IN RE: DEVELOPMENT PLAN HEARING and *
PETITIONS FOR SPECIAL HEARING &

VARIANCE - S/S Old Frederick Road

642' E of Academy Road

(5415, 5419 & 5437 Old Frederick Road)

(Lindauer/Golden Oaks Property)

1st Election District

1st Council District

Anna Lindauer, Trustee, Golden Oaks G.P., Legal Owners, Skirven Enterprises, Inc.,

Developer/Petitioner

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Cases Nos. I-519 & 06-173-SPHA

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.). Section 32-4-230 of the B.C.C. 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, Skirven Enterprises, Inc. (the "Developer"), seeks approval of a development plan for the proposed residential development of the subject property with 20 single-family semi-detached dwelling units. Zoning relief is also requested. Specifically, special hearing relief is requested to approve the density anomaly presented by Lots 1 and 2, and to use density from the B.M. and D.R.10.5-zoned areas of the Property, having a combined surplus of 22 density units, to support Lot 2, which is split zoned B.M. and R.O.A. Finally, variance relief is requested from the small lot table found in Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit lot areas of 7,285 sq.ft. and 4,845 sq.ft. for Lots 1 and 2, respectively, in lieu of the minimum required 10,000 sq.ft., and to permit lots widths of 50 feet and 42 feet (at narrowest points) for Lots 1 and 2, respectively in lieu of the required 70 feet. The proposed

subdivision and requested zoning relief are more particularly described on the revised redlined/green lined Plan submitted and marked into evidence as Developer's Exhibit 2.

As to the history of this project through the development review process, codified in Article 32 of the B.C.C., a concept plan of the proposed development was prepared and a Concept Plan Conference (CPC) held on August 23, 2004. 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 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 October 5, 2004 at the Westowne Elementary School. Subsequently, a development plan is prepared 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 October 26, 2005. Following the DPC, the Developer prepared a revised development plan ("the redlined/green lined plan") incorporating the agency comments from the DPC and presented this plan at the Hearing Officer's Hearing, which was held on January 13, 2006. It is this redlined/green-lined plan of which the Developer seeks approval.

Appearing at the public hearing on behalf of the Developer were David Martin of George William Stephens, Jr. and Associates, Inc., the consultants who prepared the development plan; and Dino La Fiandra, Esquire counsel for the Developer. Numerous representatives of the various Baltimore County agencies reviewed the Plan and attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Walt Smith, Project Manager; Bill Miner from Land Acquisition; Bruno Rudaitis from Zoning Review; and Dennis Kennedy from Development Plans Review (DPR). Jeff Livingston from the

Department of Environmental Protection and Resource Management (DEPRM), Jan Cook of the Department of Recreation and Parks (R&P), and Donnell Ziegler, as a representative of the Office of Planning (OP), also attended the hearing. Reverend Carl Cummings of St. Agnes Church, located at 5422 Old Frederick Road, attended the hearing as an interested citizen.

The subject property (the "Property") contains a gross area of 7.587 acres, and a net area of 7.02 acres. It is located on the south side of Old Frederick Road in the Catonsville area of Baltimore County. The Property is split zoned D.R.5.5, D.R.10.5, R.O.A., and B.M. As noted above, the Developer proposes a residential subdivision of 20 single-family semi-detached dwellings. As shown on the Plan, access to the subdivision will be from the south side of Old Frederick Road. The Property will be served by public water and sewer. Other specifics of the development plan, including the floodplains, wetlands, forest buffer and stormwater management areas, are more particularly described on the Plan.

Pursuant to Sections 32-4-227 and 32-4-228 of the B.C.C., which regulate the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, the Office of Planning and the Bureau of Zoning Review presented issues with regard to the density anomaly involving Lot 2. Mr. Ziegler, on behalf of the Office of Planning indicated that the requested zoning relief should not be granted because the Developer is not entitled, by right, to have two dwelling units in the R.O.A. zoned portion of the Property. Similarly, Bruno Rudaitis of the Bureau of Zoning Review indicated that the zoning regulations do not permit Lot 2 as proposed. However, Mr. Rudaitis stated that the Bureau of Zoning Review will approve the proposed location of Lot 2 if the requested zoning relief is granted. The Developer asserted, and Mr. Rudaitis confirmed, that aside from the density anomaly issue presented by Lot 2, the Plan complies with all comments of the Bureau of Zoning

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Review. The issues raised by Messrs. Ziegler and Rudaitis related to the density anomaly will be addressed in the zoning relief portion of this opinion.

Bill Miner, representing Land Acquisition, indicated that the existing off-site drainage and utility easement as depicted on the Plan was improperly dimensioned as 75 feet rather than 81 feet. After the hearing, the Plan was revised to reflect the proper dimensions of the drainage and utility easement. The redlined/green-lined plan has been revised with the correct dimension and has been approved by Mr. Miner.

The Department of Recreation & Parks approved a waiver of Local Open Space for this project. The Developer will pay a fee in lieu to the Department of Recreation and Parks as approved on December 1, 2005 (County Exhibit 1). Jeff Livingston and Dennis Kennedy indicated that their respective agencies have no unresolved issues.

David Martin, admitted as an expert in planning, zoning and development, presented the Plan on behalf of the Developer. As previously stated, 20 semi-detached single-family dwelling units are proposed on the Property. Mr. Martin testified as to the existing conditions on site. The Property is split zoned D.R.5.5 (3.45 acres), D.R.10.5 (3.1 acres), R.O.A. (0.25 acres) and B.M. (0.61 acres). The site slopes down significantly from Old Frederick Road south towards Academy Road and then slopes down severely to the southwest of proposed Lots 7 and 8, before leveling out closer to Academy Road. There is also a ridge at the northern end of the Property. Along the southwestern portion of the Property, the Developer proposes a forest buffer reservation consisting of 1 acre and a forest conservation easement area consisting of 0.9 acres. Two stormwater management ponds will serve the Property. One of the stormwater management ponds is necessary within the forest buffer and forest conservation areas due to the slope of the Property, which manages the majority of stormwater outfall on the site. DEPRM has approved

an alternatives analysis for the placement of this stormwater management facility as proposed. The stormwater management pond at the north east corner of the tract manages a much smaller geographic area.

As depicted on the Plan, the proposed interior road has been aligned at the request of Development Plans Review for safety/sight reasons. In addition, a recent survey of the Property revealed that the adjoining cemetery contains several graves which encroach upon the Property. The Developer proposes to convey the portion of the Property containing the encroachment (approximately 0.3 acres) to the cemetery, which is noted on the development plan. Mr. Martin testified that the outfall for stormwater management is suitable and that the Plan complies with all Baltimore County Code requirements. There is no indication to the contrary. Frederick N. Chadsey IV, another engineer with G.W. Stephens & Associates, Inc., who was also present at the hearing, also confirmed the suitability of outfall on the Property.

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 Plan as submitted at the hearing and accepted as Developer's Exhibit 2 meets all County rules, regulations and standards for development in Baltimore County and therefore must be approved.

Turning next to the requested zoning relief, and specifically the Petition for Special Hearing, the Developer requests approval of the density anomaly presented by Lots 1 and 2 to use density from the B.M. and D.R.10.5 zoned areas of the Property (which have a combined surplus of 22 density units) to support Lot 2, which is split zoned BM and ROA.

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As a policy matter, for density purposes, every residential lot must be counted against the density available in each zone in which it is located. Hence, a lot that is located partially within two zones consumes two density units — one in each zone. This is why density for split zoned tracts must be tabulated on a per zone basis. BCZR §1B01.2.A supports this policy. A density anomaly exists when one of the zones in which a proposed lot is located has sufficient density to support the proposed lot, but the other zone in which the proposed lot is also located has insufficient density to support the proposed lot. Here, Lot 2 is split zoned BM and ROA. There is adequate density available in the BM zoned portion of the tract to support this proposed lot. On the other side of the zone line, the ROA zoned portion of this tract will support only one density unit, which is already consumed by Lot 1 (which is likewise split zoned BM and ROA). As Zoning Commissioner, I have the discretion under the Zoning Commissioner's Policy Manual to approve a density anomaly such as this.

The density tabulation for this tract is somewhat complicated. As noted above, density on a split zoned tract generally must be accounted for on a *per zone* basis. BCZR § 1B01.2.A. The exception to this general rule is that density available in the D.R.10.5, D.R.16, and any non-residential zone which permits residential development, may be distributed throughout the portions of the tract so zoned, as if that area was within a single zone. Because portions of this tract are zoned D.R.10.5 and BM (Business Major, a non-residential zone which permits residential development), this exception has obvious import. Therefore, under the provisions of BCZR §1B01.2.A, the density available in the ROA zone and the D.R.5.5 zone within this tract must be tabulated and accounted for on a *per zone* basis. The density available in the BM and R.10.5 zoned areas of this tract must be calculated pursuant to the maximum permitted density in each of these respective zones. However, this maximum permitted density may be tabulated

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and accounted for as if this area were within a single zone, without regard for the BM/D.R.10.5 zone line within the tract.

The density calculations in this case are further complicated by the presence of the ROA zone within this tract. The ROA zone is a residential – office zone and residential development within the ROA zone must meet the requirements of the D.R.3.5 zone. BCZR §202.4.A. Furthermore, we are directed to use the D.R.3.5 zoning requirements of the previously mentioned small lot table of BCZR §1B02.3.C.1 to calculate density in this area. Pursuant to the small lot table, the minimum lot size in the ROA zone (via the D.R.3.5 regulations) is 10,000 sq.ft. Since the ROA zoned area of this tract is approximately 0.25 acre, or approximately 10,890 sq.ft., the ROA zoned area has 1 density unit available to it.

Thus, a density tabulation for this proposed development looks like this:

Zone	Acreage	Density Permitted	Density Proposed
ROA	0.25 (10,890 sq. ft.)	1	2, as follows: Lots 1 and Lot 2, a portion of each of which is located in the ROA zone
DR. 5.5	3.45	18 (3.45 acres x 5.5 density units per acre)	11, as follows: Lots 10 through 20, a portion of each of which is located within the D.R 5.5 zone.
DR. 10.5 and BM	3.1 acres @ D.R. 10.5 0.61 acres at BM (5.5 units per acre)	35 Total (32 in the D.R. 10.5 zone, plus 3 in the BM zone).	10, as follows: Lots 1 through 10, a portion of each of which is located within the D.R. 10.5 zone or the BM zone.)
Total		54	23, although note that there are only 20 dwellings proposed.

Therefore, these 20 dwellings consume 23 density units, which in and of itself is an anomaly. From the table presented above it follows that the split zoned lots — those which consume more than 1 density unit per lot — are Lots 1 and 2, each of which is split zoned BM and ROA, and Lot 10, which is split zoned D.R.5.5 and D.R.10.5. Of all these split zoned lots, the only density anomaly which needs my approval is Lot 2, because although there is density

available in the BM zone to support it, there is only 1 density unit available in the ROA zone, which is consumed by the portion of Lot 1 located within that zone.

In its Petition for Special Hearing, Developer has sought my approval to permit split-zoned Lot 2, despite the density anomaly noted above. At the hearing, Mr. Martin prepared a sketch demonstrating the area of Lot 2 and the portion of the proposed dwelling for Lot 2 as it falls within the B.M. and R.O.A. zoned areas. Mr. Martin's sketch was accepted into evidence as Developer's Exhibit 4. It clearly shows a portion of the dwelling of Lot 2 within both the BM and the ROA zone.

As previously stated, the Office of Planning opposes the special hearing relief because the Developer is not entitled by right to 2 density units on the R.O.A. portion of the Property. However, this Zoning Commissioner has the discretion to approve a density anomaly as provided in the Baltimore County Zoning Commissioner's Policy Manual (the "ZCPM"). The Developer requested special hearing relief to approve the density anomaly presented by Lots 1 and 2. Pursuant to the ZCPM, the Zoning Commissioner may approve a density anomaly if the Director of Permits and Development Management refers the matter to a zoning hearing. (See ZCPM excerpt attached to this Order as **Exhibit A**.)

Based upon the testimony and evidence presented, I find that the density anomaly presented in this case should be approved. The testimony and evidence presented demonstrates that approval of the density anomaly as depicted on the Plan comports with the BCZR and development regulations and it allows a better design which is consistent with the development proposed on the balance of the tract. Denial of this density anomaly would cause an absurd result, inconsistent with the spirit and intent of the zoning regulations and sound planning

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principles. Therefore, I find that the Developer has met its burden and I will grant the Petition for Special Hearing relief.

As noted, the Developer has also sought lot size and width variances for Lots 1 and 2. The ROA zoned areas of the tract, on which Lots 1 and 2 are located, must conform to the DR. 3.5 zoning regulations of the small lot table, BCZR §1B02.3.C.1. The Petition for Variance seeks relief from BCZR §1B02.3C.1 to permit Lots 1 and 2 to contain 7,285 square feet and 4,845 square feet, respectively, in lieu of the required 10,000 square feet of the small lot table. The Petition for Variance also requests relief from BCZR §1B02.3C.1 to permit a lot width of 50 feet on Lot 1 and 42 feet on Lot 2 in lieu of the required 70 feet of the small lot table

Testimony from Mr. Martin indicated that the Property's sever environmental constraints uniquely limit the developable area on the Property. I find that the Property is unique because it slopes sharply towards Academy Road where it is then encumbered by forest buffer and forest conservation areas. The Property contains two stormwater management ponds, one which is necessitated by the severe slope of the Property. The Property also contains fill in the sloped areas. Furthermore, the Property is encroached by existing gravesites to the west. Because of the unique topographical and geological characteristics of the Property, area variances are needed for Lots 1 and 2. Furthermore, this uniqueness causes a practical difficulty in the development of the ROA zoned area of the property.

I find that the requirements of the BCZR have been met for variance relief to be granted.

The uniqueness associated with the Property includes its unusual existing features, both the environmental constraints and the topographical constrains, all of which lead to the placement of all proposed lots, including Lots 1 and 2. I find that the Developer would suffer a practical difficulty and unreasonable hardship if relief is denied. Finally, the requested relief can be

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granted without incurring a detrimental impact to adjacent properties or the surrounding locale. It should be noted that the sole community member who was present for this hearing supported the development as proposed.

Pursuant to the zoning and development regulations of Baltimore County as contained within the B.C.Z.R., Title 4 of the B.C.C., the redlined/green-lined development plan (Developer's Exhibit 2) shall be approved consistent with the comments contained herein and the relief requested within the Petitions for Special Hearing and Variance, shall be granted, all being subject to the restrictions and conditions set forth below.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County, this Hay of January 2006, that the redlined/green-lined development plan for the Lindauer/Golden Oaks Property, identified herein as Developer's Exhibit 2, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of the density anomaly presented by Lots 1 and 2, and to use density from the B.M. and D.R.10.5-zoned areas of the Property, having a combined surplus of 22 density units, to support Lot 2, which is split zoned B.M. and R.O.A., in accordance with Developer's Exhibit 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the small lot table found in Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit lot areas of 7,285 sq.ft. and 4,845 sq.ft. for Lots 1 and 2, respectively, in lieu of the minimum required 10,000 sq.ft., and to permit lot widths of 50 feet and 42 feet (at narrowest points) for Lots 1 and 2, respectively, in lieu of the required 70 feet, in accordance with Developer's Exhibit 2, be and is hereby GRANTED, subject to the following condition:

1. The Developer/Petitioner is permitted to proceed; however, the Developer/Petitioner is hereby made aware that doing so shall be at its own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein could be rescinded.

Any appeal of this Order shall be taken in accordance with Sections 32-3-401 and 32-4-

281 of the Baltimore County Code.

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WILLIAM J. WISEMAN, III

Zoning Commissioner/Hearing Officer for

Baltimore County

With the advent of County Council Bill #2-92, effective 3/2/92, (for D.R. zones) and due to the fact that in R.C. zones and now with only a fewexceptions in the D.R. zones: (1) in 10.5 or 16 or non-residential zone that allows residential uses, (2) P.U.D.s, and (3) elderly housing, the D.R. density permitted is strictly zone specific. This unfortunately does not allow for flexibility or a method of addressing a proposal that is not strictly zone specific. When a proposal is made that does not strictly comply with the standards, the Director of Z.A.D.M. will determine if a special hearing may be requested before the Zoning Commissioner separately or concurrent with the development proposal, pursuant to Section 500.7 (B.C.Z.R.) to determine when and how density should be calculated. The following anomalies of the zone specific density standards have been encountered:

- 2 D.R. zones (D.R.-3.5 and 5.5) exist on a development tract and density has been fully utilized within the In addition to the permitted and proposed 3.5 zone. complete lots in the D.R.-3.5 zone, the plan proposes a portion of a proposed lot or dwelling within the D.R.-3.5 zone.
- A small tract that would be regulated by the small lot table in Section 1B02.3.C (B.C.Z.R.) (less than 6 lot potential) is proposed for development and bifurcated by a D.R. zone line separating two different D.R. zones. There is insufficient net area in one or both of the zones to separately support the lots in the zone(s) they are proposed. are proposed so that a combination of the separate percentages of the total, not lot requirement, in each zone would equal the whole number 1 for each lot. This method of combining the net lot density potential of the separate zones has never been permitted; however, it may be an equitable solution due to the fact that when a small tract is split zoned, one or both of the net zoned areas could be useless in contributing to the net density potential of the ownership tract.
- Subdivision is proposed that would not be regulated by the small lot table which is bifurcated by a D.R. zone line and would qualify for a minor subdivision in the development regulations. After 3/2/92, County Council Bill #2-92 density in most D.R. - zones- cannot accrue across the zone line and all or portions of one or both of the gross zoned areas could be useless in contributing to the gross density potential of the ownership tract. If the density potential of the separate gross zoned: areas-were combined (as permitted prior to 3/2/92), the resulting density may permit an additional dwelling.

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When a zoning density anomaly is encountered in the development review process; the Director of Z.A.D.M. shall consider recommendations for actions from the Director of O.P.Z. These recommendations shaff include, but not be limited to, any possible conflicts with the purpose of the B.C.Z.R. and development regulations including the design and compatibility

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ONDER RECENED FOR FILING Date

By

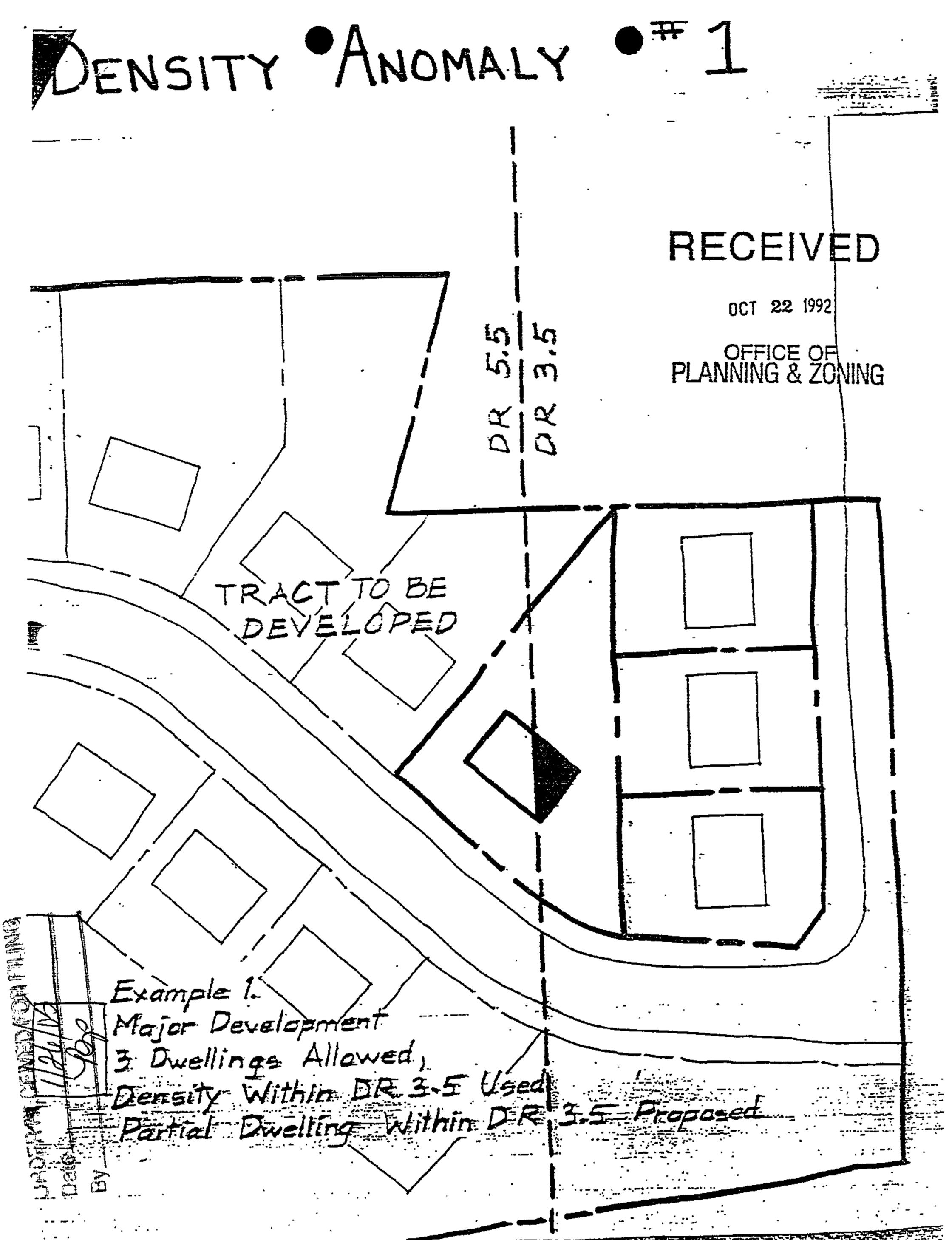
1. The Developer/Petitioner is permitted to proceed; however, the Developer/Petitioner is hereby made aware that doing so shall be at its own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein could be rescinded.

Any appeal of this Order shall be taken in accordance with Sections 32-3-401 and 32-4-

281 of the Baltimore County Code.

WII LIAM J. WISEMAN, III

Zoning Commissioner/Hearing Officer for Baltimore County





JAMES T. SMITH, JR. County Executive

January 26, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Dino C. La Fiandra, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITIONS FOR SPECIAL HEARING & VARIANCE

S/S Old Frederick Rd., 642' E of Academy Rd. (5415, 5419 & 5437 Old Frederick Rd.

(Lindauer/Golden Oaks Property)

1st Election District — 1st Council District

Anna Lindauer, Trustee, Gold Oaks General Partnership, Legal Owners;

Skirven Enterprises, Inc., Developer/Petitioner

Case No. I-519 and 06-173-SPHA

Dear Mr. La Fiandra:

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

Very tryly yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bis

cc: Mr. Charles Skirven, Skirven Enterprises, 5405 Twin Knolls Road, Columbia, Md. 21045 Messrs. Rick Chadsey & David Martin, George W. Stephens, Jr. & Assoc., Inc.

1020 Cromwell Bridge Road, Towson, Md. 21286

Mr. John Canoles, 1527 York Road, Lutherville, Md. 21093

Rev. Carl Cummings, St. Agnes Church, 5422 Old Frederick Road, Baltimore, Md. 21229 Walt Smith, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File



FOR FILING

OHDER RE

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

5415, 5419, 5437 for the property located at Old Frederick Road

which is presently zoned DR5.5, DR10.5,

ROA, BM

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To approve the density anomoly presented by Lots 1 and 2 by utilizing density from the BM and DR 10.5 zoned areas within the tract (with a combined surplus of 22 density units) to support Lots 1 and 2 within the ROA zone within the tract (all within the same tract).

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, 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:	<u>Legal Owner(s):</u>
Skirven Enterprises, Inc.	Please see attached.
Name - Type or Print Name -	Type or Print
Signature By: Charles Skirven	Signature
5401 Twin Knolls Road, Suite 10 Address Telephone No.	Name - Type or Print
Columbia, Maryland 21045 City State Zip Code	Signature
Attorney For Petitioner:	Address Telephone No.
Dino C. LaFiandra	Address receptions to
Name - Type or Print City	State Zip Code
signature Laure	Representative to be Contacted:
Whiteford, Taylor & Preston, LLP Company	Dino C. LaFiandra, Esq.
270 W. Pennsylvania Ave. 410.832≘2000 Address Telephone No.	210 W. Pennsylvania Ave. 410.832-2000 Address Telephone No.
Tewson Maryland 21204 State Zip Code	Towson, Maryland 21204 City State Zip Code
Tase No. 06-173 SPHA Reviewe	OFFICE USE ONLY ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING DROP OFF SEE ROLCY VL

Petition for Special Hearing Continuation Sheet

Legal Owner:

Anna B. Lindauer, Trustee

7923 Elvation Road

Glen Burnie, MD 21061

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OHDER RECEIVED FOR FILING
Date

By

AMENDED



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 5415, 5419 & 5437 Old

which is presently zoned DR 5-5, DR 10-5

ROA, BM

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)

To be shown 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:

DR FING

Legal Owner(s):

<u>Skirven Enterprises, Anc.</u>	Please see attached	
Name - Type or Print	Name - Type or Print	
Signature By: Charles Skirven	Signature	
5401 Twin Knolls Road, Suite 10		
- Columbia, MD 21045 410-730-8945 City State Zip Code	e Signature	
Attorney For Petitioner:		
	Address	Telephone No.
Dino C. LaFiandra Name - Type or Print	City City	7:- 0- do
	City	Zip Code
Signature / Man Kir-	Representative to be Contacted:	
Whiteford, Taylor & Preston LLP	Dino C, LaFiandra	
Company	Name	_
210 W. Pennsylvania Ave. 410-832-2000		410-832-2000
Address Telephone No	Address	Telephone No.
Towson, Maryland 21204 City State Zip Code	Towson, Maryland 21204 City State	Zip Code
	•	Zip Code
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AMENDED Petition for Variance Continuation Sheet

Legal Owner:

Anna B. Lindauer, Trustee

7923 Elvation Road Glen Burnie, MD 21061

ORIGINATION FOR FILING By

AMENDED Petition for Variance Continuation Sheet

Relief Requested:

Variance from BCZR § 1B02.3.C.1(small lot table) for Lots 1 and 2 to contain 7285 square feet and 4845 square feet, respectively, in lieu of 10,000 square feet required.

Variance from BCZR § 1802.3.C.1 (small lot table) for Lots 1 and 2 with a lot width of 50 feet (at narrowest point) and 42 feet (at narrowest point), respectively, in lieu of 70 feet required.

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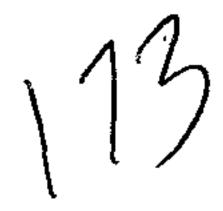
CORRECTION: VARIANCE FOR CASE NO. 06-173-SPHA

to permit lots 1 and 2 contain 7285 sqft and 4845 sq.ft. Respectively in lieu of the 10,000 sq.ft required and for Lots 1 and 2 with a lot width of 50 feet (at narrowest point) and 42 feet (at narrowest point), respectively in lieu of the 70 feet required.

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Date
By





GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS

1020 CROMWELL BRIDGE ROAD • TOWSON, MARYLAND 21286-3396

ZONING DESCRIPTION LINDAUER PROPERTY 7 2222 ACRES +/ ELECTION DISTRICT No. 1 BALTIMORE COUNTY, MD. September 20, 2005 Sheet 1 of 1

Beginning for the description of a 7.2222 Acre more or less Parcel at a 1" pipe found on the south side of Old Frederick Road and being measured, as now surveyed, North 86 degrees 52 minutes 40 seconds East 642 feet more or less from the centerline intersection of Old Frederick Road and Academy Road, running thence leaving said point of beginning and binding on the south side of said Old Frederick Road, the two following courses, as now surveyed,

- 1) North 87 degrees 16 minutes 47 seconds East 307.74 feet and
- 2) North 87 degrees 09 minutes 32 seconds East 51.50 feet, running thence leaving the south side of said Old Frederick Road, the three following courses, as now surveyed,
 - 3) South 09 degrees 15 minutes 18 seconds West 156.79 feet,
 - 4) South 82 degrees 21 minutes 29 seconds East 47.47 feet and
- 5) North 10 degrees 15 minutes 18 seconds East 165.33 feet to a point on the south side of said Old Frederick Road, running thence binding on the south side of said Old Frederick Road, as now surveyed,
- 6) South 81 degrees 39 minutes 46 seconds East 256.68 feet, running thence leaving the south side of said Old Frederick Road, the six following courses, as now surveyed,
 - 7) South 25 degrees 04 minutes 58 seconds West 210.08 feet,
 - 8) South 22 degrees 57 minutes 18 seconds West 72.36 feet,
 - 9) South 24 degrees 09 minutes 17 seconds West 62.85 feet,
 - 10) South 59 degrees 22 minutes 34 seconds West 105.53 feet,
 - 11) North 87 degrees 17 minutes 34 seconds West 177.53 feet and
- 12) South 08 degrees 29 minutes 05 seconds West 525.23 feet to intersect the northeastern right of way line of Academy Road, running thence binding on said northeastern right of way line of said Academy Road, the two following courses, as now surveyed,
- 13) Northwesterly by a non radial curve to the left having a radius of 2,030.00 feet for a distance of 31.11 feet, said curve being subtended by a chord bearing North 47 degrees 52 minutes 02 seconds West 31.11 feet and
- 14) by a line tangent to said curve North 48 degrees 18 minutes 23 seconds West 204.47 feet, running thence leaving said northeastern Right of Way line of said Academy Road, as now surveyed,
 - 15) North 00 degrees 01 minutes 30 seconds East 740.65 feet to the point of beginning.

Containing 7.2222 Acres of land more or less

The above courses are based on Maryland Coordinate System NAD83/91.

The above Description is for Zoning Purposes Only and is not intended to be used for Conveyances or

Agreements.

410-825-8120 • FAX 410-583-0288 www gwstephens com

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE ACCOUNT WO OOG 6150 AMOUNT & ACCOUNT WARYLAND AMOUNT WARYLAND AMOUNT W
CASHIER'S VALIDATION	PAID RECEIPT ***********************************

-

NOTICE OF ZONING HEARING

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

Case: #06-173-SPHA

5415, 5419 & 5437 Old Frederick Road S/side of Old Frederick Road, 642 feet +/- east of Academy Road 1st Election District - 1st Councilmanic District Legal Owner(s): Anna B. Lindauer, Trustee Contract Purchaser: Skirven Enterprises, Inc., Charles Skirven

Special Rearing: to approve the density anomally presented by Lots 1 and 2 by utilizing density from the BM and DR 10.5 zoned area within the tract (with a combined surplus of 22 density units) and to support Lots 1 and 2 within the ROA zone within the tract (all within the same tract). Variance: to permit Lots 1 & 2 to contain 7,285 sq. ft. and 4,845 sq. ft. respectively in lieu of the 10,000 sq. ft. required and for Lots 1 & 2 with a lot width of 50 feet (at narrowest point) and 42 feet (narrowest point), respectively in lieu of the 70 feet required.

Hearing: Friday, December 9, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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.

JT/11/749 Nov. 29 76672

CERTIFICATE OF PUBLICATION

12/11,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 1129,20 <u>05.</u>
The Jeffersonian Arbutus Times Catonsville Times Towson Times Owings Mills Times NE Booster/Reporter North County News
S. Wilkings

LEGAL ADVERTISING

The Zoning Commissioner of Baltimore County by sority of the Zoning Act and Regulations of Baltimore ty will field a public hearing in Towson, Maryland on certy identified herein as follows: #06-173-SPHA 19 & 5437 Old Frederick Road Old Frederick Road, 642 feet +/- east of oad Vistrict — 1st Councilmanic District nna B. Lindauer, Trustee See: Skirven Enterprises, Inc., Charles approve the density anomally to 2 by utilizing density from the area within the tract (with a censity units) and to support see some within the tract (all see to permit Lots 1 & 2 to see it, respectively in ad and for Lots 1 & 2 to see it field of the 70 feet 10 111 West

and/or Hearing, (410) 887-3391. 73554

CERTIFICATE OF PUBLICATION

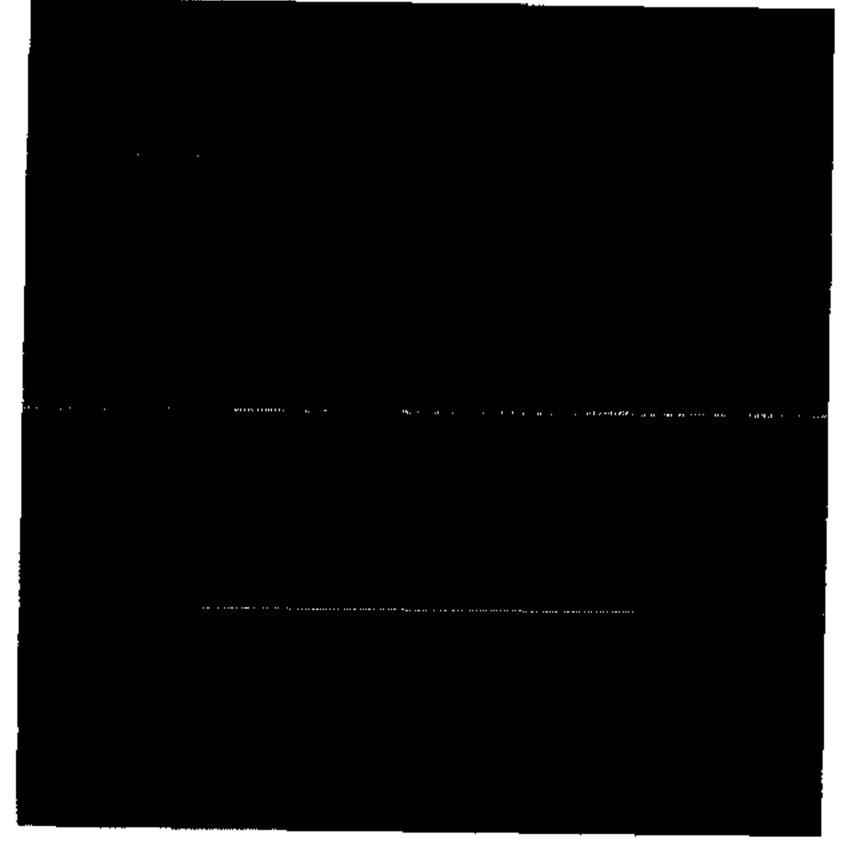
11/3/
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on $1131,2005$.
on 113,20 <u>05</u> .
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

Drisauer/GOLDAN DAKS

CERTIFICATE OF POSTING

	RE: Case No.: #. O. H.
_ .	Petitioner/Developer: SKIRVEN
	ENTERPLISES
	Date of Hearing/Closing: JAN 13
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN WALT SMITH	
Ladies and Gentlemen:	
harmonical on rate brokesty ment	~yp
5415,5419 x	5437 OLD FREDRICK RD
H.O. H: RESCHEDUL	5D
The sign(s) were posted on	12-15-05
	(Month, Day, Year) Sincerely.
•	ometag,
<u> </u>	. Robert Black 12-16.
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Lestie Road



(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

OLD FREDRICK RD

18U

CERTIFICATE OF POSTING

₹	- <u> </u>	RE: Case No.: 06-173-SPHA
		Petitioner/Developer: SKIRVEN
		ENTERDRETT
	·	Date of Hearing/Closing: JAN 13, 20
Baltimore County Department of Permits and Development Manage County Office Building, Room 11: 111 West Chesapeake Avenue Towson, Maryland 21204	ement	
ATTN: Kristen Mathew	 ნ	
Ladies and Gentlemen:	Ť·	
This letter is to certify under the posted conspicuously on the prope	enalties of perjury the	at the necessary sign(s) required by law were
5415,5419	+·5437 06	D FREDRICK RD
HEARING DATE C	HANGE)	·
The sign(s) were posted on	12-	29-05
<u></u>		a, Day, Year)
	Sincere	iy,
		Robert Black 12-29-05
		(Signature of Sign Poster) (Date)
		SSG Robert Black
	— nau a	(Print Name)
		1508 Leslie Road
- restronouszuer uztatkettilis (Lide C.). Ob		(Address)
		Dundalk, Maryland 21222
		(City, State, Zip Code)
		(410) 282-7940
		(Telephone Number)
		-

5419, 5415 & 5437 OLD FREDRICK RD

CERTIFICATE OF POSTING

	RE: Case No.: 06-173-5PHA
	Petitioner/Developer: 512VEN
	ENTERDRISES
	Date of Hearing/Closing: 12-9-05
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-339)4 }
Ladies and Gentlemen:	•
5415, 5419, ¥ 5437. OL.	D FREDRICK KOND
The sign(s) were posted on	11-22-05
	(Month, Day, Year)
	Sincerely,
	Robert Black 11-25-06
	Robert Black 11-25-06 (Signature of Sign Poster) (Date)
	Robert Black (Signature of Sign Poster) (Date) SSG Robert Black
	SSG Robert Black
In the second to a manufacture large.	SSG Robert Black (Print Name)
	SSG Robert Black (Print Name) 1508 Leslie Road
To exclusive animality.	SSG Robert Black (Print Name) 1508 Leslie Road (Address)
	SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222

OLD FREURICK

Department of Permits and Development Management

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





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

November 21, 2005

CORRECTED 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: 06-173-SPHA

5415, 5419 & 5437 Old Frederick Road S/side of Old Frederick Road, 642 feet +/- east of Academy Road 1st Election District — 1st Councilmanic District Legal Owner: Anna B. Lindauer, Trustee

Contract Purchaser: Skirven Enterprises, Inc., Charles Skirven

Special Hearing to approve the density anomally presented by Lots 1 and 2 by utilizing density from the BM and DR 10.5 zoned area within the tract (with a combined surplus of 22 density units) and to support Lots 1 and 2 within the ROA zone within the tract (all within the same tract). Variance to permit Lots 1 & 2 to contain 7,285 sq. ft. and 4,845 sq. ft. respectively in lieu of the 10,000 sq. ft. required and for Lots 1 & 2 with a lot width of 50 feet (at narrowest point) and 42 feet (narrowest point), respectively in lieu of the 70 feet required.

Hearing: Friday, December 9, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Dino LaFiandra, 210 W. Pennsylvania Avenue, Towson 21204 Anna Lindauer, 7923 Elvation Road, Glen Burnie 21061 Charles Skirven, 5401 Twin Knolls Road, Ste. 10, Columbia 21045

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 23, 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

Tuesday, November 29, 2005 Issue - Jeffersonian

Please forward billing to:

Dino LaFiandra Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, MD 21204 410-832-2000

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: 06-173-SPHA

5415, 5419 & 5437 Old Frederick Road S/side of Old Frederick Road, 642 feet +/- east of Academy Road 1st Election District – 1st Councilmanic District Legal Owner: Anna B. Lindauer, Trustee

Contract Purchaser: Skirven Enterprises, Inc., Charles Skirven

Special Hearing to approve the density anomally presented by Lots 1 and 2 by utilizing density from the BM and DR 10.5 zoned area within the tract (with a combined surplus of 22 density units) and to support Lots 1 and 2 within the ROA zone within the tract (all within the same tract). Variance to permit Lots 1 & 2 to contain 7,285 sq. ft. and 4,845 sq. ft. respectively in lieu of the 10,000 sq. ft. required and for Lots 1 & 2 with a lot width of 50 feet (at narrowest point) and 42 feet (narrowest point), respectively in lieu of the 70 feet required.

Hearing: Friday, December 9, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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

October 11, 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: 06-173-SPHA

5415, 5419 & 5437 Old Frederick Road

S/side of Old Frederick Road, 642 feet +/- east of Academy Road

1st Election District – 1st Councilmanic District

Legal Owner: Anna B. Lindauer, Trustee

Contract Purchaser: Skirven Enterprises, Inc., Charles Skirven

Special Hearing to approve the density anomally presented by Lots 1 and 2 by utilizing density from the BM and DR 10.5 zoned area within the tract (with a combined surplus of 22 density units) and to support Lots 1 and 2 within the ROA zone within the tract (all within the same tract). Variance to permit Lots 1 & 2 to contain 9,070 sq. ft. and 6,500 sq. ft. respectively in lieu of the 10,000 sq. ft. required and for Lots 1 & 2 with a lot width of 46 feet (at narrowest point) and 42 feet (narrowest point), respectively in lieu of the 70 feet required.

Hearing: Friday, November 18, 2005 at 9:00 a.m. in Room 106, County Office Building,

111 West Chesapeake Avenue, Towson 21204

Why Korroco

Timothy Kotroco Director

TK:klm

C: Dino LaFiandra, 210 W. Pennsylvania Avenue, Towson 21204 Anna Lindauer, 7923 Elvation Road, Glen Burnie 21061 Charles Skirven, 5401 Twin Knolls Road, Ste. 10, Columbia 21045

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 3, 2005.
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

TO: PATUXENT PUBLISHING COMPANY

Thursday, November 3, 2005 Issue - Jeffersonian

Please forward billing to:

Dino LaFiandra Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, MD 21204 410-832-2000

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: 06-173-SPHA

5415, 5419 & 5437 Old Frederick Road

S/side of Old Frederick Road, 642 feet +/- east of Academy Road

1st Election District – 1st Councilmanic District

Legal Owner: Anna B. Lindauer, Trustee

Contract Purchaser: Skirven Enterprises, Inc., Charles Skirven

Special Hearing to approve the density anomally presented by Lots 1 and 2 by utilizing density from the BM and DR 10.5 zoned area within the tract (with a combined surplus of 22 density units) and to support Lots 1 and 2 within the ROA zone within the tract (all within the same tract). Variance to permit Lots 1 & 2 to contain 9,070 sq. ft. and 6,500 sq. ft. respectively in lieu of the 10,000 sq. ft. required and for Lots 1 & 2 with a lot width of 46 feet (at narrowest point) and 42 feet (narrowest point), respectively in lieu of the 70 feet required.

Hearing: Friday, November 18, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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 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 13 SPHA
Petitioner: <u>Skirven Enterprises, Inc.</u>
Address or Location: 5401 Twin Knolls Road, Columbia, MD 21045
PLEASE FORWARD ADVERTISING BILL TO: Name: Dino C. LaFiandra, Esq.
Address: _ 210 W. Pennsylvania Avenue, Suite 400
Towson, MD 21204
Telephone Number: 410.832-2000

Department of Permits 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

November 14, 2005

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

Dear Mr. LaFiandra:

RE: Case Number: 06-173-SPHA, 5415, 5419 & 5437 Old Frederick Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 26, 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. Carl Richards, Jr. Supervisor, Zoning Review

Wery truly yours

WCR: clb

Enclosures

c: People's Counsel
Skirven Enterprises, Inc. Charles Skirven 5401 Twin Knolls Road, Ste. 10 Columbia 21045
Anna B. Lindauer 7923 Elevation Road Glen Burnie 51061



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

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

December 5, 2005

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

Dear Mr. LaFiandra:

RE: Case Number: 06-173-SPHA, 5415, 5419 & 5437 Old Frederick Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 26, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

M. Call Rills D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Skirven Enterprises, Inc. Charles Skirven 5401 Twin Knolls Road, Ste. 10 Columbia 21045
Anna B. Lindauer 7923 Elevation Road Glen Burnie 51061



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

Bill Wiseman - Lindauer HOH

From:

Walter Smith

To:

Agencies

Date:

11/18/2005 9:40:39 AM

Subject: Lindauer HOH

CC:

Wiseman, Bill

Please note that todays HOH is going to be continued to December 9, 2005 at 9:00am in room 106.

My earlier email said Dec 18th and that is incorrect.

Walt Smith

State H Administration

Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

RE:

Date: 10.4.05

Item No.

Baltimore County

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

Engineering Access Permits Division

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

Oct. 6,2005

ATTENTION: Zoning Review planners

Distribution Meeting of:

July 18,, 2005

Item No.: 167

176 thru 184 Also case # 05-502-A

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)410-887-4881MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 19, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 17, 2005

Item Nos. 169, 170, 171, 172 173, 176, 178, 180, 181, 182, 183 and 184

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-10192005.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 6, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 28, 2005

173 63, 264, 266, 268, 269, 270

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS- 12062005.doc



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

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

Maryland Department of Transportation

Date: // 28.05

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

RE:

Baltimore Count

Item No.

- SPHD

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. J. Bredh

Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE
5415, 5419, 5427 Old Frederick Road; S/side * ZONING COMMISSIONER
Old Frederick Rd, 642' E Academy Rd
1st Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Anna B Lindauer, Trustee
Contract Purchaser(s): Skirven Enterprises, * BALTIMORE COUNTY

Inc by Charles Skirven
Petitioner(s) * 06-173-SPHA

* * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER 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 5th day of October, 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).

RECEIVED

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT VIOLATION CASE DOCUMENTS

VIOLATION CASE: 05-4687

5437 OLD FREDERICK ROAD

ZONING CASE: 06-173-SPHA 5437 OLD FREDERICK ROAD

DATE:

October 19, 2005

TO:

W. Carl Richards, Jr.

Zoning Review Supervisor

FROM:

Rick Wisnom, Chief

Division of Code Inspections & Enforcement

SUBJECT:

Item No.: 173

Legal Owner/Petitioner: Anna B. Lindauer, Trustee

Contract Purchaser: Skirven Enterprises, Inc. – Charles Skirven

Property Address: 5437 Old Frederick Road

Location Description: South side of Old Frederick Road, 642 feet +/- east of Academy

Road

VIOLATION INFORMATION:

Case No.: 05-4687

Defendants: Anna B. Lindauer, Trustee

Please be advised that the aforementioned petition is the subject of an active violation case.

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint Intake Form
State Tax Assessment printout
Correction Notice/Code Violation Notice

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW/

c: M. Stuart Kelly

DE ENFORCEMENT RE SATE: 5 ,25,05 INTAKE BY: MA CASE #: D. COMPLAINT 5437 Qld Frederic COMPLAINANT OF PHONE #: (H) COMPLAINANT OF PHONE #: (H) DORESS: ROBLEM: SOLO tables and of FYES, IS THIS SECTION 8? YES NO WNERTENANT OF THE SECTION 8? YES NO AX ACCOUNT #: 01-12-400490 SETIMS PECTION: CINSPECTION:		
COMPLAINT 5437 Qld Frederic COMPLAINANT QUO COMPLAINANT QUO COMPLAINANT QUO PHONE #: (H) DDRESS: ROBLEM: SOLO +a bles and a COMPLAINANT QUO PHONE #: (H) PHONE #:		(7)
OMPLAINANT OF AME: (H) DDRESS: ROBLEM: SOLA TABLES AND CONTRACTOR OF YES, IS THIS SECTION 8? YES NO WIND BOTH DOWN OF YES AND COUNT #: 01-12-400490 EINSPECTION:	k Ad	Koll
AME:	2122	DIST:
TODRESS: ROBLEM: SOLA TABLES AND CONTROL OF THIS A RENTAL UNIT? YES NO WINER/TENANT WIND BALL ACCOUNT #: 01-12-400490 EINSPECTION: EINSPECTION:	(W)	
ETHIS A RENTAL UNIT? SETHIS A RENTAL UNIT? YES YES NO YES, IS THIS SECTION 8? WHENTENANT HORMATION: 1923 Elvator Bal (AX ACCOUNT #: 01-12-400490 RESPECTION: EINSPECTION:	ZIP CODE:	
YES, IS THIS SECTION 8? YES NO WNER/TENANT MORE AND COULD POLICY OF AX ACCOUNT #: 01-12-400490 EINSPECTION:	Other jur	
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DATE: 05/25/2005 STANDARD ASSESSMENT INQUIRY (1)

TIME: 14:29:48

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL

LOAD DATE

01 12 400490 01 3-0 06-00 N NO

05/02/05

LINDAUER ANNA B, TRUSTEE DESC-1.. IMPS5.626 AC SS

DESC-2.. 800 N NUNNERY LA

7923 ELVATON RD

PREMISE. 05437 OLD FREDERICK RD

00000-0000

GLEN BURNIE MD 21061-6074 FORMER OWNER: LINDAUER ANNA B

------ FCV ------ PHASED IN PRIOR PROPOSED CURR CURR PRIOR LAND: 178,900 178,900 FCV ASSESS ASSESS IMPV: 79,700 83,400 TOTAL.. 262,300 262,300 261,066 TOTL: 258,600 262,300 PREF... PREF: 0 CURT... 0 CURT: 0 EXEMPT. 0

10/99 09/02 DATE:

---- TAXABLE BASIS ----

FM DATE

ASSESS: 262,300

11/20/04

ASSESS: 261,066

ASSESS:

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



 Code Enforce
 410-887-3351

 Building Inspection
 410-887-3953

 Electrical Inspection
 410-887-3960

 Plumbing Inspection
 410-887-3620

 Signs/ Fences
 410-887-3896

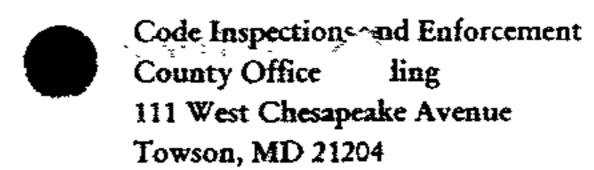
 Zoning
 410-887-3391

CODE INSPECTION AND ENFORCEMENT CORRECTION NOTICE

CODE INSPECTION AND ENFORCE	MENI CORRECTION NOTICE
05-4667 PROPERTY TAX ID 01-12-40	20490
NAME (S): ANNA BLINDAUE	2 TRUSTEE
	•
CURRENT ADDRESS F1972 FILATION PO	
CITY	ZIP CODE
glen Busnie no	206
VIOLATION ADDRESS OLD FREDEIL	RD
CITY BATTO STATE MARYLAND	ZIP CODE 21229
DID UNLAWFULLY VIOLATE THE FOLLOWING BALTI	MORE COUNTY LAWS AND/OR REGULATIONS
RESIDENTIAL ZONE CLASSIFICATION	NON-RESIDENTIAL CLASSIFICATION
DR1 DR2 DR3.5 DR5.5 DR10.5 D	DR16 BL (230) BR (236) BM (233)
□ RC2 (1A01) □ RC4 (1A03) □ RC20 & 50 (1A05) □ RC6 (1A07)
□ RC3 (1A02) □ 1RC5(1A04) □ RCC (1A06) □ RC7 (
OTHER:	OTHER.
BALTIMORE COUNTY ZONING	
AUTHORITY TO ENFORCE ZONING REGULATI	
101; 102.1: Definitions; general use 1801.1: DR Zones-use regulations 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) 1801.1D: Remove open dump/ junk yard 431. Remove commercial vehicle(s) 101; 102.1: Remove contractors equip. storage yard 101; 102.1; ZCPM: Cease service garage activities 402: Illegal conversion of dwelling 101; 102.1; ZCPM: Illegal bome occupation	 415A: License/ remove untagged recreation vehicle 415A: Improperly parked recreation vehicle 415A: One recreational vehicle per property 410: Illegal Class II trucking facility 400: Illegal accessory structure placement 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs 102.5: Residential site line violation /obstruction 408B: Illegal rooming/ boarding house BCC: 32-3-102; 500.9 BCZR; ZCPM: Violation of commercial site plan and/or zoning order
BALTIMORE COUNTY	
Cease all nuisance activity County to abate nuisance & lien costs Remove all trash & debris from property Remove accumulations of debris, materials, etc 13-7-312: Remove accumulations of debris, materials, etc 13-7-201(2): Cease stagnant pool water 12-3-106: Remove animal feces daily 13-5-208(2)(c): Seal exterior openings from rodents & pests 13-4-201(b)(d): Store garbage in containers w/tight lids	 □ 35-2-301: Obtain building/ fence/ sign permit □ 18-2-602: Obstruction of county right of way □ 13-7-310(2): Remove bird seed / other food for rats □ 32-3-102: Violation of development plan/ site plan □ IBC115; BCBC 115: Remove/Repair unsafe structure board & secure all openings to premise □ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tail grass & weeds to 3 inches in height
OWNER OCCUPIED H	OUSING (B.C.C)
☐ 35-5-302(a)(1): Unsanitary conditions. ☐ 35-5-302(a)(3): Cease infestation from prop. ☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc ☐ 35-5-302(b)(1)(4): Repair chimney & similar extentions ☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s)	 □ 35-5-302(a)(2): Store all garbage in trash cans □ 35-5-302(b)(1): Repair exterior structure □ 35-5-302(b)(1)(3) Repair exterior extensions □ 35-5-302(b)(1)(5) Repair metal/wood surfaces □ 35-5-302(b)(1)(7) Repair defective fence
INVESTMENT PROI	
☐ 35-2-404(a)(1)(ii): Remove hazardous or unsafe condition ☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members ☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry ☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below) ☐ 35-2-404(a)(1)(3): Repair / remove defective exterior sign(s)	☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical member ☐ 35-2-404(a)(1)(iv): Repair exterior chimney ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof /foundation ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris ☐ 35-2-404(a)(4)(i)(ii): Board & secure. Material to material deviation of structure
Remove Return, 101	Ky shoe



B ore County Department of Permits and Development Management





Code Enforcement: Building Inspection: 410-887-3351 410-887-3953 Plumbing Inspection: Electrical Inspection: 410-887-3620 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. OS-1087 Property No. OS-12-400490 Zoning:
Name(s): ANNA B LINDAUER TRUSTEE
<u> </u>
Address: 7923 ELVATON & GENBURNIE NO 21061
Violation Location: 5437 DLD FREDRICK PD BAUT NO 21229
DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:
BCC 12-4-104; 13-7-112,115,123, 310,312
Coase spen Domo Condition Remove Frenchiel and TRASH
Remove Frenchiel and TRASH
FRONT + RUAR FOR EVICTION
BCC 13-7-112, 115, 401, 402, 403
aux weed aut 3"
and help ait 3"
YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:
On or Before: / Date Issued:
6-6-05 5-51-05
FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER
VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.
Print Name M HILL LEWY
INSPECTOR: WWW.
STOP WORK NOTICE

KENDIN FILE CASE# 06-173-SPHA 9/2405

FREQUENT FLYER ATTORNEYS DROP OFF ZONING PETITIONS POLICY PROCEDURES

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

- 1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with <u>all</u> technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.
- 2. Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.
- 3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

3/22/05 JLL/rjc

WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET BALTIMORE, MARYLAND 21202-1626 TELEPHONE 410 347-8700 FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER 10420 LITTLE PATUXENT PARKWAY COLUMBIA, MARYLAND 21044-3528 TELEPHONE 410 884-0700 FAX 410 884-0719

> DINO C LA FIANDRA DIRECT NUMBER 410 832-2084 DLafiandra@wtplaw com

210 WEST PENNSYLVANIA AVENUE Towson, Maryland 21204-4515 410 832-2000 FAX 410 832-2015

www wtplaw com

1025 CONNECTICUT AVENUE, NW WASHINGTON, D.C. 20036-5405 TELEPHONE 202 659-6800 FAX 202 331-0573

1317 KING STREET ALEXANDRIA, VIRGINIA 22314-2928 TELEPHONE 703 836-5742 FAX 703 836-0265

September 27, 2005

Via Hand Delivery

Ms. Kristen L. Matthews Zoning Review County Office Building 111 W. Chesapeake Avenue, Room 111 Towson, Maryland 21204

Mr. Walter T. Smith Permits and Development Management County Office Building 111 W. Chesapeake Avenue, Room 123 Towson, Maryland 21204

Combine Hearing for Lindauer Property Re:

Zoning Case No. 06-173

PDM I-519

Address: 5415, 5419 & 5437 Old Frederick Road

Dear Kristen and Walt:

Please note that the above-referenced cases should be scheduled for a combined HOH and zoning hearing. Obviously, we need to have a DPC in advance of the hearing. Once each of you have identified potential dates for these matters, please contact me at 410-832-2084.

Thank you for your assistance.

Sincerely,
Dino La Franka Dino C. La Fiandra

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER 10420 LITTLE PATUXENT PARKWAY SUITE 495 COLUMBIA, MARYLAND 21044-3528 TELEPHONE 410 884-0700 FAX 410 884-0719

DINO C. LA FIANDRA

DIRECT NUMBER
410 832-2084

DLafiandra@wtplaw.com

210 West Pennsylvania Avenue Towson, Maryland 2 204-4515 410 832-2000 Fax 410 339-4031 www.wtplaw.com 1025 CONNECTICUT AVENUE, NW WASHINGTON, D.C. 20036-5405 TELEPHONE 202 659-6800 FAX 202 331-0573

115 ORONOCO STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 703 836-5742
FAX 703 836-3558

November 21, 2005

Via Hand Delivery
Ms. Kristin Mathews
Bureau of Zoning Review
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

Re: Case Number 06-173 (5415, 5419 & 5437 Old Frederick Road)

Dear Ms. Mathews:

Following up on our telephone call of Thursday, November 17, enclosed please find an <u>Amended Petition for Variance</u> and 12 copies of the <u>Amended Plat to</u> <u>Accompany Special Hearing and Variance Requests</u>, along with a check for \$200 to cover the filing fee for these amendments.

This is a combined Development Plan and Zoning Hearing. Lots 1 and 2 were originally the subject of variances for lots size and lot width under the small lot table. As a result of the DPC, these lots needed to be redesigned in a manner which increases the variance relief needed. The only change in the Amended Petition for Variance and Site Plan is to increase the relief sought for lot size and lot width. The Petition for Special Hearing remains the same.

Should you have any questions, please contact me.

Sincerely,

Dino C. La Fiandra

Enclosures 349446

AMEMORIANT 3 - SHHA

CORRECTION: VARIANCE FOR CASE NO. 06-173-SPHA

VARIANCE SHOULD READ:

to permit lots 1 and 2 contain 7285 sqft and 4845 sq.ft. Respectively in lieu of the 10,000 sq.ft required and for Lots 1 and 2 with a lot width of 50 feet (at narrowest point) and 42 feet (at narrowest point), respectively in lieu of the 70 feet required.

NOV 2 2 2005

CASE NAME LINDAUSE /GOLDON CASE NUMBER II-S 19
DATE 11/18/05

COUNTY RESENTATIVE'S SIGN-IN SHEET

									JAN COOK	MALI PRITH	NAME
									Tor # Porces	PDA	ADDRESS
											CITY, STATE, ZIP
		•									E- MAIL

CASE NAME LINDAUCE GOUSWOOD

CASE NUMBER I-579

DATE 11/18/05

PETITIONER'S SIGN-IN SHEET

										De la fiandre	NAME
										210 W. Denn #400	ADDRESS
										1900 Sept 20 54	CITY, STATE, ZIP
											E- MAIL



