jecusalem	Rasel
	1-000
which is presently zoned R.C. 5.	
•	

I/We do solemnly declare and affirm, under the penalties of

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) 400.1, 400.3

TO PERMIT DETACHED ACCESSORY STRUCTURES (2) EXCEEDING 15' IN HEIGHT TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE MAXIMUM 15' HEIGHT AHD REARYARD LOCATION

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

TO BE DISCUSSED. AT THE 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.

	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	Sambel Hanymaker Name - Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	3316 Putty Hill Avenue (410) -925-1567 Address Telephone No.
Name - Type or Print	Baltimore Haryland Z1234 City State Zip Code
Signature	Representative to be Contacted:
Signature	Gerhold, Cross, & Etzel, Ltd Hike Alexander
Telephone No. City State Zin Code	320 E. Towsontown Blvd. Ste. 100 Address Telephone No.
	Towson, Maryland 21286 (410)-823-4470 City State Zip Code
	OFFICE USE ONLY
2 se No. 06 -015 - A	ESTIMATED LENGTH OF HEARING
911.198	UNAVAILABLE FOR HEARING Date 7/5/05



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gceiimited.com

June 28, 2005

Zoning Description 12439-12443 Jerusalem Road

All that piece or parcel of land situate, lying and being in the Eleventh Election District and Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning at a point in the centerline of Jerusalem Road 1,960 feet more or less northeasterly along the centerline of Jerusalem Road from its intersection with the centerline of Glenbauer Road, thence leaving Jerusalem Road and running thence, (1) South 05 degrees 31 minutes East 417.40 feet, (2) North 84 degrees 29 minutes East 156.54 feet, (3) North 05 degrees 31 minutes West 417.40 feet to the centerline of Jerusalem Road, and thence running along said centerline, (4) South 84 degrees 29 minutes West 156.54 feet to the point of beginning.

Containing 65,340 sq. ft. or 1.500 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

7/5/05

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NOTICE OF ZONING HEARING

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

Case: #06-016-A

12439-12443 Jerusalem Road

S/side of Jerusalem Road

1,960 feet n/east of centerline of Glenbauer Road

11th Election District — 3rd Councilmanic District

Legal Owner(s): Samuel Hammaker

Variance: to permit detached accessory structures (2) exceeding 15 feet in height to be located in the front yard in lieu of the maximum 16-foot height and rear yard location.

location.

Hearing: Wednesday, August 31, 2005 at 11:00 a.m. in Hoom 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 Zonling 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 8/679 August 18

CERTIFICATE OF PUBLICATION

8/17 , 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 8 16 ,20 <u>05.</u>
The Jeffersonian Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING



₩

Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE#06-015 A
PETITIONER/DEVELOPER:

Samuel Hammaker

DATE OF CLOSING: 8/31/05

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

LOCATION:

12439 – 12443 Jerusalem Road

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE

POSTED ON: 08/11/05

BEHIOLISEA

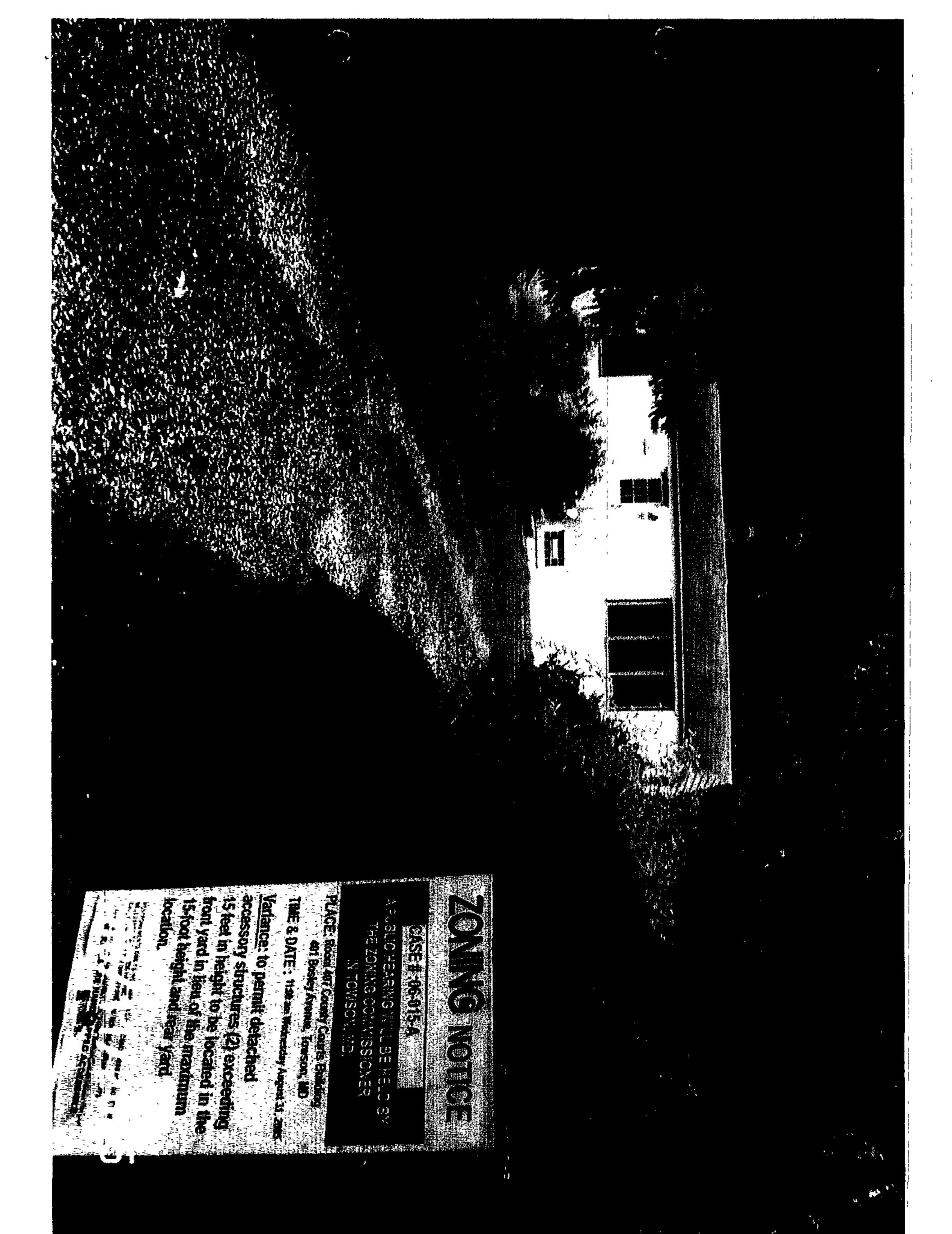
THE ZOMING COMMISSIONER INTOMSON, MD.

PLACE: Room 407 County Courts Building 401 Bosley Avenue, Towson, MD

TIME 8, DATE: 11:00 am Wednesday August 31, 2005

Variance: to permit detached accessory structures (2) exceeding 15 feet in height to be located in the front yard in lieuw of the maximum as for hold the many and location.

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PETITION FOR VARIANCE RE:

12439-12443 Jerusalem Road; S/side Jerusalem

Road, 1960' NE c/line Glenbauer Road

11th Election & 3rd Councilmanic Districts

Legal Owner(s): Samuel Hammaker

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-15-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 18th day of July, 2005, a copy of the foregoing Entry of Appearance was mailed to, Mike Alexander, Gerhold, Cross, Etzel, Ltd, 320 E. Towsontown Blvd, Suite 100, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 16, 2005 Issue - Jeffersonian

Please forward billing to:

Samuel Hammaker 3316 Putty Hill Avenue Baltimore, MD 21234

410-925-1567

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: 06-015-A

12439-12443 Jerusalem Road

S/side of Jerusalem Road, 1,960 feet n/east of centerline of Glenbauer Road

11th Election District – 3rd Councilmanic District

Legal Owners: Samuel Hammaker

Variance to permit detached accessory structures (2) exceeding 15 feet in height to be located in the front yard in lieu of the maximum 15-foot height and rear yard location.

Hearing: Wednesday, August 31, 2005 at 11:00 a.m. in Room 407, County Courts Building,

491 Bosley Avenue, Towson 21204

WILLIAM J 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

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

July 13, 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: 06-015-A

12439-12443 Jerusalem Road S/side of Jerusalem Road, 1,960 feet n/east of centerline of Glenbauer Road 11th Election District – 3rd Councilmanic District

Legal Owners: Samuel Hammaker

Variance to permit detached accessory structures (2) exceeding 15 feet in height to be located in the front yard in lieu of the maximum 15-foot height and rear yard location.

Hearing: Wednesday, August 31, 2005 at 11:00 a.m. in Room:407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Samuel Hammaker, 3316 Putty Hill Avenue, Baltimore 21234 Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Ste. 100, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 16, 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: 06-015-A			
Petitioner: Samuel Hammaker			
Address or Location: 12439 - 12443 Jecusalem Road			
PLEASE FORWARD ADVERTISING BILL TO:			
Name:Samuel Hammoker			
Address: 3316 Putty Hill Avenue			
Baltimore Maryland 21234			
Telephone Number: (110) - 925 - 1567			

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

August 22, 2005

Samuel Hammaker 3316 Putty Hill Avenue Baltimore, Maryalnd 21234

Dear Mr. Hammaker:

RE: Case Number: 06-015-A, 12439-12443 Jerusalem Road

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

U. Calling yours

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Gerhold, Cross & Etzel 320 E.Towsontown Blvd Ste. 100 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

July 14,2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No.: 001,003,006,007,008,011,013,014(015),016,017,018,019

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.

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

Acting Lieutenant David S. Heath Fire Marshal's Office (0)410-887-4881 MS-1102F

cc: File



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: August 30, 2005

AUG 3 0 2005

AWNG COMWISSIONER

SUBJECT:

12439-12443 Jerusalem Road

INFORMATION:

Item Number:

6-015

Petitioner:

Samuel Hammaker

Zoning:

RC 5

Requested Action:

Variance

The property is located along Jerusalem Road, which is a Baltimore County Master Plan 2010 designated scenic route. The petitioner is requesting the above referenced height variance to permit two existing dwellings to be converted into a storage shed and the other into a garage. In addition to the aforementioned there are two additional existing structures (dwelling and garage) on the subject property that the petitioner proposes to raze.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit two existing structures (to be converted to accessory) with a height exceeding 15 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities. Any existing sleeping quarters, living area, kitchen or bathroom facilities shall be removed as structures are converted to accessory.
- 2. The accessory structure shall not be used for commercial purposes.
- 3. Any modification or alterations to the exterior of the existing structures shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permits. The modifications or alterations shall not compromise the scenic views and character of Jerusalem Road.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-

887-3480.

Prepared by:

Division Chief:

AFK/LL: CM

For further information concerning the matters stated herein, please contact Bill Hughey at 410-

887-3480.

Prepared by:

Division Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 30, 2005

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

12439-12443 Jerusalem Road

INFORMATION:

Item Numbers

6-015

Petitioner:

Samuel Hammaker

Zoning:

RC 5

Requested Action:

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- 3. Any modification or alterations to the exterior of the existing structures shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permits. The modifications or alterations shall not compromise the scenic views and character of Jerusalem Road.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: October 19, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

12439-12443 Jerusalem Road

INFORMATION:

Item Number:

6-015 (revised comment)

Petitioner:

Samuel Hammaker

Zoning:

RC 5

Requested Action:

Variance

The property is located along Jerusalem Road, which is a Baltimore County Master Plan 2010 designated scenic route. The petitioner is requesting the above referenced height variance to permit two existing dwellings to be converted into a storage shed and the other into a garage. In addition to the aforementioned there are two additional existing structures (dwelling and garage) on the subject property that the petitioner proposes to raze.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit two existing structures (to be converted to accessory) with a height exceeding 15 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities. Any existing sleeping quarters, living area, kitchen or bathroom facilities shall be removed as structures are converted to accessory.
- 2. The accessory structure shall not be used for commercial purposes.
- 3. Any modification or alterations to the exterior of the existing structures shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permits. The modifications or alterations shall not compromise the scenic views and character of Jerusalem Road.

The Office of Planning recommends the said comments imposed on the original site plan accompanying the above referenced variance be imposed on the redlined plan submitted on October 19, 2005 (see attachment) in addition the following:

- 1. Retain existing vegetation along Jerusalem Road.
- 2. In areas where internal impervious surfaces are visible from Jerusalem Road, provide additional screening to mitigate such impact on the scenic character of Jerusalem Road.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-

887-3480.

Prepared by:/

Division Chief:

AFK/LL: CM

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The Office of Planning recommends the said comments imposed on the original site plan accompanying the above referenced variance be imposed on the redlined plan submitted on October 19, 2005 (see attachment) in addition the following:

- 1. Retain existing vegetation along Jerusalem Road.
- 2. In areas where internal impervious surfaces are visible from Jerusalem Road, provide additional screening to mitigate such impact on the scenic character of Jerusalem Road.

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

Prepared by

Division Chief: AFK/LL: CM



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

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

Maryland Department of Transportation

Date:

7.15.05

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

Dear. Ms. Matthews:

RE: Baltimore County

Item No. 315 LT

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. Street

Engineering Access Permits Division

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 26, 2005

Bruce E. Doak Gerhold, Cross & Etzel, Ltd. Suite 100 320 E. Towsontown Blvd. Towson, Maryland 21286

> Re: Petition for Variance Case No. 06-015-A

Property: 12439-12443 Jerusalem Road

Dear Mr. Doak:

At the hearing on your request for variance in the above-captioned case, you indicated that your client wanted to maintain the present driveway as well as the new driveway originally shown on the plat to accompany. The existing driveway is now shown on the plat as a redline change. The result would be two entrances for this property on Jerusalem Road.

As the ZAC had not seen this request, I asked each member to review the question of a second driveway and to send me their comments. I wanted to let you know about this just in case someone from the County contacts you. I have also attached recent correspondence from Leigh Kelly for your information.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Attach.

c: Samuel Hammaker, 4021 Putty Hill Ave., Nottingham, MD 21236 Robin Beers, Greater Kingsville Comm. Assoc., 12442 Jerusalem Road, Kingsville, MD 21087

Leigh Keller, P. O. Box 174, 12233 Jerusalem Road, Kingsville, MD 210878



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



JAMES T. SMITH, JR. County Executive

March 8, 2006

WILLIAM J. WISEMAN III Zoning Commissioner

Bruce E. Doak Gerhold, Cross & Etzel, Ltd. Suite 100 320 E. Towsontown Blvd. Towson, Maryland 21286

> Re: Petition for Variance Case No. 06-015-A

Property: 12439-12443 Jerusalem Road

Dear Mr. Doak:

Would you kindly let me know in writing the status of the above case. My notes indicate that your client and the community were close to an agreement but I have not heard from anyone if this agreement has been finalized.

Thanking you in advance for your cooperation.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:dlw

c: Robin Beers, Greater Kingsville Community Association, 12442 Jerusalem Road, Kingsville, MD 21087

Case File



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 ● 320 East Towsontown Boulevard ● Towson, MD 21286 Phone: (410) 823-4470 ● Fax: (410) 823-4473 ● www.gcclimited.com

RECEIVED

MAR 1 3 2006

John V. Murphy
Baltimore County Deputy Zoning Commisioner
401 Bosly Avenue
Towson, MD 21204

ZONING COMMISSIONER

Re: Zoning Case 06-015-A

Dear Mr. Murphy,

I am writing this letter on behalf of my client, Sam Hammacker in response to your letter of March 8, 2006. Mr. Hammaker met with the representatives of the Kingsville Community Association at the end of December. They discussed ways to achieve what each party wanted. The association was given the task of preparing a landscape plan showing their suggestions. They said that the plan would be prepared within a couple of weeks. It has now been over 9 weeks and Mr. Hammaker has not seen a plan and has not had any additional meetings with them. Mr. Hammaker feels that he has extended every courtesy to the association and feels that the association has not tried to consider his needs with their suggestions and their poor response to this matter. Mr. Hammacker asks that if the association has not provided a viable plan and solution to the landscaping of his property by the end of March, that you rule based on the submittal that met the recommendations of the Office of Planning. Please feel free to call me concerning this matter.

Sincerely,

Bruce E. Doak

Principal

Sand to Robin Beers

2/15/06 Sen 920.

The Greater Kingsville Livio Association, Inc.

Post Office Box 221 Kingsville, Maryland 21087

March 22, 2006

John V. Murphy Deputy Zoning Commissioner Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204

RE: Petition for Variance- Case # 06-015-A

Hammaker Property: 12439-12443 Jerusalem Road

MAR 3 : 2006

MING COMISSIONER

Dear Mr. Murphy,

Thank you for your understanding in dealing with our organization of overburdened volunteers. We apologize greatly for the extended time it has taken for our landscape designer to complete the plan as discussed at our last meeting with Mr. Hammaker. We are also very appreciative of Mr. Hammaker's patience with our overloaded schedules.

We have attached our original correspondence showing the Greater Kingsville Civic Association's understanding of this variance request and our concerns.

Since then, a committee of GKCA board members met with Mr. Hammaker and we have resolved the outstanding issues with the following agreement:

- 1. Our agreement (per the attached landscape plan) is for Mr. Hammaker to retain as much of the existing vegetation as possible and then add some natural supplemental plantings (per the plan) to buffer the buildings that will be used for a garage and a storage building.
- 2. Our GKCA board historically prefers that the County guidelines for Scenic Routes be followed (limiting the number of access roads), however it has been agreed that if Mr. Hammaker finds it necessary to create a second access that we would not oppose it (as per the attached landscape plan).
- 3. The R.C. 5 setback shown on the plan needs to be modified to show the correct setback of 150' that is required for a collector road or a Scenic Route and the wording changed to reflect that regulation. It should also state that Jerusalem Road is a Scenic Route.

We are very grateful to Mr. Hammaker for his willingness to work with us and for his forbearance in these circumstances. We also thank you for your extra time and effort expended on this case.

Sincerely,

Michael Touch Breeident Michael Trush, President

Greater Kingsville Civic Association

Samuel Hammaker Bruce E. Doak- Gerhold, Cross & Etzel Pat Keller, Director, Office of Planning

The Greater Kingsville Livic Association, Inc. Post Office Box 221 Kingsville, Maryland 21087

March 30, 2006

John V. Murphy
Deputy Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

The Company of the Co

MAR 3 1 2000

RE: Petition for Variance- Case # 06-015-A Hammaker Property: 12439-12443 Jerusalem Road

ZONING COMMISSIONER

Dear Mr. Murphy,

This is an additional note to accompany the enclosed information. After recent meetings with Mr. Hammaker and phone conversations with Mr. Doak, we reached an agreement contained within the enclosed letters and the enclosed landscape plan along with the following clarification:

Although there may be some minor changes in a few specific plants to be interchanged with like plantings (such as a few more Rhododendrons instead of Viburnums), Mr. Hammaker agrees to follow the spirit and intent of the enclosed landscape plan. The main intent of the plan is to provide plantings to buffer the side garage entrance and second access (if deemed necessary to install), and to screen the existing buildings that are to be used as accessory structures in close proximity to a Scenic Route.

We appreciate Mr. Hammaker's good will in working with our Association and are pleased to reach this resolution. We also thank you for your extra time and interest devoted to this matter.

Sincerely,

Michael Trush, President

Greater Kingsville Civic Association

Michael a. Trush (RB)

c: Samuel Hammaker
Bruce E. Doak- Gerhold, Cross & Etzel
Pat Keller, Director, Office of Planning

Greater Kingsville Civic Association, Inc. Post Office Box 221 Kingsville, Maryland 21087

November 18, 2005

John V. Murphy
Deputy Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RECEVED

NOV 2 7005

ONING COMMISSIONER

RE: Petition for Variance Case # 06-015-A

Hammaker Property: 12439-12443 Jerusalem Road

Dear Mr. Murphy,

This letter is to file a request for reconsideration of Case #06-015-A. The Greater Kingsville Civic Association (GKCA) board that was present on November 16, 2005 voted unanimously to file this motion for reconsideration based on some errors and unresolved matters that are very important to the protection of our Scenic Route, Jerusalem Road.

The following are some of the outstanding errors or issues of concern:

1. The R.C. 5 setback is still listed and shown on the building envelope as 75' instead of the 150' setback that is required for a collector road or a Scenic Route. It seems the plan should also state that Jerusalem Road is a Scenic Route, as our Board has observed on other plans.

2. The second proposed driveway violates not only the "letter" but also the spirit and intent of the Comprehensive Manual of Development Policy Development Guidelines for Scenic Routes (see attachment).

The GKCA appreciates more time and review given to resolve these important matters. Thank you for your time and consideration on this case.

Sincerely,

Michael Trush, President

Greater Kingsville Civic Association

c: Pat Keller, Director, Office of Planning Bruce E. Doak, Esq., Gerhold, Cross & Etzel Samuel Hammaker Post Office Duk 271 Antisville, Maryland Rusi

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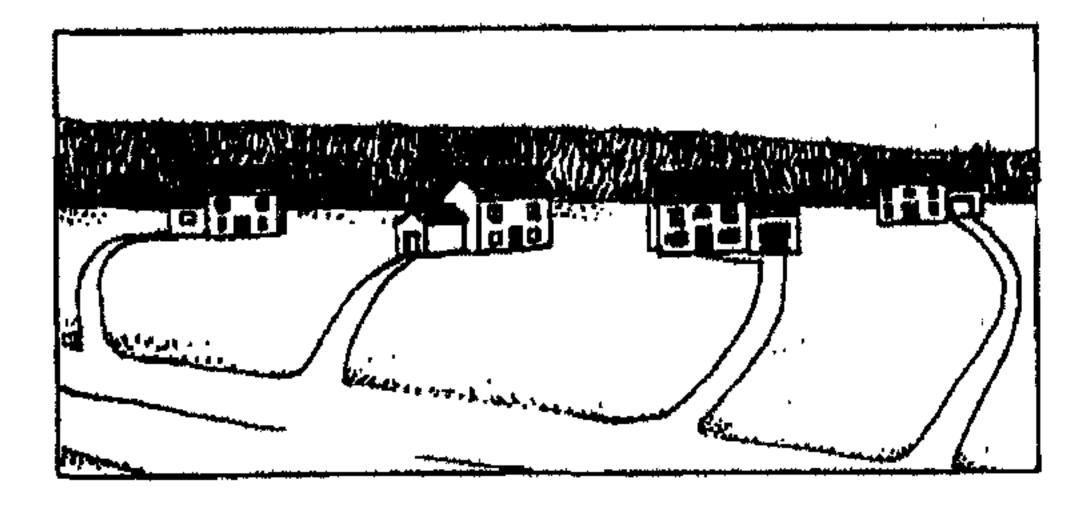
Development Guidelines

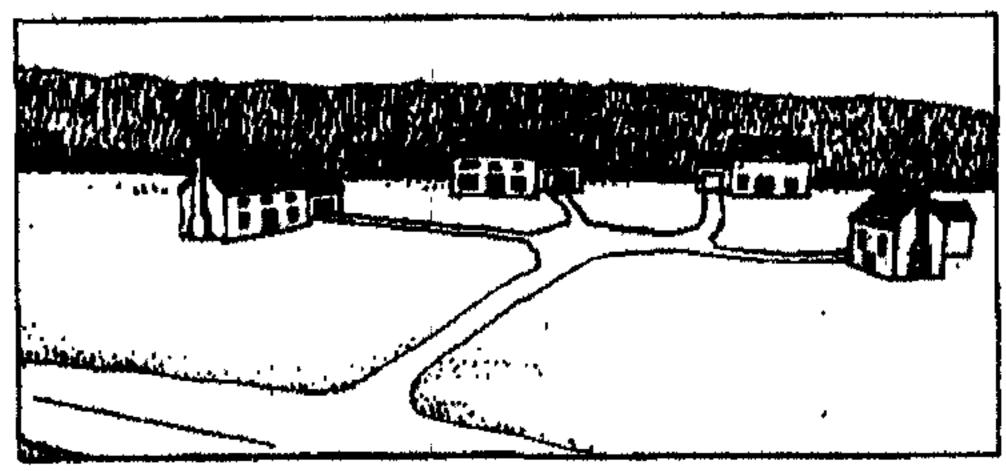
DEVELOPMENT GUIDELINES

These guidelines pertain to the development of any area within or adjacent to a designated scenic route or significant view. They also pertain to views created by new development.

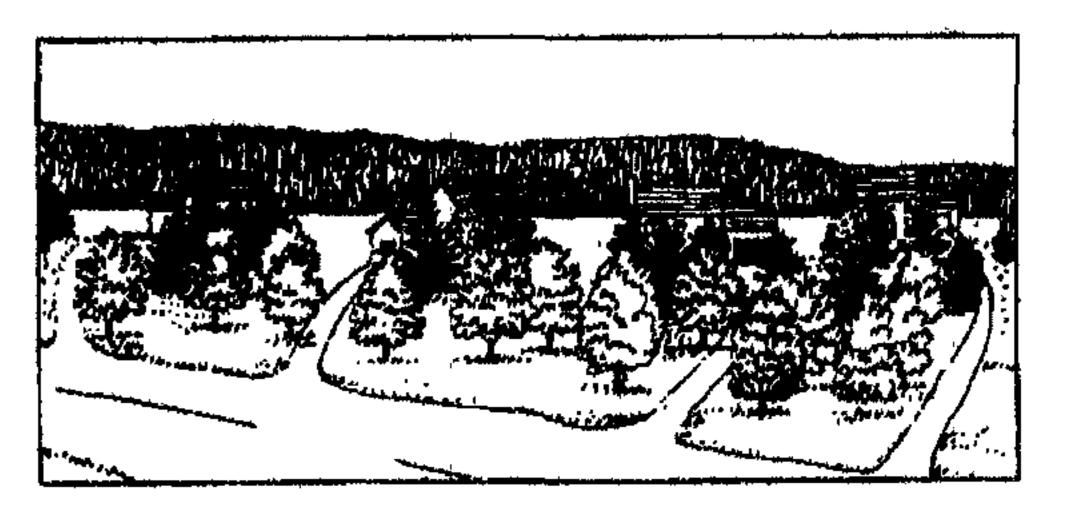
For all scenic routes and significant views:

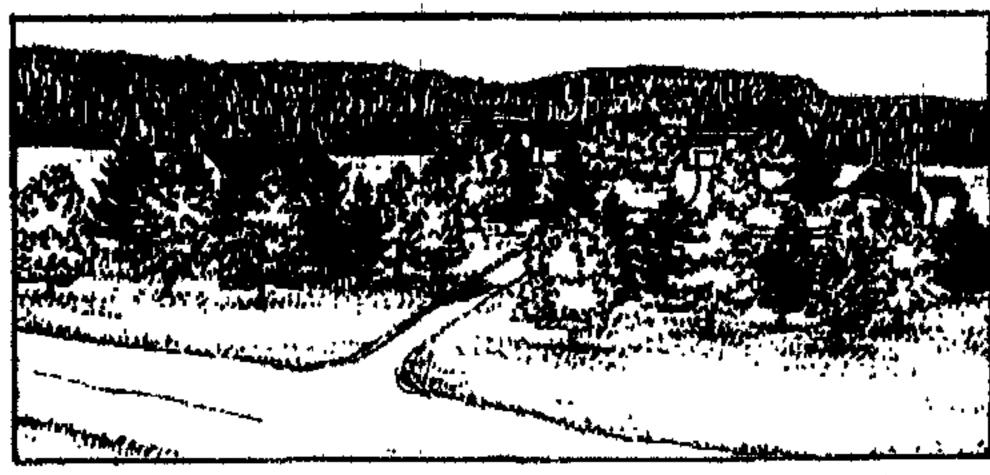
- 1. Minimize tree and vegetation removal. Clear selectively to open up obscured views or create filtered views of compatible development.
- 2. Minimize grading to preserve the quality of the existing landforms.
- 3. Minimize the number of access roads and driveways intersecting the scenic road. Where feasible, use shared driveways for individual lots.
- 4. Use the narrowest road pavement section possible while ensuring adequate public safety. Use shoulders and curbs appropriate to the character of the road. Maintain the existing vertical and horizontal road alignment when compatible with the design and approved by the Department of Public Works.
- 5. Design and locate utilities, drainage structures, bridges, lighting, signage, fences, walls and street furniture to harmonize with the surroundings and to create the least visual impact.
- 6. Design new structures to complement the site and surrounding community. This can be accomplished through the repetition of scale, proportion, mass,





Units clustered with shared access have less visual impact





Screen plantings are more effective with limited driveway openings

Hunaker Care

Robin Beers coolled

12/7/05 to say they

are close to an agreement

with the owner.

September 9, 2005

SEP 1 2 2005

Deputy Zoning Commissioner Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204

ZONNG COMMISSIONER

RE: Case Number 06-015-A

Dear Deputy Zoning Commissioner John V. Murphy,

This letter concerns the Hammaker property and I am writing as a lifetime resident on Jerusalem Road on behalf of the Rural Protection Committee of the Greater Kingsville Civic Association, which reviewed this proposed variance. I was not able to attend the hearing due to work commitments and our committee didn't receive the plan until two days before the hearing.

It seems from conversations between the property owner, Mr. Hammaker and one of our committee members, Robin Beers, that the owner has a fairly good vision for retaining the character of our area. However, we understand that once a variance is granted it remains with the property even if the owner changes. This is one of the reasons why we want to include specific concerns.

Because it sounds like Mr. Hammaker will be making some positive improvements to the existing property, we are not opposed to the general plan for this variance request. However, we are asking for some considerations to be made to assure that the rural and historic character is protected along this designated Scenic Route. As with any request to vary the existing regulations, it seems some accommodations should be made to meet this goal.

As discussed at the hearing, we are pleased with owner's ideas to:

- 1. improve the two existing buildings siding them with natural stone and/or board and batten
- 2. renovate the two buildings to look similar to the Jerusalem Mill Blacksmith shop
- 3. change the pitch of the roofs to improve appearance, but are to remain one story buildings
- 4. limit the driveway width to as narrow as possible (a maximum of 10' was mentioned at the hearing) and to use gravel instead of asphalt if possible
- 5. retain as much existing vegetation as is possible including the trees along the road

Our committee reviewed the comments and is in support of the recommendations from the Office of Planning.

We request the following considerations to retain the character of our Scenic Route:

*Since the Plan was "redlined" at the hearing, asking for a second access without the Planning Office's review, we would support the Baltimore County Comprehensive Manual of Development Planning (CMDP) Scenic Route Development guidelines (see enclosure). Of special importance is #3, "Minimize the number of access roads and driveways intersecting the scenic road. Where feasible, use shared driveways for individual lots."

- *We would request just a single access for this narrow road frontage. The existing access which is redlined, has a safer sight distance than the other proposed access, because cars travel much faster coming over and down the hill from the west side.
- *At the hearing, the three driveways across the street were mentioned and they certainly serve as a model of what **should not** be done. It is unfortunate how they evolved through narrow irregular lots, but it is important to note that those three driveways are the accesses to a total of seven homes. They are **not** accessing a single lot.
- *It is preferred to have a rear entrance to the converted garage. However, the owner has said it may be difficult with the existing topography and he wants a side access. This is even more reason why the proposed driveway concerns our committee as it would require removal of some of the existing buffer and leave a very open space right up to the side garage opening. Our proposal for only one access (the existing driveway shown as redlined on the plan) could access the side of the garage as the owner desires without disturbing the existing bushes and would allow for more landscaping to block the view of the side entrance.
 - *Note the intentions of the new RC5 legislation (enclosed), particularly page 11, #2, "Garages may not become the dominant street feature. Garage doors shall use items such as windows, decorative patterns, and color to relieve the visual impact of the house from the street."
- *The new RC5 regulations require a 150' setback from the road. The old regulation was a 75' setback. The setback of the existing building to be converted to a garage is much less than 75' and the owner has said it may be a long time before he will be able to do the renovations. Therefore, we request retaining as much existing vegetation as possible and supplementing with additional natural plantings to create an ample buffer.
- *We would request that if two access roads are granted, that even more landscaping be added to buffer the impact, particularly for the building that is to be converted to a garage.

Also enclosed is a copy of our standard comments originally written for larger developments, but several items apply to this request and they show the spirit and intent of the comments.

This is a rather extensive variance request for a designated Scenic Route, so we are very concerned that any improvements on this site are particularly sensitive. Thank you for your time and consideration in addressing the community's concerns.

Sincerely.

Teys-keller Leigh Keller

P.O. Box 174

12233 Jerusalem Road

Kingsville, Maryland 21087

Current Rural Protection Committee members that reviewed #06-015-A: Leigh Keller, Robin Beers, Doug Behr, Tom Kneeshaw

Standard Comments for Rural Residential Development

(Formulated by the Rural Protection Committee of the Greater Kingsville Civic Association)

Narrow Road Width:

We recommend narrow road widths not only to retain the rural atmosphere of our area, but also to reduce the environmental impact of more impervious surfaces. By reducing the impervious surface, there is less stormwater runoff and more water retained to recharge groundwater and wells.

Road widths should be as narrow as possible (no more than 18 feet). A new subdivision road should never be wider than the road from which it emanates.

No Accel/Decel Lanes:

We would ask to eliminate any requirements for accel/decal lanes or any kind of road widening at a development entrance with the exception of:

- a. a development that has an ADT of 2,000 or more
- b. a development with an entrance onto a State highway
- c. a development with an entrance having very poor sight distance (Since sight distance is a major factor in determining placement of development entrances, this should not be an issue.)

No Sidewalks or Curb and Gutter:

- 1. We recommend no curb and gutter, except where it is absolutely necessary to correct water problems. On some roads, curb and gutter actually creates more storm water problems. In addition, it can be a safety hazard because a driver cannot pull off on the side of the road for emergencies.
- 2. If the County does require curbing, we ask that it would be rolled asphalt (bituminous concrete).
- 3. If there is an exceptional circumstance where it is necessary to use concrete instead of rolled asphalt, then the concrete should be stained dark brown or black. White concrete tends to stand out as "suburban" in appearance, rather than blending into our rural area.

Preservation of Existing Vegetation:

We request preserving the existing trees and vegetation on a development site, removing as little as is possible. This helps to minimize the amount of damage and change to the area, enabling the existing wildlife corridors and rural character to be sustained.

• Wide (or Deep) Densely Planted Buffers with a Natural Appearance:

Cognizant of the fact that many of the previous items we have requested actually save the developer money, we would like to suggest that some of that savings be reinvested in more landscaping which benefits both the quality of the development and the community. This is probably one of the most important adjustments the developer can make toward reducing the impact of development on the existing community. We believe when our community says, "We don't want to see any more development," it can also be taken literally.

- 1. We ask for the deepest (or widest) landscape buffer possible to reduce the development's impact both visually and audibly. A wider or deeper buffer creates a larger area for more planting, and it also allows a greater area in which to stagger the plants to achieve a more natural appearance, rather than planting in a straight row.
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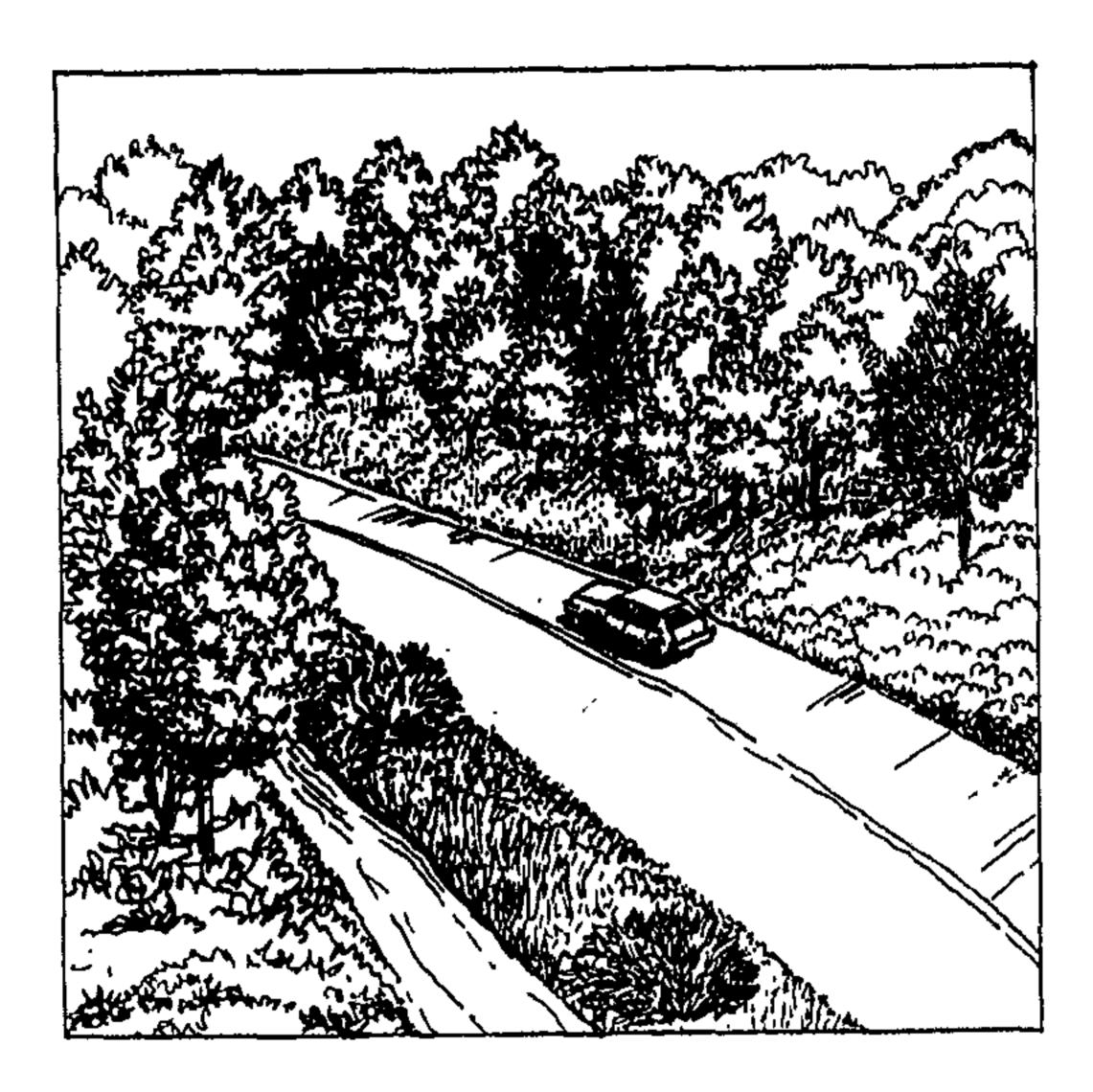


SCENIC VIEWS

Introduction	1
Definitions	
Development Guidelines	6
Approval Process	
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The Baltimore County 1989-2000 Master Plan identifies scenic routes and significant views on the four sector Development Policy Maps. These scenic areas are important visual amenities worthy of preservation.

The benefits of a scenic program are many. Foremost is the preservation of the character that makes Baltimore County distinctive. This contributes to pride of place, a sense of ownership in



the community, and an ethic of stewardship of community qualities. All of these are at the heart of stabilization of communities, a critical factor for the future of Baltimore County.

Baltimore County has regulations that provide a nucleus for a scenic routes program. Agricultural zoning, agricultural preservation districts, critical areas legislation, public open space systems, federal and local historic districts, and regulations of the Department of Environmental Protection and Resource Management which protect streams, wetlands, forests and slopes, all implicitly preserve scenic qualities.

Designating scenic protection adds aesthetic-based standards to these resourcebased ones, and makes the goal of preserving views from scenic routes explicit.

Development can be accommodated in scenic areas, and visual quality maintained, with sensitive site analysis and planning. The guidelines here present ways to achieve this goal through project designs that maintain the visual quality of these areas with no density losses. In addition, CIP projects which affect scenic routes should be evaluated in relation to their impact on the view.

Definitions

DEFINITIONS

Scenic Route: As adopted as part of the Master Plan, a scenic route is a road bordered, for the most part, by views which are in the public interest to protect.

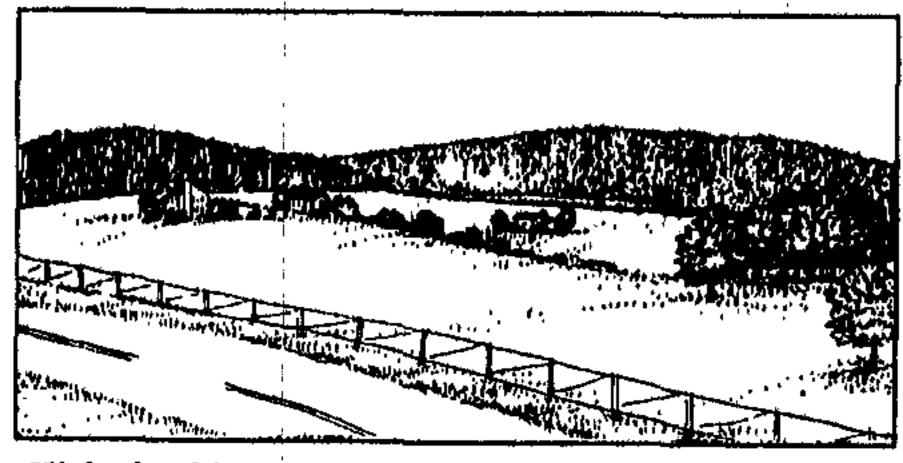
The following factors are considered in the designation of a scenic route:

1. Aesthetic quality:

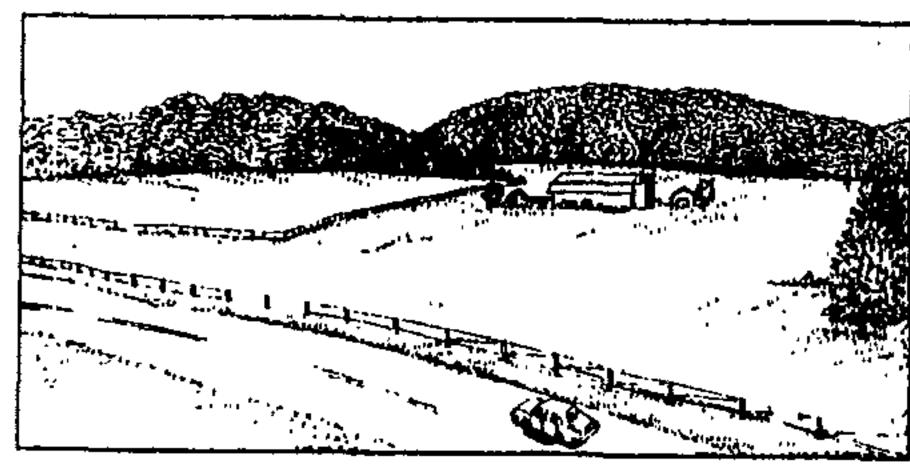
- a. Visual impact or visual memorability;
- b. Unity (the harmonious composition of the visual elements comprising the landscape); and/or
- c. Integrity (absence of visually distracting elements).



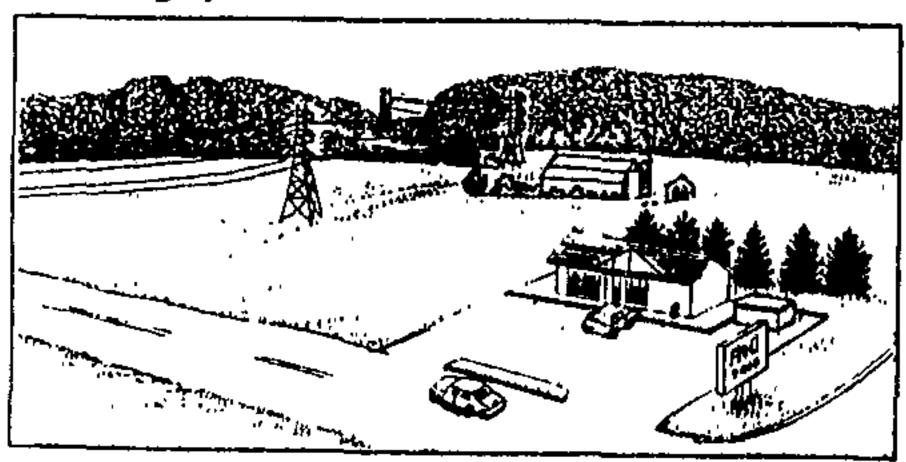
Low visual impact



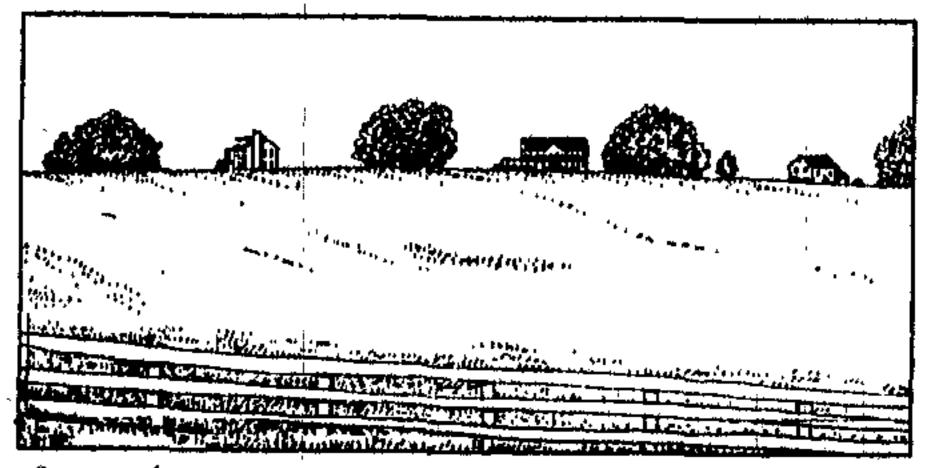
High visual impact



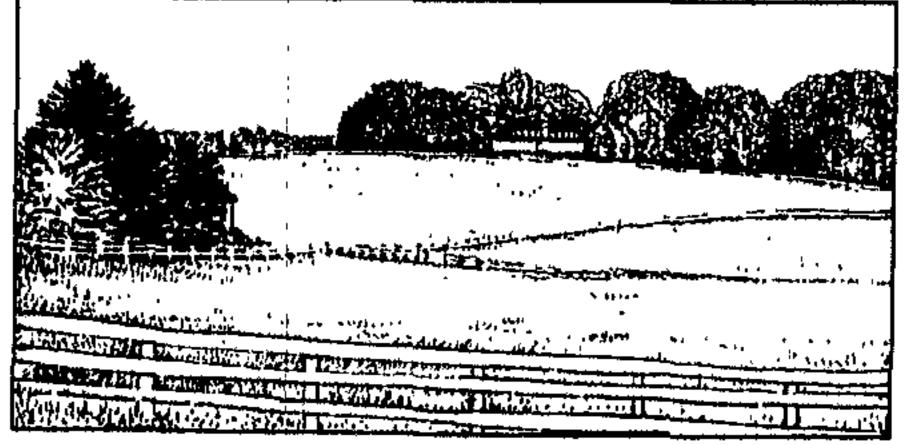
Low integrity



High integrity



Low unity



High unity

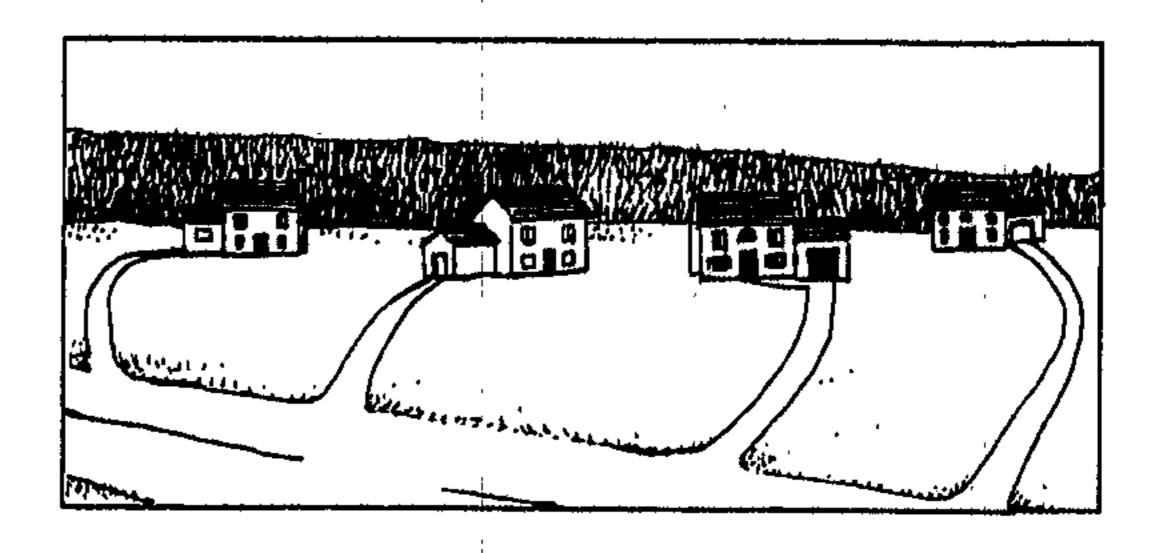
Development Guidelines

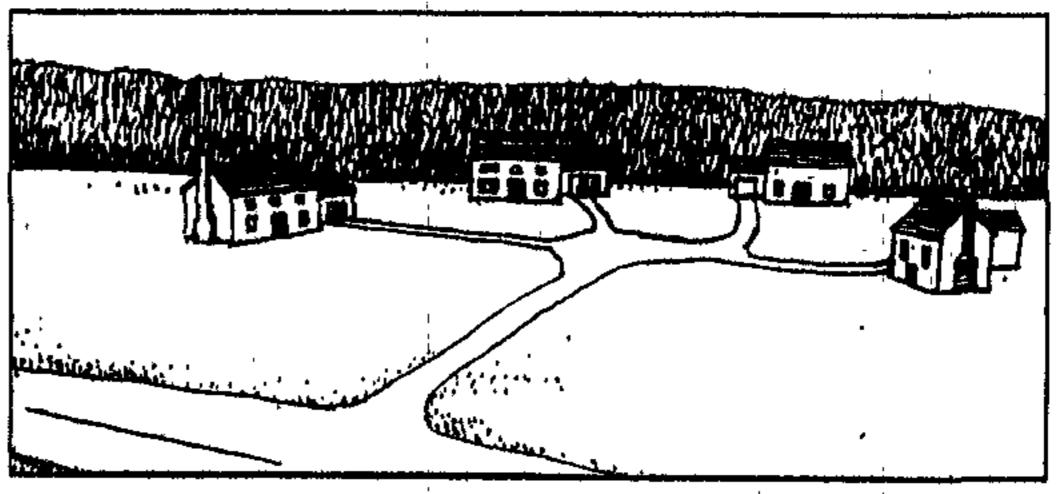
DEVELOPMENT GUIDELINES

These guidelines pertain to the development of any area within or adjacent to a designated scenic route or significant view. They also pertain to views created by new development.

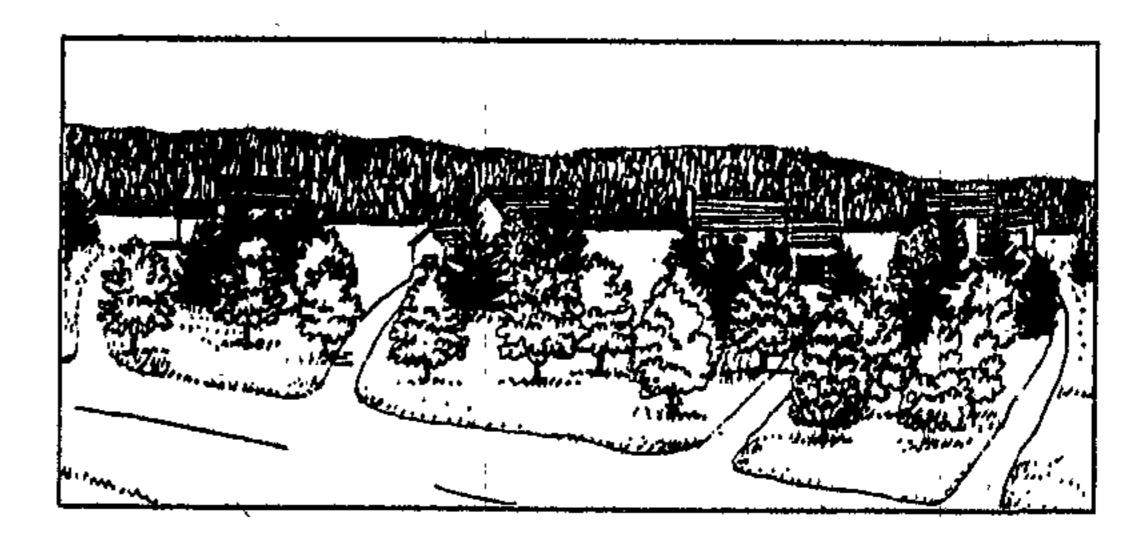
For all scenic routes and significant views:

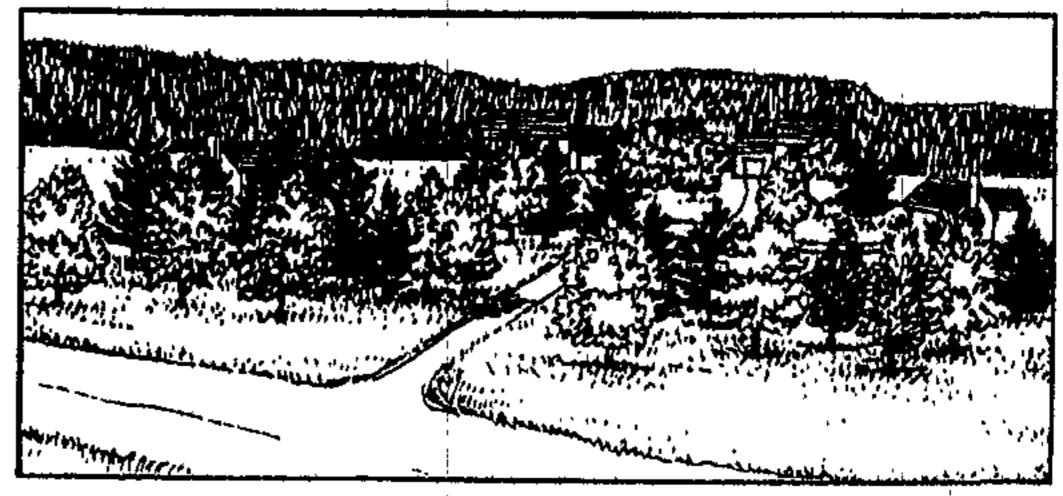
- 1. Minimize tree and vegetation removal. Clear selectively to open up obscured views or create filtered views of compatible development.
- 2. Minimize grading to preserve the quality of the existing landforms.
- 3. Minimize the number of access roads and driveways intersecting the scenic road. Where feasible, use shared driveways for individual lots.
- 4. Use the narrowest road pavement section possible while ensuring adequate public safety. Use shoulders and curbs appropriate to the character of the road. Maintain the existing vertical and horizontal road alignment when compatible with the design and approved by the Department of Public Works.
- 5. Design and locate utilities, drainage structures, bridges, lighting, signage, fences, walls and street furniture to harmonize with the surroundings and to create the least visual impact.
- 6. Design new structures to complement the site and surrounding community. This can be accomplished through the repetition of scale, proportion, mass,





Units clustered with shared access have less visual impact



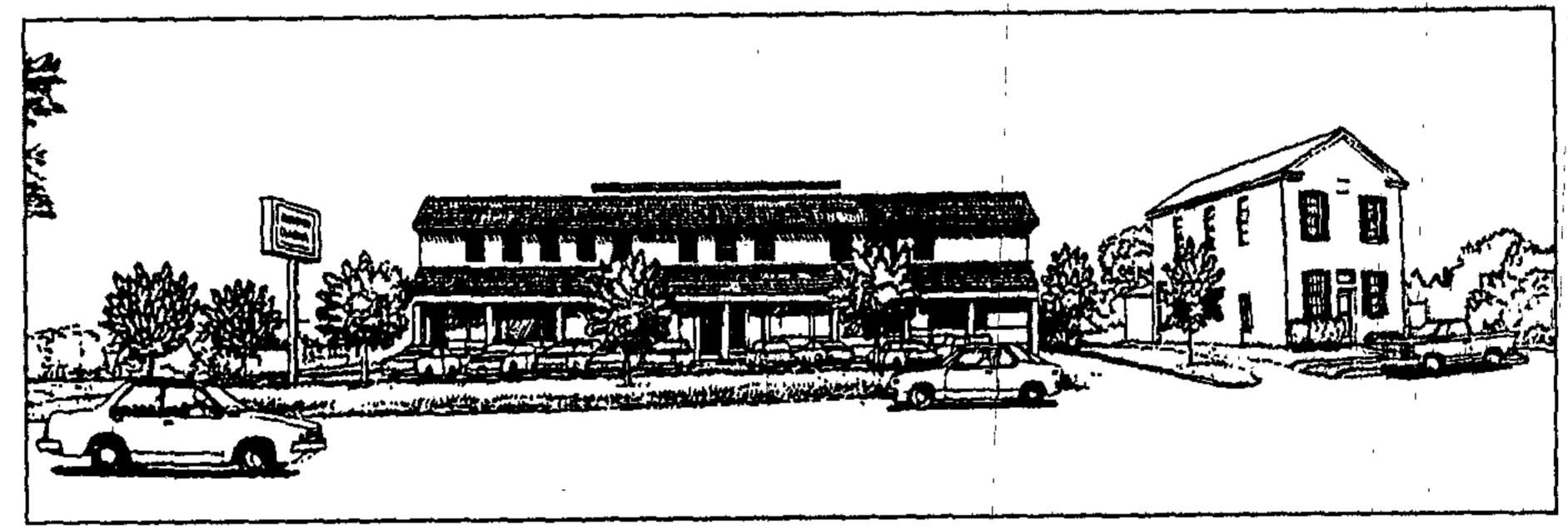


Screen plantings are more effective with limited driveway openings

Development Guidelines

- 9. Use plant materials to frame particularly attractive views.
- 10. Create an interesting sequence of visual experiences with selective clearing and planting.
- 11. Locate parking, service and storage areas at the side or rear of the building(s), and screen them from the road to reduce their visual impact.
- 12. Encourage pedestrian or bike paths along scenic corridors.

- materials and/or details of the existing buildings on the site or in the community.
- 7. Use indigenous species or ones commonly found in the area when landscaping. Planting designs should reinforce the character of the site, its ecologic significance, and its environmental function.
- 8. Complement existing vegetation with flowering or evergreen trees and shrubs, wildflowers, etc., for seasonal interest.



Typical rural office building development



Sensitive development incorporates compatible architecture and signage, preserves existing trees, locates parking on the side and provides screening

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2004, Legislative Day No. 9

Bill No. <u>55-04</u>

Mr. Kevin Kamenetz, Councilman

By the County Council, May 3, 2004

A BILL ENTITLED

AN ACT concerning

Zoning Regulations - R.C. 5 Zone

FOR the purpose of amending the minimum lot requirement in the R.C. 5 Zone; providing exceptions; repealing obsolete references; altering the building setback requirement of the R.C. 5 Zone; providing performance standards for residential development in the R.C. 5 Zone; providing for the application of the Act; and generally relating to residential development in R.C. 5 Zones.

BY repealing

Sections 1A04.2.A.12 and 1A04.4
Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

Sections 1A04.3.B.1. and 2.
Baltimore County Zoning Regulations, as amended

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

Strike out indicates matter stricken from bill.

Underlining indicates amendments to bill.

1	PROPOSED DEVELOPMENT PROVIDED THAT PUBLIC SAFETY IS NOT
2	JEOPARDIZED.
3	3. AFTER CONSIDERING THE FINDINGS, THE HEARING OFFICER OR
4	THE DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT MAY DEVIATE
5	FROM THE STANDARDS ONLY IN ACCORDANCE WITH THE REQUIREMENTS IN
6	PARAGRAPH B.4 OF THIS SUBSECTION.
7	4. DEVIATION FROM THE STANDARDS IS NOT PERMITTED FOR THE
8	PURPOSE OF ALLOWING ADDITIONAL LOTS:
9	D. SITE PLANNING.
0	1. A DEVELOPMENT PROPOSAL SHALL:
11	(I) REFLECT THE TRADITIONAL RURAL CHARACTER OF THE
12	AREA IN ARCHITECTURAL FORM, SCALE, MATERIALS, DETAILING AND
13	LANDSCAPING CONTEXT.
14	(II) RETAIN THE EXISTING QUALITY VEGETATION OF THE SITE
15	TO THE FULLEST EXTENT POSSIBLE AND PROTECT THE ROOT SYSTEMS OF THE
16	REMAINING VEGETATION DURING CONSTRUCTION.
17	(III) INTEGRATE, AS POSSIBLE, LOCALLY <u>WHERE POSSIBLE.</u>
18	SIGNIFICANT FEATURES OF THE SITE, SUCH AS DISTINCTIVE BUILDINGS, VISTAS
19	TOPOGRAPHIC FEATURES, SPECIMEN TREES, TREE STANDS, HEDGEROWS,
20	MONUMENTS, LANDMARKS AND GARDENS, INTO THE SITE DESIGN, AND RETAIN
21	THE EXISTING CHARACTER OF THE FEATURES AND THEIR SETTINGS.
22	(IV) COORDINATE BUILDING DESIGN, SITE LAYOUT, AND
23	GRADING SO THAT GRADE TRANSITIONS ARE GRADUAL AND RESPECT THE

1	(IV) DESIGN ACCESSORY STRUCTURES AT A SCALE
2	APPROPRIATE TO THE DWELLING AND DESIGN GARAGES WITH THE SAME
3	ARCHITECTURAL THEME AS THE PRINCIPAL BUILDING ON THE SITE, PROVIDING
4	CONSISTENCY IN MATERIALS, COLORS, ROOF PITCH, AND STYLE.
5	(V) EXTERIORS OF ALL BUILDINGS SHALL USE THE SAME
6	FINISH MATERIALS ON ALL FRONT AND SIDE ELEVATIONS. IN THE CASE OF
7	REVERSE FRONTAGE LOTS, EXTERIORS SHALL USE THE SAME FINISH MATERIALS
8	ON ALL ELEVATIONS.
9	(VI) EXTEND THE FINISH MATERIAL OF THE EXTERIORS OF
10	BUILDINGS TO GRADE, OR, IF THIS IS NOT POSSIBLE, TO WITHIN 12 INCHES OF
11	GRADE, ON ALL SIDES OF THE BUILDING EXCLUDING FOUNDATION WALLS
12	WHICH SHALL USE A FINISHED QUALITY MATERIAL SUCH AS BRICK, STONE,
13	DECORATIVE CONCRETE BLOCK, POURED CONCRETE WITH A BRICK PATTERN,
14	OR STUCCO, AND PROVIDE LANDSCAPING ALONG THE FOUNDATION.
15	(VII) USE SIMILAR MATERIALS AND DESIGN ELEMENTS ON ALL
16	BUILDING FACADES AND ARTICULATE ALL BUILDING FACADES USING
17	COORDINATED ARCHITECTURAL FEATURES SUCH AS PORCHES, WINDOWS,
18	DOORS, CHIMNEYS, GADLES, AND DORMERS.
19	(V) ENSURE THAT EXTERIORS OF ALL BUILDINGS USE THE
20	SAME FINISH MATERIALS AND ARCHITECTURAL DETAILS ON ALL FRONT, SIDE
21	AND REAR ELEVATIONS. USE OF QUALITY MATERIAL SUCH AS BRICK, STONE OR
22	CEDAR IS ENCOURAGED.
23	2. GARAGES MAY NOT BECOME THE DOMINANT STREET FEATURE.

- 1 GARAGE DOORS SHALL USE ITEMS SUCH AS WINDOWS, DECORATIVE PATTERNS,
- 2 AND COLOR TO RELIEVE THE VISUAL IMPACT OF THE HOUSE FROM THE STREET.
- SECTION 4. AND BE IT FURTHER ENACTED, that this Act shall not apply to any concept plan or application for limited exemption or waiver accepted for filing prior to
- 5 September 2, 2003 June 7, 2004.
- SECTION 5. AND BE IT FURTHER ENACTED, that this Act shall not apply to the
- Back River Neck District as defined in Section 4A03.13 of the Baltimore County Zoning
- 8 Regulations.
- SECTION 5 6. AND BE IT FURTHER ENACTED, that any structure, building or use in existence prior to the effective date of this Act that is damaged or destroyed by fire or other casualty after the effective date of this Act is subject to the provisions of Section 104 of the Baltimore County Zoning Regulations regarding nonconforming uses.
- SECTION 6 7. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect June 11, 2004.

605504.AMENDED3.BIL

Standard Comments for Rural Residential Development

(Formulated by the Rural Protection Committee of the Greater Kingsville Civic Association)

Narrow Road Width:

We recommend narrow road widths not only to retain the rural atmosphere of our area, but also to reduce the environmental impact of more impervious surfaces. By reducing the impervious surface, there is less stormwater runoff and more water retained to recharge groundwater and wells.

Road widths should be as narrow as possible (no more than 18 feet). A new subdivision road should never be wider than the road from which it emanates.

No Accel/Decel Lanes:

We would ask to eliminate any requirements for accel/decal lanes or any kind of road widening at a development entrance with the exception of:

- a. a development that has an ADT of 2,000 or more
- b. a development with an entrance onto a State highway
- c. a development with an entrance having very poor sight distance (Since sight distance is a major factor in determining placement of development entrances, this should not be an issue.)

No Sidewalks or Curb and Gutter:

- 1. We recommend no curb and gutter, except where it is absolutely necessary to correct water problems. On some roads, curb and gutter actually creates more storm water problems. In addition, it can be a safety hazard because a driver cannot pull off on the side of the road for emergencies.
- 2. If the County does require curbing, we ask that it would be rolled asphalt (bituminous concrete).
- 3. If there is an exceptional circumstance where it is necessary to use concrete instead of rolled asphalt, then the concrete should be stained dark brown or black. White concrete tends to stand out as "suburban" in appearance, rather than blending into our rural area.

Preservation of Existing Vegetation:

We request preserving the existing trees and vegetation on a development site, removing as little as is possible. This helps to minimize the amount of damage and change to the area, enabling the existing wildlife corridors and rural character to be sustained.

• Wide (or Deep) Densely Planted Buffers with a Natural Appearance:

Cognizant of the fact that many of the previous items we have requested actually save the developer money, we would like to suggest that some of that savings be reinvested in more landscaping which benefits both the quality of the development and the community. This is probably one of the most important adjustments the developer can make toward reducing the impact of development on the existing community. We believe when our community says, "We don't want to see any more development," it can also be taken literally.

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PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

CITIZEN'S SIGN-IN SHEET

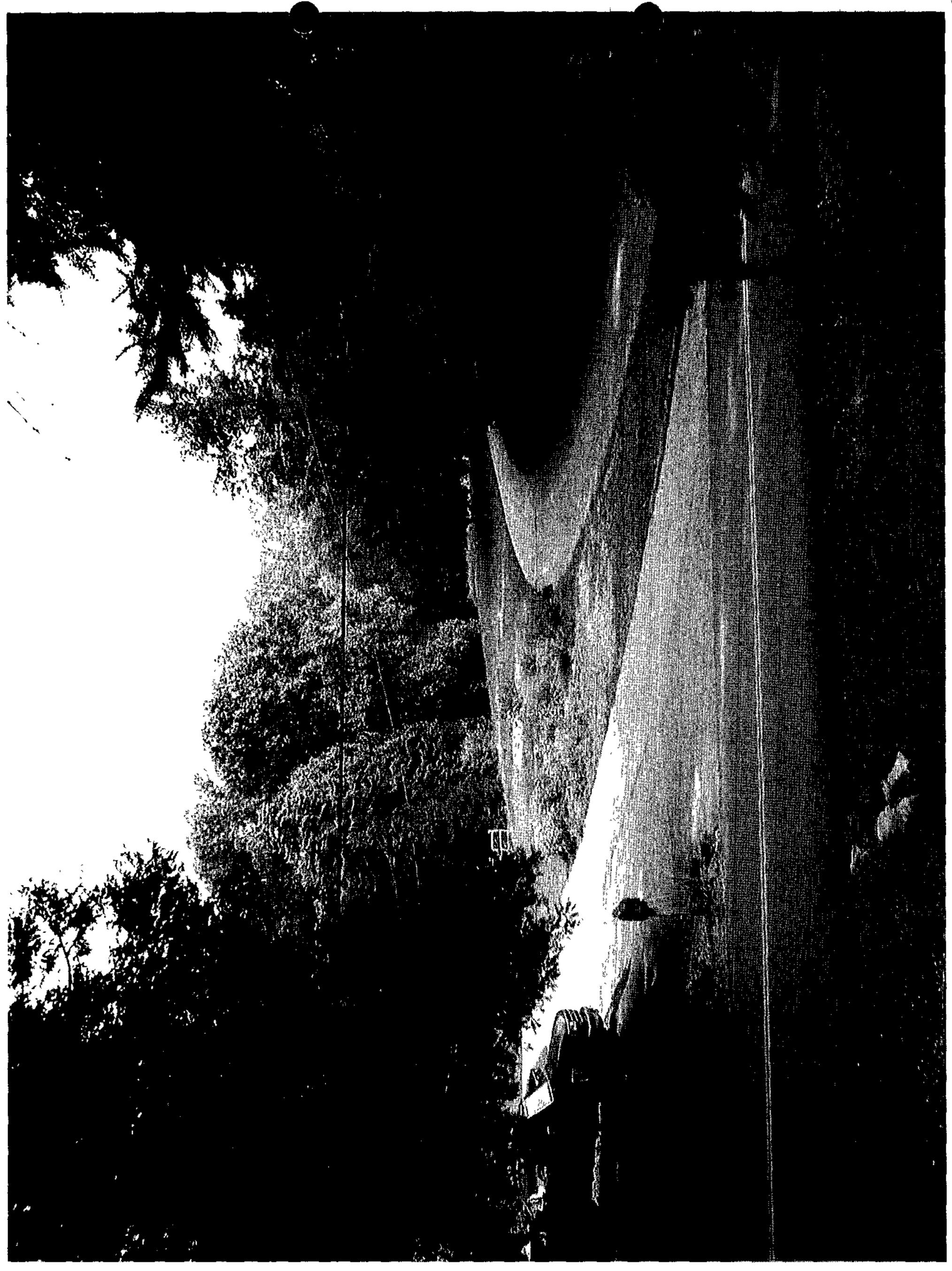
E- MAIL												
CITY, STATE, ZIP	KINGSIMLE, MD 21087	ril Casser										
ADDRESS	12442 JERUSALEM ROAP	7	7									
NAME	ROBIN BEERS	0		•								

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

E-MAIL													
CITY, STATE, ZIP	TOWSON MD 212.86		Nothingham MD 21256										
ADDRESS	320 E. TOWSONTOWN BUD.		4821 rully Hill ove.										
NAME	BRUCE E. DOALL	Caoss r Es	Sam Wel Hammaker				3						



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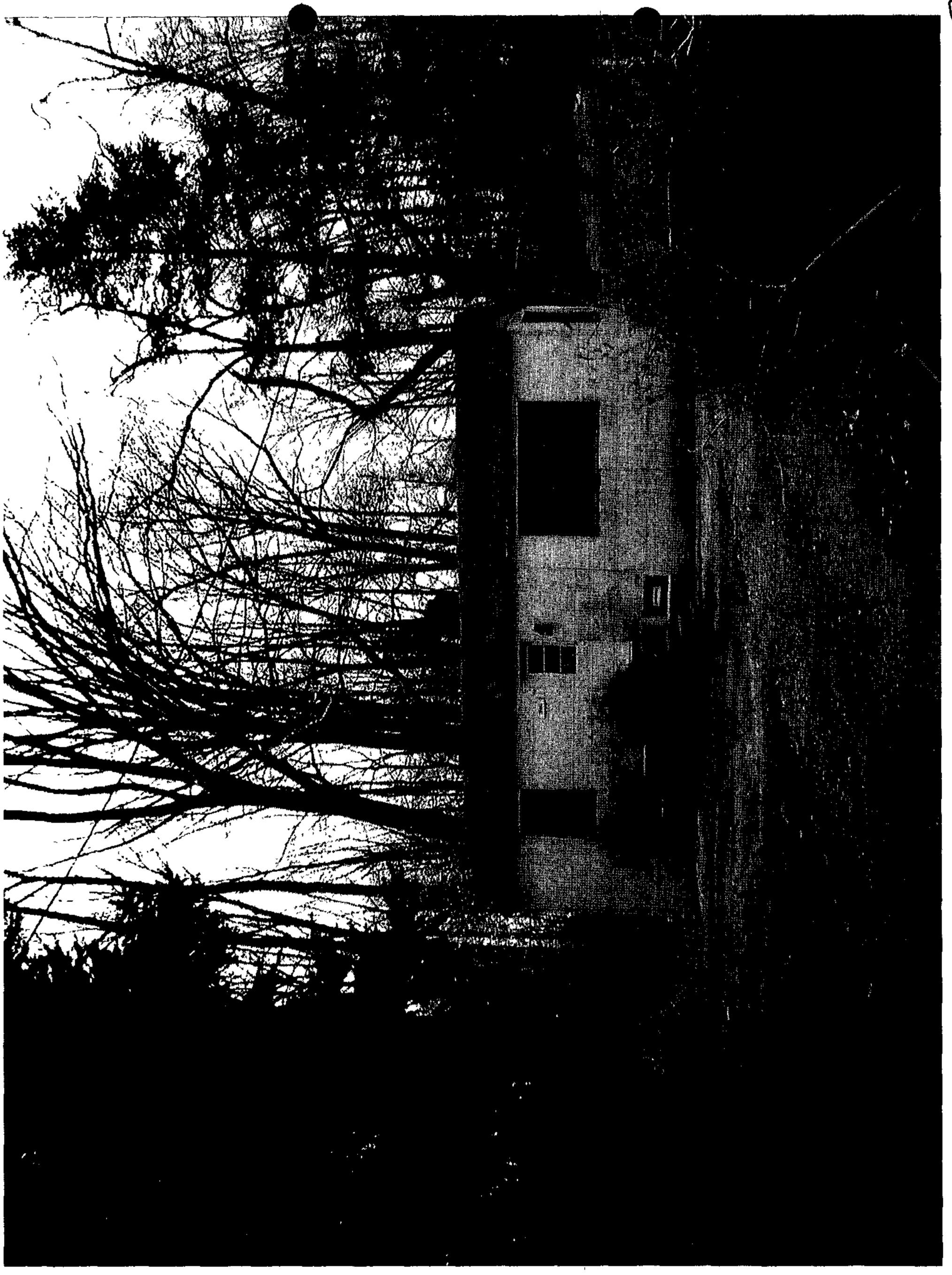




















location

19-foot helght and rear yard mumixem and to uall ni bisy droft ent ni betsool ed ot ingled ni teet er accessory structures (2) exceeding Variance: to permit detached

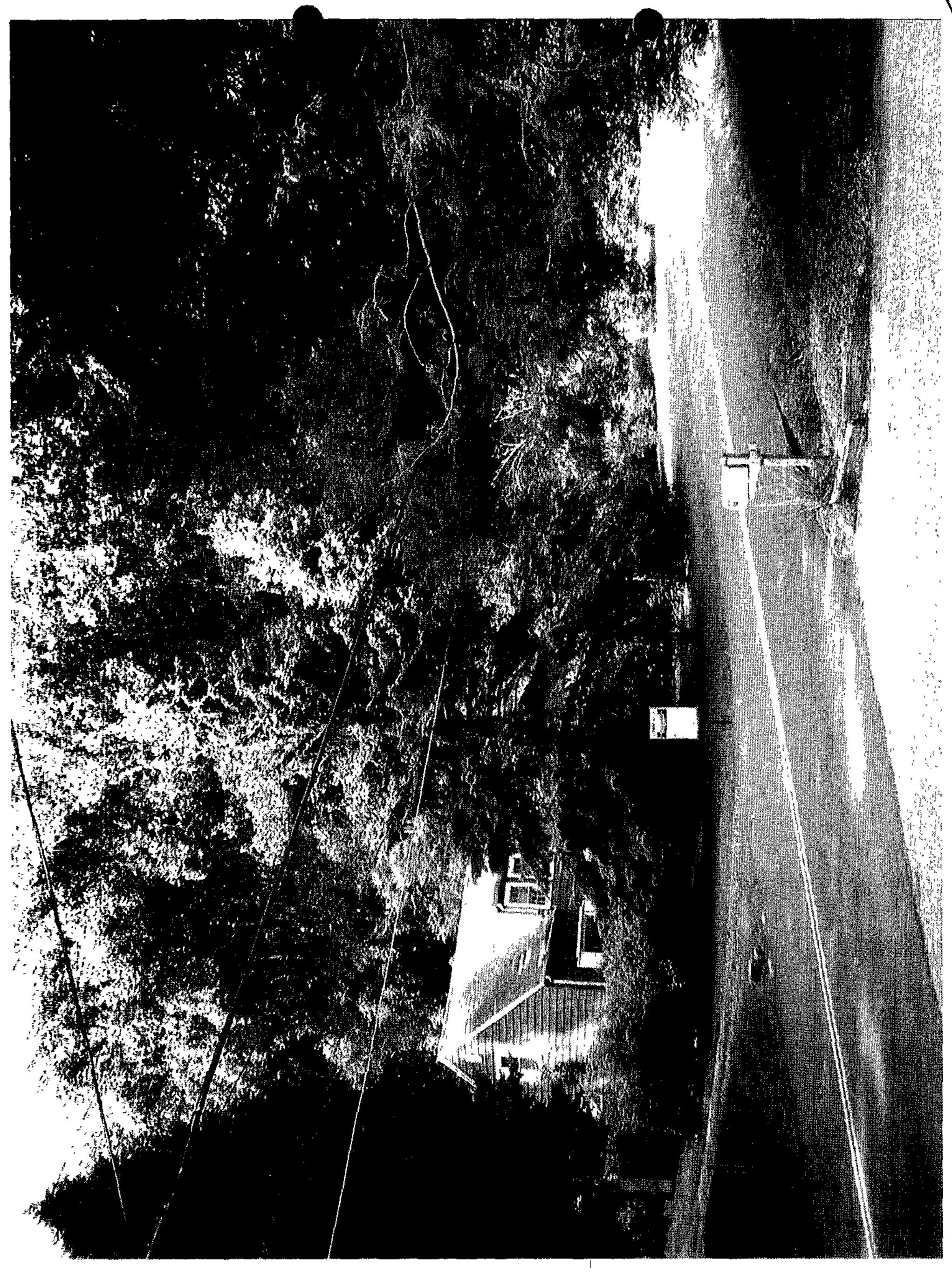
TIME & DATE: 11.00 an Wadhasday August 21, 2005

PLACE: Room 407 County Courte Building

.UM ,NOSWOT M THE ZONING COMMISSIONER V BUBLIC HEARING WILL BE HELD BY

A-010-00: 1 32AQ

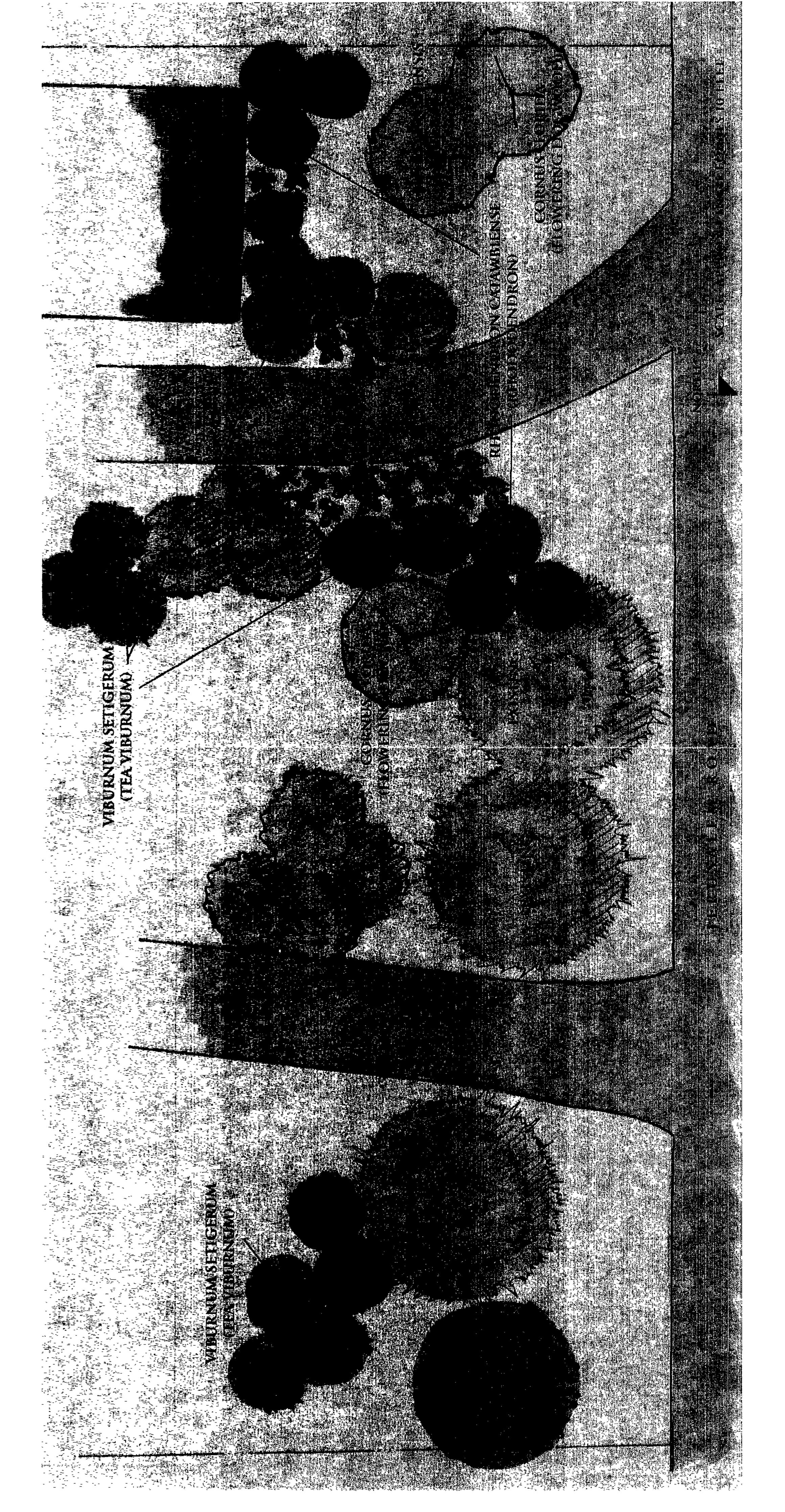
St. A. A. A. William



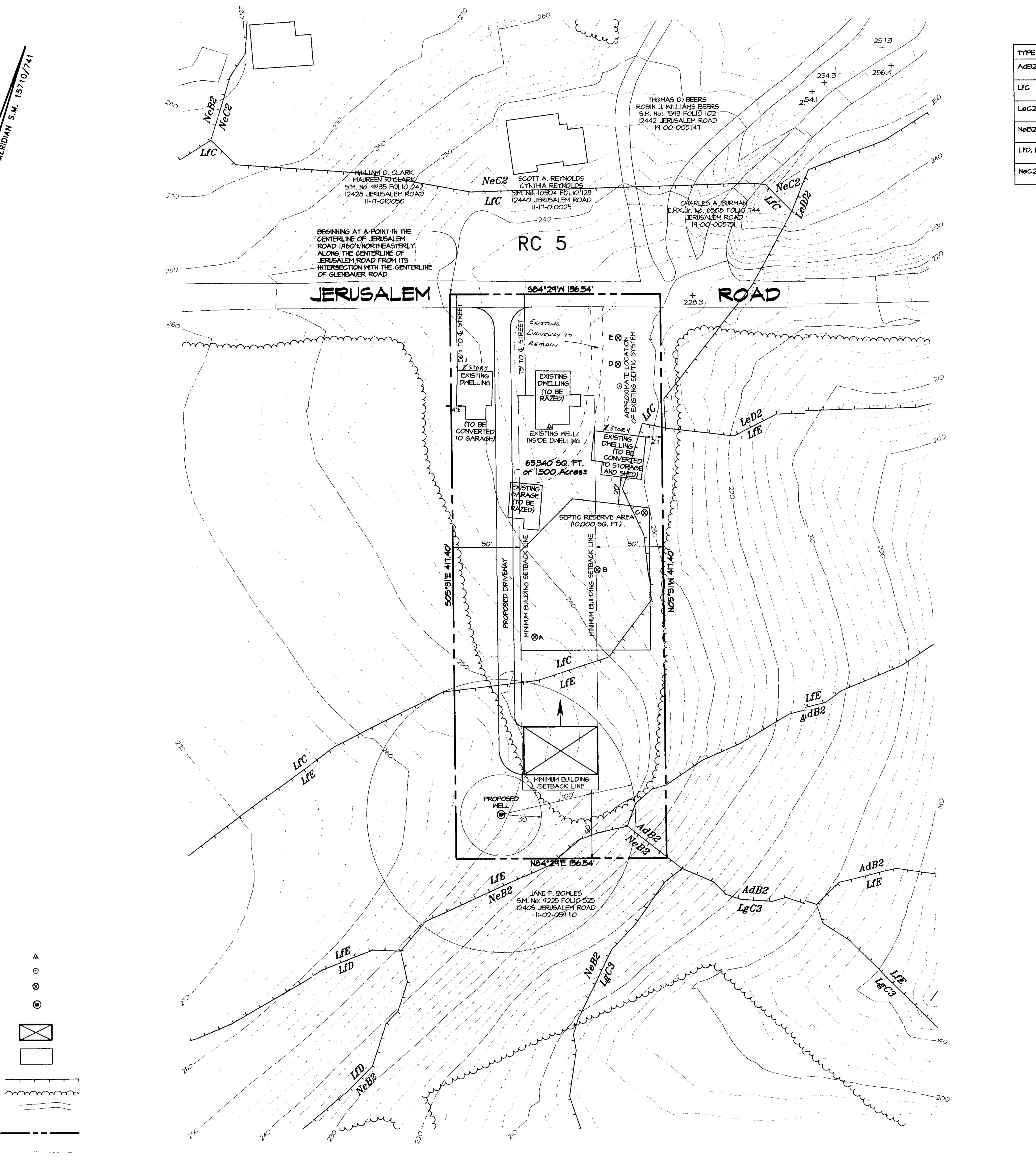


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THE THE PROPERTY OF THE PROPER



LEGEND

EXISTING WELL

EXISTING CLEANOUT

PROPOSED PERC TEST

PROPOSED WELL AREA

PROPOSED DWELLING

EXISTING BUILDING

EXISTING PAVING

PROPERTY LINE

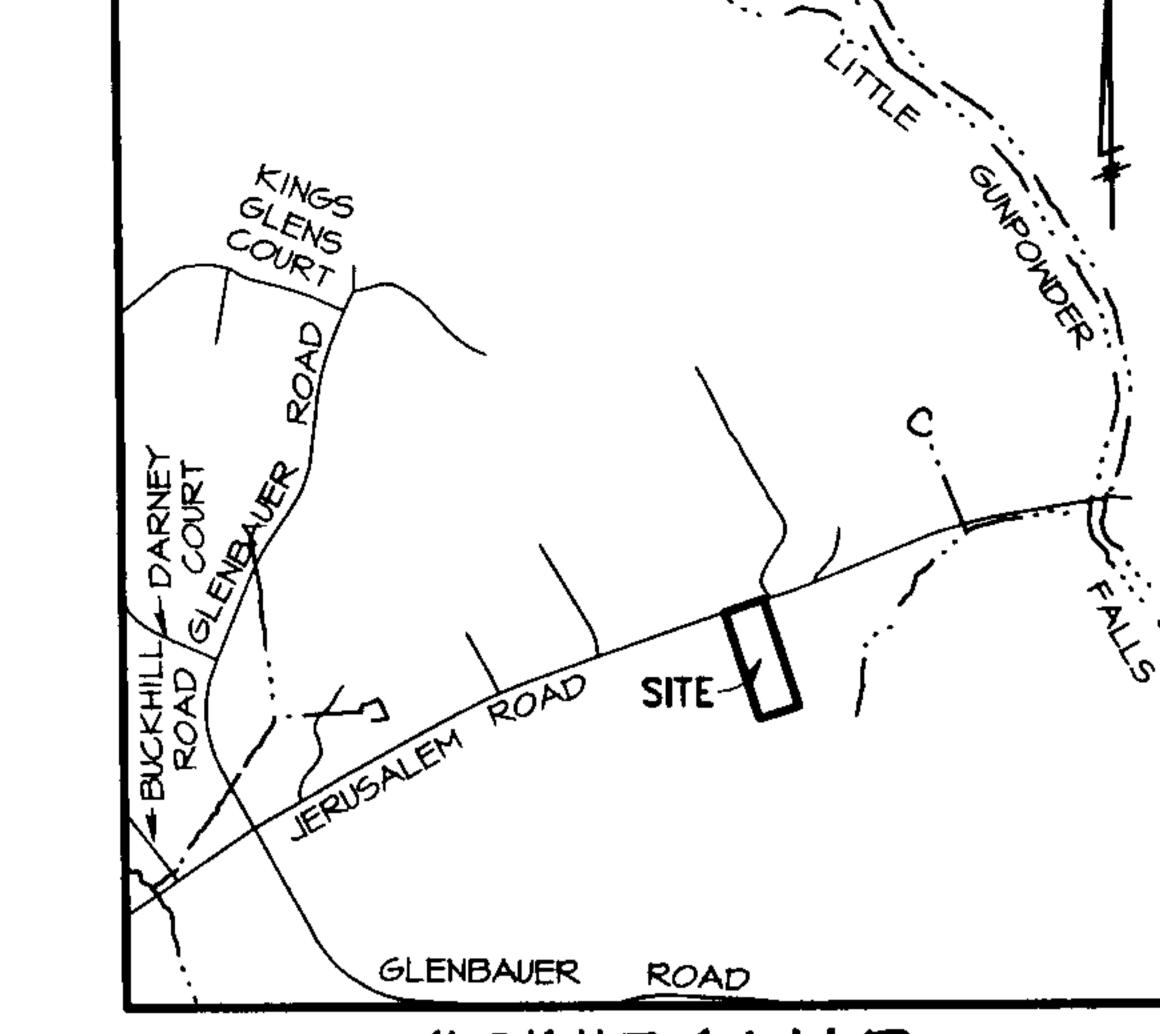
CONTOURS

SOIL LINE

MOODS LINE

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
AdB2	Severe: slow permeability; seasonally perched water table.	Moderate: seasonally perched water table, slope.	Moderate: seasonally perched water table, slope
LFC	Moderate: slope	Moderate: stoniness, slope.	Severe: slope
LeC2	Moderate: slope	Moderate: slope	Severe: slope
NeB2	Moderate: moderate permeability	Slight	Moderate: slope
LfD, LfE, LøD2	Severe: slope	Severe: slope	Severe: slope
NeC2	Moderate: slope; moderate permeability.	Moderate: slope	Severe: slope



VICINITY MAP | | = | 000'

GENERAL NOTES

- THE BOUNDARY SHOWN HEREON IS FROM A DEED RECORDED AMONG THE LAND RECORDS OF
- BALTIMORE COUNTY, MARYLAND.

- THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.

- II. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
- 12. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREAS. THE EXISTING SEPTIC SYSTEM SHALL BE UTILIZED FOR AN EXISTING BATHROOM TO BE KEPT IN THE
- EXISTING DWELLING TO BE CONVERTED TO STORAGE AND SHED. 14. THE EXISTING WELL MAY NEED TO BE ABANDONED AND FILLED WITH BENTONITE.

R.C. 5 PRINCIPAL STRUCTURE OR DWELLING SETBACKS FROM ANY BUILDING FACE TO: CENTERLINE OF ANY STREET (NOT COLECTOR ROAD OR LEADING TO COLLECTOR ROAD)

75 150

FROM ANY BUILDING FACE TO: LOT LINE OTHER THAN A STREET LINE

PETITION

FOR A VARIANCE FROM SECTION 400.1 OF THE B.C.Z.R. TO PERMIT EXISTING ACCESSORY STRUCTURES IN THE FRONT YARD, WITH A 56' SETBACK FROM THE CENTERLINE OF THE STREET, IN LIEU OF THE REQUIRED REAR YARD.

FOR A VARIANCE FROM SELTION 400,3 OF THE B.C.Z.R. TO PERMIT DETACHED ACCESSORY STRUCTURES M-THE-F(Z) EXCEEDING 15' IN HEIGHT IN LIEU OF THE MAXIMUM IS HEIGHT.

SAMUEL HAMMAKER 3316 PUTTY HILL AVENUE BALTIMORE, MARYLAND 21234 (410)-925-1567

PLAN TO ACCOMPANY PETITION FOR VARIANCE

HAMMAKER PROPERTY

12439 - 12443 JERUSALEM ROAD DEED REF: S.M. NO. 15710 FOLIO 741 TAX ACCOUNT NO .: 11-18-000250 ZONED R.C.- 5; GIS TILE 055B2 TAX MAP 55; GRID 15; PARCEL 27 11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Scale: |"=40'

Date: JUNE 30, 2005

GERHOLD, CROSS & ETZEL, LTD.

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100 320 East Towsontown Boulevard Towson, Maryland 21286 (410) 823-4470